

AN ORDINANCE PROHIBITING LEAVING UNSECURED FIREARMS IN UNATTENDED VEHICLES 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 include the language 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:

[ADD]

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;

C. Unsecured Firearms Left in Unattended Vehicles.

Findings. The number of motor vehicle burglaries in urban areas is increasing, and the City of Richmond Heights ("City") has seen an increase in the number of thefts of firearms from unattended motor vehicles. The City of Richmond Heights has a compelling interest in preventing the theft of firearms from unattended vehicles in the

City and requiring reasonable measures to secure firearms left in unattended vehicles will reduce gun thefts, protect the property of law-abiding citizens, and prevent stolen guns from falling into the hands of criminals.

Unlocked Firearms In Unattended Motor Vehicles. No person may place, store, or leave a firearm in an unattended motor vehicle, unless the firearm is stored in a locked container which is permanently affixed to the motor vehicle and the firearm is not visible from outside the motor vehicle.

1. This section applies to all motor vehicles located within the City of Richmond Heights. Nothing in this section shall apply to on-duty peace officers employed by jurisdictions other than the City of Richmond Heights or to federal officers or military personnel who are acting within the scope of their authority and discharging their official duties.

2. Any peace officer employed by the City of Richmond Heights 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.

3. Promotion of General Welfare. In enacting and implementing this Chapter, the City is seeking only to promote the general welfare. It is not assuming nor is it imposing on its officers and employees, an obligation for money damages 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. Rebuttable presumption.

Except as described herein, there shall be a rebuttable presumption that any firearm in a vehicle in the City of Richmond Heights is the property of the driver of said vehicle. The presumption does not apply if the weapon is found on the person of one of the occupants of the vehicle. If the firearm is in an unattended vehicle, there will be a rebuttable presumption that the firearm is the property of the owner of the vehicle. A vehicle owner 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 31" day after its passage as provided by law.

PASSED and SIGNED this 5th day of June, 2023.



JIM THOMSON
MAYOR

ATTEST:



AMY HAMILTON
CITY CLERK

APPROVED AS TO FORM:



KENNETH J. HEINZ
CITY ATTORNEY

First reading: May 15, 2023
Second reading: June 5, 2023