

AN ORDINANCE TO AMEND CHAPTER 16, ARTICLE IV OF THE CODE OF DEKALB COUNTY, GEORGIA, AS REVISED 1988, TO CREATE A REGULATORY SCHEME FOR THE SAFE STORAGE OF GUNS AND FOR OTHER PURPOSES

WHEREAS, the Governing Authority of DeKalb County is tasked with protecting the health, welfare, and safety of its residents and visitors by ensuring the safe storage of guns within the County; and

WHEREAS, DeKalb County declares and finds that the unsecure storage of guns constitutes a hazard to the health, safety, and welfare of DeKalb County citizens; and

WHEREAS, the Governing Authority of DeKalb County has determined that it is in the best interest of the County to curtail the hazard; and

WHEREAS, the Governing Authority of DeKalb County has determined that regulating the storage of guns will help to curtail the hazard to the health, safety, and welfare of DeKalb County citizens; and

NOW THEREFORE, BE IT ORDAINED by the Governing Authority of DeKalb County, Georgia, and it is hereby ordained by the authority of the same, that Chapter 16 of the Code of County, as Revised 1988, is hereby amended to add new sections to Article IV as follows:

PART I. ENACTMENT

By amending Chapter 16 of the Code of DeKalb County, as Revised 1988, to add new sections to Article IV as follows:

Sec. 16-75. Findings; public purpose.

(a) Based on anecdotal evidence in media reports of tragic shootings by small children, minors, and emotionally unstable people which have direct and inappropriate access to guns that are not stored in a secure fashion, the DeKalb County Governing Authority endeavors to prevent these tragedies from occurring in DeKalb County by curtailing the unsecured storage of guns. Along with the direct safety issues implicated by the unsecured storage of guns, the Governing Authority of DeKalb County recognizes the inherently dangerous and potentially tragic consequence of the unsecured storage of guns. Furthermore, public health, safety, and welfare require that the storage of guns be regulated to reduce the potential for harm and in order to preserve the quality of life in residential areas of the community. Therefore, requiring the safe storage of guns benefits public welfare and it is a matter of governmental interest and concern to minimize the occurrence of tragic shootings by unauthorized access to guns.

(b) The purpose of this article is to regulate the storage of guns, with the goal of curtailing the adverse effects on the public health, safety, and welfare of the county's citizens. This article is intended to represent a balancing of competing interests: reducing the risk of tragic shootings and protection of life through the regulation of the storage of guns while protecting the rights of property owners and gun owners.

Sec. 16-76. Definitions.

Words or phrases not defined in this chapter but defined in applicable state law or the Code of DeKalb County, as Revised 1988, shall be given that meaning. All other words or phrases shall be given their common ordinary meaning unless the context requires otherwise. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them below except where the text clearly indicates a different meaning:

- (a) **Firearm** means a handgun or long gun, as those terms are defined in the Official Code of Georgia Annotated, § 16-11-125.1, now and as it may be amended hereafter.
- (b) **Minor** means a person under the age of 18.
- (c) **At-risk Person** means any person who has made statements or exhibited behavior that indicates to a reasonable person there is a likelihood that the person is at risk of attempting suicide or causing physical harm to one's self or others.
- (d) **Prohibited Person** means any person who is not allowed to possess firearms under state or federal law.

Sec. 16-77. Gun Storage Requirements

- (a) It shall be unlawful for any person to store a firearm in any place where the person knows, or reasonably should know, that a minor, at-risk person, or prohibited person may gain access to the firearm, and the minor, at-risk person, or prohibited person obtains access to and discharges the firearm, unless the firearm is:
 - (1) secured by a device or mechanism, other than the firearm safety, designed to render a firearm temporarily inoperable; or
 - (2) stored in a properly engaged locked box or container which renders the firearm inaccessible.
- (b) Subsection (a) of this section does not apply if:
 - (1) the minor, at-risk person, or prohibited person gains access to a firearm and uses it in a lawful act of self-defense or defense of another;
 - (2) the minor, at-risk person, or prohibited person gains access because of an unlawful entry of a premises;
 - (3) the firearm is carried by or under the immediate control of the person; or
 - (4) a minor accessed the firearm with the lawful permission and under the supervision of the minor's parent, guardian or person having charge of the minor.

Sec. 16-78. Enforcement, Violations and Penalties.

(a) The provisions of this article may be enforced by authorized county employees, including police officers, code enforcement officers, and/or inspectors.

(b) Any person who does anything prohibited by this article, upon citation by an authorized county employee, including a police officer, a code enforcement officer, or an inspector, and is convicted of the violation in a court of competent jurisdiction, which includes the DeKalb County Magistrate Court, shall be subject to fine and/or imprisonment in accordance with section 1-10, with the following minimum penalties:

- (1) Upon a first, plea of guilty or nolo contendere or conviction of any violation of this article, the court shall impose a fine of not less than \$500.00 in addition to any other penalty or punishment imposed by the court.
- (2) Upon a second plea of guilty or nolo contendere or conviction of any violation of this article, within a consecutive twenty-four (24) month period measured from the date of any previous conviction of a violation of this article, the court shall impose a fine of not less than \$750.00 in addition to any other penalty or punishment imposed by the court.
- (3) Upon a third plea of guilty or nolo contendere or conviction of any violation of this article, within a consecutive twenty-four (24) month period measured from the date of any previous conviction of a violation of this article, the court shall impose a fine of not less than \$1000.00 in addition to any other penalty or punishment imposed by the court.

Sec. 16-79 – 16-90. Reserved.

PART II. EFFECTIVE DATE

This ordinance shall become effective _____ days after the date of adoption by the Board of Commissioners and approval by the Chief Executive Officer. {Note to Codifier to include the effective date of these additional sections in an explanatory phrase at the beginning of the article.}

PART III. SEVERABILITY

Should any section or provision of this article be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole nor any part thereof other than the part so declared to be invalid or unconstitutional. Should any section or provision of this article be in conflict with any other ordinance, rule, regulation, or law, then the more restrictive ordinance, rule, regulation, provision, requirement, or law shall prevail.

12/6/21

ADOPTED by the DeKalb County Board of Commissioners, this _____ day of _____ 202_.

STEPHEN R. BRADSHAW
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this _____ day of _____ 202_.

MICHAEL L. THURMOND
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

BARBARA SANDERS-NORWOOD, CCC
Clerk to the Board of Commissioners and Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO FORM:

VIVIANE H. ERNSTES
County Attorney
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:

MIRTHA V. RAMOS
Chief of Police
DeKalb County, Georgia