

ORDINANCE NO. 2024 - 637

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE AMENDING TITLE XIII, GENERAL OFFENSES, CHAPTER 130, OFFENSES AGAINST TOWN REGULATIONS, ARTICLE II, WEAPONS OFFENSES, BY ADDING SECTION 130.18, SAFE STORAGE OF FIREARMS IN A RESIDENCE

**WHEREAS**, the Woodside Municipal Code currently provides that discharging of firearms within the Town and possession of firearms in public by persons under the age of 18 constitute violations of the Woodside Municipal Code; and

**WHEREAS**, the County of San Mateo has requested that all cities and towns within the County adopt additional measures requiring the safe storage of firearms within residences located in Woodside; and

**WHEREAS**, 15 cities and towns in San Mateo County have adopted safe storage ordinances to reduce the risk of injury from unsecured firearms stored within residences; and

**WHEREAS**, the Town Council finds that enactment of an ordinance requiring persons to safely store firearms would promote the health, safety, and welfare of persons in Woodside.

**IT IS HEREBY ORDAINED** by the Town Council of the Town of Woodside as follows:

**SECTION ONE:** The recitals set forth above are true and correct and are hereby incorporated herein by this reference as if fully set forth in their entirety.

**SECTION TWO:** Title XIII, General Offenses, Chapter 130, Offenses Against Town Regulations, Article II, Weapons Offenses, is hereby amended by adding Section 130.18, Safe Storage of Firearms in a Residence, as shown in **Exhibit A** hereto.

**SECTION THREE:** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of the Ordinance or any part thereof. The Town Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

**SECTION FOUR:** Town Council find the amendments to the Municipal Code enacted through this Ordinance are exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) (no significant impact on the environment pursuant to the California Legislature), of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations).

**SECTION FIVE:** Pursuant to Section 36937 of the Government Code of the State of California, this Ordinance shall take effect 30 days after its passage.

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**SECTION SIX:** The Town Clerk shall cause this Ordinance to be published in accordance with the requirements of Section 36933 of the Government Code of the State of California.

\* \* \* \* \*

I, the undersigned, hereby certify that the foregoing Ordinance is a full, true and correct copy of Ordinance No. 2024-637 of the Town of Woodside entitled as above; that it was introduced on the 14th day of May 2024, and was passed and adopted by the Town Council on the 28th day of May 2024, by the following vote:

AYES, Councilmembers: Brown, Dombkowski, Fluet, Goeld, Shaw, and Mayor Wall

NOES, Councilmembers:

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:

  
Clerk of the Town of Woodside

APPROVED:

DocuSigned by:



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Mayor of the Town of Woodside

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## **EXHIBIT A**

### **TITLE XIII, GENERAL OFFENSES, CHAPTER 130, OFFENSES AGAINST TOWN REGULATIONS, ARTICLE II, WEAPONS OFFENSES**

#### **Sec. 130.15 - Firearm defined.**

For the purpose of this chapter firearm shall mean any cannon, gun, pistol, revolver, automatic pistol, rifle, shotgun, "BB" gun, air gun, pellet gun, or other weapon of a similar nature designed to discharge a projectile propelled by the expansion of a gas.

#### **Sec. 130.16 - Discharging firearms; exceptions.**

- (A) No person shall discharge or fire any firearm within the Town, except as otherwise provided in division (B) below of this section.
- (B) The provisions of division (A) above of this section shall not apply to:
  - (1) Sheriffs, constables, marshals, policemen, or other peace officers, or any person summoned by any such officers to assist in making arrests or preserving the peace, or to persons who are members of the armed services of the United States or the National Guard while such persons are acting in the lawful discharge of their duties;
  - (2) Persons using firearms in the lawful defense of selves, third persons, or property of the user;
  - (3) Persons discharging or firing such firearms, or causing them to be discharged or fired, at a regularly established firing, shooting, or target range with the consent of the owner and/or person in charge of any such firing, shooting, or target range. "Regularly established firing, shooting, or target range," as used in this division, shall include properly constructed indoor and/or outdoor home ranges on private property when such ranges are supervised by adults; and
  - (4) Persons lawfully hunting pursuant to the provisions of the Cal. Fish & Game Code.

Cross reference— Penalty, see § 10.99.

#### **Sec. 130.17 - Possession by minors; exceptions.**

- (A) It shall be unlawful for any person under the age of 18 years to have in his/her possession in a public place any firearm, except as otherwise provided in division (B) below of this section.
- (B) The provisions of division (A) above of this section shall not apply to the following persons under the age of 18 years:

- (1) When such persons are in the immediate charge of a parent, guardian, or adult person having the responsibility for the conduct of such person under the age of 18 years;
- (2) When the firearm is unloaded and either in a dismantled or “take-down” condition or completely wrapped or in a carrying case made for the purpose of carrying such firearm. A gun shall be deemed to be unloaded only when no ammunition or propellant is in any part of the gun or magazine or clip thereof; and
- (3) When such persons are lawfully hunting pursuant to the provisions of the Cal. Fish & Game Code and in possession of a hunting license issued as prescribed by said Cal. Fish & Game Code.

Cross reference— Penalty, see § 10.99.

**Sec. 130.18 - Safe storage of firearms in a residence.**

**(A) Definitions:**

For the purpose of this Section, “Firearm” means a firearm as defined in Woodside Municipal Code Section 130.15.

“Locked Container” means a Locked Container, as defined in California Penal Code Section 16850, and that is listed on the California Department of Justice Bureau of Firearms roster of approved firearm safety devices. For purposes of this chapter, a Locked Container does not include a bag or other container made of fabric or other penetrable material, such as a regular purse, backpack, or gym bag.

“Residence” means any structure intended or used for human habitation, including but not limited to houses, condominiums, rooms, accessory dwelling units, motels, hotels, single-room occupancies, time shares, recreational vehicles, and other vehicles where human habitation occurs.

“Trigger lock” means a trigger lock that is listed on the California Department of Justice's roster of approved firearms safety devices and that is identified as appropriate for that firearm by reference to either the manufacturer and model of the firearm or to the physical characteristics of the firearm that match those listed on the roster for use with the device under Penal Code Section 23635.

(B) Except when carried on the person, no person shall keep a Firearm in any Residence unless the Firearm is stored in a Locked Container or is disabled with a Trigger Lock.

(C) To encourage reporting of lost or stolen Firearms, a person who complies with California Penal Code section 25250 by reporting the loss or theft of a Firearm they own or possess to a local law enforcement agency within five days from the time they knew or reasonably should have known the Firearm had been lost or stolen shall not be prosecuted for violation of subsection (B).

Cross reference— Penalty, see § 10.99.