

AN ORDINANCE PROHIBITING LEAVING UNSECURED FIREARMS IN UNATTENDED CONDITION IN HOUSES OR BUILDINGS WHEN MINORS ARE PRESENT AND ESTABLISHING A PENALTY FOR A VIOLATION.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, as follows:

SECTION 1. CHAPTER 215 OFFENSES of the Municipal Code of the City of Richmond Heights, Missouri, is hereby amended to add a new Section to read as follows:

Section 215.400 Unattended Firearms

A. Definitions. As used in this chapter, the following terms shall have the meanings set forth as follows:

1. "Firearm" is any weapon that is designed or adapted to expel a projectile by the action of an explosive;

2. "Locked container" refers to a secure container that is fully enclosed and locked by a padlock, key lock, combination lock, or similar locking device, including, but not limited to, a safe, gun safe, gun case, or other device that is designed to be or can be used to store a firearm and can be unlocked only by means of a key, code, combination, fingerprint, handprint or similar means. "Locked container" does not include the glove compartment or console, trunk or truck box if not capable of locking. A glove compartment, console, a trunk or truck box shall be considered a locked container if it is securely locked inside a locked vehicle or trunk or if it is a securely locked truck box on bed of a truck.

3. "Motor vehicle" is any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;

4. "Peace officer" is any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses.

5. "Trunk" is a fully enclosed compartment that is separate from the main cabin of the motor vehicle;

6. "Unattended" means circumstances in which a person aged 18 or over is not present **ADD: [or within range to obtain immediate possession of such a firearm;]**

D. Unlocked Firearms In House or Buildings.

1. **Findings.** The number of shootings involving children across the Country is increasing, and America has seen an increase in the number of crimes involving firearms. The City of Richmond Heights ("City") has a compelling interest in

preventing the theft of firearms in the City and requiring reasonable measures to secure unattended firearms that will reduce gun injuries and casualties, protect the property of law-abiding citizens, and prevent stolen guns from falling into the hands of criminals.

2. No person may place, store, or leave a firearm in an unattended condition in a house or building when minors are present, unless the firearm is stored in a locked container or with a trigger lock or other similar device to prevent the firearm from discharging while in place.
3. Nothing in this section shall apply to on-duty peace officers employed by jurisdictions other than the City or to federal officers or military personnel who are acting within the scope of their authority and discharging their official duties.
4. Any peace officer employed by the City is exempt from the requirements of this section, provided that the officer's employing department has a policy regulating the storage of firearms for both on- and off-duty conduct by the officer.

E. Promotion of General Welfare. In enacting and implementing this Chapter, the City is seeking only to promote the general welfare. The City is not assuming nor is it imposing on its officers and employees, an obligation for monetary damages of any kind to any person who claims that a breach proximately caused injury to such person.

SECTION 2. Penalty for violation.

A violation of this chapter shall be punishable upon conviction by a fine of no more than \$500.00 and incarceration of no longer than 90 days, or any combination of both fine and incarceration. There shall be no penalty for a first-time offense of this Ordinance.

SECTION 3. Presumption.

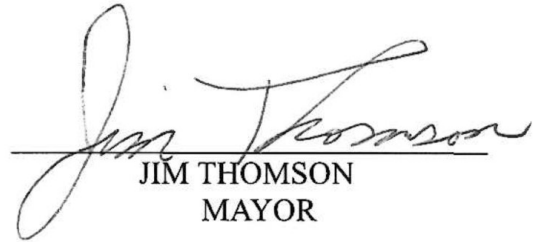
There shall be a rebuttable presumption that any firearm in the City is the property of the person in control of a house or building. A person may rebut the presumption with evidence that the owner did not have actual or constructive possession of the weapon at any time in the City of Richmond Heights.

SECTION 4. It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

SECTION 5. All Ordinances, parts of ordinance or resolutions in conflict with the Ordinance are hereby repealed.

SECTION 6. This ordinance shall be in full force and effect on the 31st day after its passage as provided by law.

PASSED and SIGNED this 1st day of April, 2024.


JIM THOMSON
MAYOR

ATTEST:


AMY HAMILTON
CITY CLERK

APPROVED AS TO FORM:


KENNETH J. HEINZ
CITY ATTORNEY

First reading: March 4, 2024
Second reading: April, 2024