

CITY OF LAFAYETTE

ORDINANCE NO. 21, Series 2022

INTRODUCED BY: Councilor Tonya Briggs

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, AMENDING CHAPTER 75, ARTICLE IX, OF THE LAFAYETTE CODE OF ORDINANCES TO REQUIRE ALL FIREARM DEALERS TO POST SIGNS AT ALL LOCATIONS WHERE FIREARM TRANSFERS TAKE PLACE

WHEREAS, according to the Centers for Disease Control and Prevention's (CDC's) Fatal Injury Reports for 2015 through 2019, on average 38,826 people die in the United States as a result of firearms every year. Of these firearm deaths, 38 percent (14,583) are homicides and 60 percent (23,437) are suicides. An additional 483 deaths annually result from unintentional shootings. Firearms are the leading cause of death for children and teens in the United States; and

WHEREAS, an analysis of the National Emergency Department Sample indicates that there are twice as many gun injuries as gun deaths, an average of 76,127 nonfatal firearms injuries occur per year in the United States; and

WHEREAS, a meta-analysis published in the Annals of Internal Medicine found that access to a gun doubles a person's risk of death by firearm homicide, and triples a person's risk of death by firearm suicide; and

WHEREAS, a study published in the American Journal of Public Health concluded that access to a firearm during an incident of domestic violence leads to a five-fold risk of homicide to women by their intimate partner; and

WHEREAS, a study published in the American Journal of Preventive Medicine found that higher firearm ownership rates are associated with higher domestic firearm homicide rates among both female and male victims. States in the highest quartile of firearms ownership had a 65 percent higher domestic firearm homicide rate than states in the lowest quartile; and

WHEREAS, a study published in the American Journal of Public Health found a positive and significant association between gun ownership and non-stranger firearm homicide rates, indicating that gun ownership is associated with an increased likelihood of being shot and killed by a family member or acquaintance; and

WHEREAS, a study published in the Journal of the American Medical Association found that households that locked both firearms and ammunition were associated with a 78 percent lower risk of self-inflicted firearm injuries and an 85 percent lower risk of unintentional firearm injuries among children, compared to those that locked neither; and

WHEREAS, a study published in the New England Journal of Medicine of more than

26 million California residents found that women who own a handgun are 35 times more likely to die by firearm suicide than women who do not own one. Men who own a handgun are nearly 8 times more likely to die by firearm suicide than men who do not own a handgun. The study also found that the risk of firearm suicide is most pronounced in the year following a person's first acquisition of a handgun but remains elevated for at least 12 years thereafter; and

WHEREAS, a study published in the Journal of the American Medical Association found that in King County, Washington, using data from 2011 to 2018, for every self-defense homicide, there were 44 suicides, seven criminal homicides, and one unintentional death; and

WHEREAS, research published in the Annals of Internal Medicine found that only 15 percent of Americans believe that having a firearm in the home increases the risk of suicide, and fewer than 10 percent of gun owners with children believe that household firearms increase suicide risk; and

WHEREAS, research published in the American Journal of Preventive Medicine found that nearly six-in-ten (57.6 percent) gun owners believe that a firearm makes their home safer, while only 2.5 percent believe that guns make their home more dangerous. The same study found that nearly four-in-ten (39.2 percent) gun owners who believe that guns increase safety store their household firearm(s) loaded and unlocked; and

WHEREAS, research published in Injury Prevention found that people living in households with firearms misperceive their risk of firearm injury as compared to people living in households without firearms. Firearm owners, and non-owners living with firearm owners, are 60 percent and 46 percent (respectively) less likely to worry about firearm injury as compared to respondents without guns in the home, despite evidence that firearm access in the home is a strong risk factor for firearm injury; and

WHEREAS, a report by the Pew Research Center on Americans' attitudes towards firearms found that three quarters (75 percent) of American gun owners say they feel safer with a gun in their household than they would without a gun. The same study found that two-thirds (67 percent) of gun owners cite protection as a major reason for owning a gun; and

WHEREAS, a study published in the Russell Sage Foundation Journal of the Social Sciences found that almost two out of three-gun owners (63 percent) report that a primary reason they own their gun is for protection against people. Among handgun owners, more than three quarters (76 percent) cite protection against people as a major reason for owning their firearm(s); and

WHEREAS, the firearms industry actively promotes the misleading message to gun owners and potential consumers that ownership and possession of a firearm makes a person and his or her family safer; and

WHEREAS, the firearms industry's print and online media frequently cites a 25-year-old study estimating that Americans use firearms for self-protection approximately 2.5 million

times per year. This research has been the subject of widespread criticism that it is methodologically unsound and that its conclusions do not square with measurable public health outcomes such as hospital visits. Notwithstanding, the firearms industry uses this debunked research and a wide range of other claims in advertising and online and other promotional materials to advance a misleading narrative that defensive firearms use is widespread and that firearms are an effective means of ensuring personal safety; and

WHEREAS, research by David Yamane, *et al.*,¹ identified a marked increase over time in print media marketing of firearms and firearm-related products specifically for personal protection, home defense, and concealed carry. In these advertisements, firearms and related products are misleadingly marketed and portrayed as effective or important means of home, family, or self-defense. Yamane, *et al.*, concluded that this marketing strategy is not only pervasive but is now the dominant method by which firearms and related accessories are marketed in print media to prospective purchasers; and

WHEREAS, the efficacy of point-of-sale messaging on consumer behavior is well known and well documented. For example, several meta-analyses have found significant evidence that exposure to point-of-sale tobacco marketing leads to increased smoking behavior. Studies have also found a strong correlation between point-of-sale health warnings and consumer perception and behavior. For example, one study found that point-of-sale tobacco health warnings in retail establishments had a significant impact on consumer awareness of tobacco health risks and on consumer behavior—namely, thoughts of quitting smoking. Another study found that calorie labels on menus have a significant impact on ordering behavior, in particular for diners who are the least health conscious. A third study found that point of sale health warnings about sugar sweetened beverages significantly lowered consumption; and

WHEREAS, the City Council of the City of Lafayette desires to adopt this ordinance to require licensed firearm dealers to post warning signs at the point-of-sale informing individuals of the increased risks of suicide, death during domestic violence disputes, and the unintentional death of children, household members, or others presented by having access to a firearm in the home.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, AS FOLLOWS:

Section 1. That section 75-260, “Definitions,” of the Code of Ordinances, City of Lafayette, Colorado, is hereby amended by the addition of the following definitions, to be inserted alphabetically:

Sec. 75-260. Definitions.

¹ Yamane, D., Yamane, P. & Ivory, S.L. Targeted advertising: documenting the emergence of Gun Culture 2.0 in *Guns* magazine, 1955–2019. *Palgrave Commun.* 6, 61 (2020).

(a) As used in this article, the following shall mean as defined herein unless otherwise specifically provided:

() *Licensed firearms dealer* means any person who is a licensed importer, manufacturer, or dealer licensed pursuant to 18 U.S.C. 923, as amended, as a federally licensed firearms dealer and has obtained all necessary state and local licenses to sell firearms in the state.

() *Sale* means the actual approval of the delivery of a firearm in consideration of payment or promise of payment.

() *Site* means the facility or location where a sale or transfer of firearms is conducted.

() *Transfer* means the intended delivery of a firearm from a dealer to another person without consideration of payment or promise of payment including, but not limited to, gifts and loans. “*Transfer*” does not include the delivery of a firearm owned or leased by an entity licensed or qualified to do business in Colorado to, or return of such firearm by, any of that entity’s employees or agents for lawful purposes in the ordinary course of business.

Section 2. That the Code of Ordinances, City of Lafayette, Colorado, is hereby amended by adding a section to be numbered 75-267, which section reads as follows:

Sec. 75-267. Disclosure by firearms dealers.

(a) At any site where firearm sales or transfers are conducted in the city, a licensed firearms dealer shall conspicuously display a sign containing the information set forth in subsection (b) in any area where the sales or transfers occur. Such signs shall be posted in a manner so that they can be easily viewed by persons to whom firearms are sold or transferred, and shall not be removed, obscured, or rendered illegible. If the site where the sales or transfers occur are the premises listed on the licensed firearms dealer’s federal license(s), an additional such sign shall be placed at or near the entrance.

(b) Each informational sign shall be at least eight and one-half inches high by eleven inches wide and feature black text against a white background and letters that are at least one-half inch high. The signs shall not contain other statements or markings other than the following text:

WARNING: The presence of a firearm in the home significantly increases the risk of suicide, unintentional deaths and injuries to children and family members, and death during domestic violence disputes. If you or a loved one is experiencing distress and/or depression, call 1-844-493-8255.

Posted pursuant to Section 75-267, L.C.O.

(c) The city shall make available a downloadable sign as described in subsection (b) in English and Spanish and make such sign available on the city's website.

(d) The police department is authorized to enforce this chapter consistent with subsection (e) of this section.

(e) When violations of this section occur, a warning shall first be given to the licensed firearms dealer or other person in charge of the site. Any subsequent violation is subject to a fine of up to \$500. Each day upon which a violation occurs or is permitted to continue constitutes a separate violation.

Section 3. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 5. The repeal or modification of any provision of the Code of Ordinances, City of Lafayette, Colorado, by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 6. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 7. Violations of this ordinance shall be punishable in accordance with Section 1-10 of the Code of Ordinances, City of Lafayette, Colorado.

Section 8. This ordinance shall become effective upon the latter of the 10th day following enactment, or the day following final publication of the ordinance.

INTRODUCED AND PASSED ON FIRST READING THE 7TH DAY OF JUNE, 2022.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED
THE 21ST DAY OF JUNE 2022.

CITY OF LAFAYETTE, COLORADO

Jaideep Mangat, Mayor

ATTEST:

Lynnette Beck, City Clerk

APPROVED AS TO FORM:

Mary Lynn Macsalka, City Attorney