XX-O-23
AN ORDINANCE
Amending the City Code, Title 9, Chapter 8, Creating the "Safe Storage Act"

WHEREAS, According to Centers for Disease Control and Prevention, over 43,000 lives are ended by gun violence each year, with the number of those injured and affected far exceeding this; and

WHEREAS, According to a 2018 study of gun households published in the American Journal of Public Health, nearly a quarter of all gun owners keep their firearms unlocked; and

WHEREAS, According to Giffords Law Center, representative survey data suggests that approximately 380,000 guns are stolen from individual gun owners each year nationally and that gun owners who do not safely store their firearms are significantly more likely to have their guns stolen; and

WHEREAS According to Giffords Law Center, estimates suggest that even modest increases in the number of American homes safely storing firearms could prevent almost a third of youth gun deaths due to suicide and unintentional firearm injury; and

WHEREAS, The Evanston City Council finds and determines that it is in the public policy of the City to preserve, protect and promote the health, safety and welfare of its citizens by preventing individuals not otherwise authorized by law from gaining access to firearms without proper authorization or consent.

NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:

SECTION 1: Title 9, "Public Safety", Chapter 8 "Weapons" of the Evanston City Code of 2012 ("City Code"), is hereby amended as follows:

9-8-19 – SAFE STORAGE.

(A) It shall be unlawful for any person to keep or possess any firearm in his/her home unless such firearm is secured:
1. With an engaged trigger or cable lock;
2. In a locked container; or
3. In a gun room.

(B) A firearm is not considered secured if:
1. A key or combination to the trigger or cable lock or the container is readily available to a person the owner or possessor has not authorized to carry or control the firearm; or
2. The firearm is a handgun, is left unattended in a vehicle and within view of persons outside the vehicle.

(C) Any person violating or failing to truthfully comply with any of the provisions of this Section shall be issued a notice of violation and shall be subject to a mandatory fine of $1,000.00 for the first violation, $1,500.00 for the second violation, and $2,000.00 for each subsequent violation. Such fine will be issued in addition to any other fines or penalties applicable from any Federal, State, or local law or ordinance.

(D) If any fine is imposed pursuant to this Section, such fine shall constitute a debt due and owing to the City. If the fine is not paid within 30 days after the expiration of the time within which judicial or administrative review of the adverse determination may be sought, or within 30 days after an action seeking review has been resolved in favor of the City, the City Manager or Corporation Counsel may seek to obtain judgment on the debt and enforce such judgment against the person fined.

(E) No person shall be punished for a violation of this Section if the person gains access to the firearm and uses it in a lawful act of self-defense or the defense of another; or if the person gains access to use the firearm because of an unlawful entry of the premises.

(F) If, as a result of a violation of this Section, the firearm is used to injure another person or property in a manner inconsistent with Paragraph D of this Section, then, within two years of the violation, the injured party may bring a civil action against the owner of the firearm in a court of competent jurisdiction and the court shall find the owner of the firearm was negligent per se.

(G) Any person issued a notice of violation pursuant to this Section may request an administrative hearing in accordance with Title 11 of the Evanston City Code.

(H) If any subsection, paragraph, sentence or clause of this Section or the application thereof to any person is for any reason deemed invalid or unconstitutional, such decision shall not affect, impair, or invalidate any remaining subsection, paragraph, sentence or clause hereof or the application of this Section to any other person.

SECTION 2: Ordinance XX-O-23 shall be in full force and effect as of 12:00 a.m. _____, 2023.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby unconditionally repealed in their entirety. The terms and provisions of this Ordinance shall be liberally construed so as to effectuate the purposes set forth in the recitals to this Ordinance. Each and every section in this Ordinance is to be construed and interpreted severally.

SECTION 4: The findings in this Ordinance, and the legislative Record, are declared to be prima facie evidence of the law of the City of Evanston and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 5: If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

Introduced:_____, 2023

Adopted:_____, 2023

Approved:

_____, 2023

_____
Daniel Biss, Mayor

Attest:

_____
Stephanie Mendoza, City Clerk

Approved as to form:

_____
Nicholas E. Cummings, Corporation Counsel