

California Municipal Codes

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ANAHEIM MUNICIPAL CODE

Chapter 4.99 Retail Sale of Concealable Firearms

4.99.010 Duly Constituted Licensing Authority. The Finance Director of the City of Anaheim, or his or her designated representative, is designated the City's licensing authority, and is authorized to issue licenses for the retail sale of concealable firearms pursuant to Article 4 of the California Penal Code, commencing with § 12070. The term "Finance Director" as used herein shall include any representative designated by the Finance Director pursuant to this section.

4.99.020 Definition — "Concealable Firearms." The term "concealable firearms" shall mean pistols, revolvers and other firearms capable of being concealed upon the person.

4.99.030 License Required. No person shall conduct, engage in or carry on the business of selling, leasing, transferring, advertising, offering or exposing for sale, lease or transfer concealable firearms without having first obtained a license from the Finance Director. The license shall not be transferable. The initial license or any renewal thereof shall be valid from the date of issuance through December 31st of the same calendar year. Notwithstanding any other provision of this section, no license shall be required by the City pursuant to this chapter for any activity which is exempt from such licensing by any provision of § 12070 of the Penal Code or any other provision of state law.

4.99.040 Fees. The City Council may by resolution establish a schedule of non-refundable fees sufficient to cover the costs to the City of Anaheim of administering the ordinance codified in this chapter, to be paid upon application for a license. Such fees shall be distinct from, and shall not supersede, business license fees and taxes owing to the City pursuant to Chapter 3.04 of the Anaheim Municipal Code.

4.99.050 Issuance, Denial and Revocation of License.

.010 The Finance Director shall issue a license to an applicant who satisfies all the requirements contained in Penal Code §§ 12070, et seq., and shall deny a license to an applicant who fails to satisfy any one or more of those requirements.

.020 Any license issued pursuant to this chapter may be revoked by the Finance Director for breach of any of the conditions set forth in Penal Code § 12071(a).

.030 If an application for a license is denied, the Finance Director shall notify the applicant by certified mail of such denial within thirty days of the date of receipt of the application.

.040 If a license issued pursuant to this chapter is revoked, the Finance Director shall notify the licensee by certified mail of such revocation within ten days of the date of revocation.

.050 Any applicant who is denied a license or any licensee whose license is revoked may appeal such action to the City Manager or his designee within fifteen days after receipt of notice of denial or revocation by filing a written notice of appeal and paying any appeal fee as prescribed by resolution of the City Council within such fifteen day period. The City Manager or his designee shall review the circumstances of such denial or revocation and shall render a written decision. The action of the City Manager or his designee shall be final and conclusive.

99.060 Existing Businesses. Businesses selling, leasing, transferring, advertising, offering or exposing concealable firearms for sale prior to the adoption of the ordinance codified in this chapter shall have a period of ninety days from the effective date of the ordinance codified in this chapter in which to obtain the necessary license from the Finance Director.

Chapter 6.32 Dangerous Weapons

6.32.010 "Dangerous or Deadly Weapons" Defined. The term DANGEROUS OR DEADLY WEAPONS as used in §§ 6.32.010 through 6.32.050 of this chapter includes, but is not limited to, ... any firearm other than:

.010 One carried pursuant to valid permit issued by duly authorized governmental authority; or

.020 Any ordinary rifle or shotgun lawfully carried for purposes of hunting or other lawful purpose.

6.32.020 Loitering or Hiding with Concealed Dangerous or Deadly Weapons — Prohibited. It shall be unlawful for any person, while carrying concealed upon his person any dangerous or deadly weapon, to loaf or loiter upon any public street, sidewalk or alley or to wander about from place to place with no lawful business thereby to perform, or to hide, lurk or loiter upon or about the premises of another.

6.32.030 Disorderly Conduct while Having Dangerous or Deadly Weapons — Prohibited. It shall be unlawful for any person who has concealed upon his person or who has in his immediate physical possession any dangerous or deadly weapon to engage in any fight or to participate in any other rough or disorderly conduct upon any public place or way or upon the premises of another.

6.32.040 Being about Place of Public Resort while Having Concealed Dangerous or Deadly Weapons — Prohibited. It shall be unlawful for any person who has concealed upon his person any dangerous or deadly weapon to loiter or be about any place where intoxicating liquors are sold or any other place of public resort.

6.32.050 Dangerous or Deadly Weapons in automobiles for Improper Purposes — Prohibited. It shall be unlawful for any person to have in his possession, in any automobile, any dangerous or deadly weapon, but this restriction shall not be deemed to prohibit the carrying of ordinary tools or equipment carried in good faith for uses of honest work, trade or business, or for the purpose of legitimate sport or recreation.

6.32.060 Discharging Firearms or Fireworks — Restricted. It shall be unlawful for any person or persons to fire or discharge any pistol, gun or other description of firearms or fireworks of any kind in the City of Anaheim; provided, that nothing herein contained shall prohibit:

(1) Any peace officer from the necessary use of such firearms in the discharge of his official duties; or

(2) Any farmer from the necessary use of a specially adapted starter pistol which propels a cardboard cartridge conditioned upon all the following:

(a) The use of such device is restricted to the act of repelling birds from damaging crops; and

(b) Such use is restricted to a distance of 100 yards measured from the point of firing from any public street, school, or residential area; and

(c) All persons using such bird-repelling devices in the City of Anaheim must register them with the Anaheim Police Department and receive a permit which shall identify the device and describe the location for such use; and

(d) A person using such devices must have a valid permit issued by the Anaheim Police Department in his possession at the time of such use.

6.32.110 Exception for Bona Fide Educational and Recreational Programs. Nothing contained in Chapter 6.32 shall prohibit the use of the weapons specified therein in connection with a bona fide educational or recreational program under the supervision of a qualified instructor; provided that such program shall have been approved either by the Board of Trustees of any School District or the City Council of the City of Anaheim.

BAKERSFIELD MUNICIPAL CODE
Title 9 Public Peace, Morals and Welfare
VIII. Weapons Offenses
Chapter 9.52 Weapons in Public Buildings

9.52.020 Weapons in owner's place of business or residence allowed. Nothing in this chapter shall be construed to prohibit any citizen of the United States over the age of eighteen years who resides or is temporarily within this city and who is not exempt by § 9.52.010, from owning, possessing, or keeping within his place of residence or place of business any pistol, revolver, or other firearm, and no permit or license to own, possess or keep such firearm at his place of residence or place of business shall be required of him.

FREMONT MUNICIPAL CODE
Title 5. Business Licenses & Regulations
Chapter 5.55 Firearms Dealers
Current through July 12, 2016

5.55.010 Citation of chapter. This chapter may be referred to as the "firearms dealer permit ordinance."

5.55.030 Definitions. The following words and phrases, whenever used in this chapter, are defined as follows:

(a) "Applicant" means the firearms dealer as defined in this chapter who is making application to the city for a firearms dealer permit or gunsmith permit as required by Cal. Penal Code § 12071(a)(1).

(b) "Chief of police" means the chief of police of the city or his/her designee charged with the administration of this chapter, subject to the administrative direction of the city manager.

(c) "Collector of curios and relics" means a person who is a collector of any antique firearm or any firearm which is a curio or relic as defined in §§ 178.11 et seq. of Title 27 of the Code of Federal Regulations and who only possesses a valid Bureau of Alcohol, Tobacco and Firearms Federal Firearms License of Type 03 (collectors of curios and relics).

(d) "Engaged in business" means the conduct of a business by the selling, transferring, or leasing of any firearm; or the preparation for such conduct of business as evidenced by the securing of applicable federal and state licenses; or the holding of one's self out as engaged in the business of selling, transferring, or leasing of firearms in quantity, in series, or in individual transactions, or in any other manner indicative of trade.

(e) "Firearms" means any device, designed to be used as a weapon or modified to be used as a weapon, from which a projectile is expelled through a barrel by the force of an explosion or other form of combustion.

(f) "Firearms dealer" means a person engaged in the business of selling, transferring, leasing, or advertising for sale, transfer, or lease any firearm with the exception of a Bureau of Alcohol, Tobacco and Firearms Federal Firearms License of Type 03 (collectors of curios and relics) and Type 01 (limited to those who engage only in gunsmith activities and do not conduct any sales transactions). Included in this definition are persons involved solely in the warehousing and storage of firearms.

(g) "Gunsmith" means a person whose occupation is to design, modify, make or repair firearms. For the sales of firearms, refer to "firearms dealer" under subsection (b) of this section.

(h) "Person" means any natural person, firm, corporation, organization, company association, business trust, joint-stock company, partnership, joint venture, club, or the agent, servant, manager, officer, employee, or lessee of any of them, and any municipal, political, or governmental corporation, district, body, or agency other than the city.

5.55.040 Permit required.

(a) Firearms Dealers. No person, partnership, cooperative, corporation, firm, or association will engage in the business of operating or managing any business in the city which sells, transfers, leases, or offers or advertises for sale, transfer, or lease, any firearm without first obtaining a firearms dealer permit from the chief of police. Application for any such permit shall be made in writing to the chief of police in such form as shall be prescribed by him/her. The applicant shall provide all information requested, including proof of compliance with all applicable federal, state, and local laws, or the application will not be deemed complete. Persons who are collectors of antique firearms as described in § 5.55.030(g) shall not be required to obtain and maintain a firearms dealer permit.

(b) Gunsmiths. No person, partnership, cooperative, corporation, firm, or association will engage in the business of operating or managing a business which designs, modifies, makes or repairs firearms in the city without first obtaining a gunsmith permit from the chief of police. Application for any such permit shall be made in writing to the chief of police in such form as shall be prescribed by him/her. The applicant shall provide all information requested, including proof of compliance with all applicable federal, state, and local laws, or the application will not be deemed complete.

5.55.050 Application fee. The application shall be accompanied by a nonrefundable fee as set forth in the city of Fremont master fee resolution. The fee shall include an amount necessary to cover the full cost of processing, background, issuance, inspection, enforcement, and hearing procedures.

5.55.060 Administration of chapter – Application and investigation for permits.

(a) The chief of police shall administer this chapter.

(b) The chief of police shall conduct an appropriate investigation to determine the eligibility of each owner, partner, employee, manager, officer, agent, lessee, or other responsible person engaged in the business for which the applicant is seeking a firearms dealer permit or gunsmith permit. This investigation shall be conducted for the protection of the public safety and to determine if a permit may be issued. The applicant, owner, partner, employee, manager, officer, agent, lessee, or other responsible person engaged in the business shall fully cooperate by providing necessary authorization for access to private records and information.

5.55.070 Permit approval, renewal, suspension, conditions and revocation criteria. The chief of police may issue or renew a permit only if the following criteria are met. The chief of police is hereby authorized to adopt all necessary administrative regulations to carry out the intent of this section including, but not limited to, the imposition of additional criteria. The chief of police may deny a new permit or suspend, revoke or impose reasonable conditions for issuance or renewal of an existing permit for failure to meet the following criteria:

(a) Applicants must be at least 21 years old.

(b) The applicant must hold all required federal, state and local licenses and authorizations.

(c) The applicant has no prior revocation, or denial of similar permit, for good cause within the last 2 years.

(d) The applicant has provided accurate statements of fact on his/her application.

(e) The applicant must have paid all applicable fees as provided in the city of Fremont master fee resolution.

(f) The applicant is free of a conviction for any of the following offenses:

(1) Any offense that would disqualify the applicant from owning or possessing a firearm under federal, state and local laws.

(2) Any offense related to the manufacturing, sale, possession, use, or registration of any firearm or dangerous or deadly weapon.

(3) Any offense involving the use of force or violence against the person of another.

(4) Any offense involving the manufacturing, sale, possession, or use of any controlled substance as defined in the California Health and Safety Code.

(g) The applicant is not an unlawful user of any controlled substance as defined by the California Health and Safety Code, or an excessive user of alcohol to the extent that it would impair his/her ability to be a dealer in firearms.

(h) The applicant is not a mental patient in a hospital or institution, or on leave of absence from any hospital or institution, or adjudicated by a court to be a danger to others as a result of a mental disorder or illness, or a mentally disordered sex offender, or suffers from any psychological disturbance which would impair his/her ability to be a firearms dealer.

(i) The applicant proposes to operate the business in a manner which complies with all federal, state, and local laws.

(j) The applicant operates his or her business:

(1) Within a zoning district where the proposed use is permitted by zoning regulations; or

(2) Within a zoning district where applicant has obtained required permits or approvals as prescribed by this code and general law.

(k) The applicant can provide evidence of possessory interest in the property at which he/she proposes to conduct business.

5.55.080 Security requirements – Chief of police authority to adopt administrative regulations. Firearms security regulations shall be adopted as provided in this section.

(a) A primary objective of this chapter is to discourage theft from the premises of firearm dealers, and to provide a safe and secure facility for storage and sale of firearms. To this end the permittee shall comply with all firearms dealer regulations prescribed by the chief of police. The chief of police is hereby authorized to adopt all necessary administrative regulations to carry out the intent of this chapter.

(b) The chief of police shall adopt firearms security regulations requiring, but not limited to, the following:

(1) The provision of secure locks, windows and doors, adequate lighting and an alarm security system in accordance with permitted city security regulations and/or specified by the chief of police.

(2) The storage of all firearms on the premises out of reach of customers in secure, locked locations, so that the access to the firearms is controlled by the dealer and/or owner, partner, employee, manager, officer, agent, lessee, or other responsible person engaged in the business and to the exclusion of others. Storage of ammunition, gunpowder or other flammable or explosive material shall be in accordance with the Uniform Fire Code and the city's hazardous materials management ordinance (Chapter 8.35).

5.55.090 Permit forms. All permits issued pursuant to this chapter shall be in a form prescribed by the Attorney General of the state.

5.55.100 Permit duration.

(a) All permits issued pursuant to this chapter shall expire one year after the date of issuance, unless suspended or revoked prior to the expiration date.

(b) All permits issued pursuant to this chapter shall be subject to renewal after 1 year. The permittee shall file a renewal application and pay all applicable fees as specified in the city of Fremont master fee resolution. Such application will then be reviewed by the chief of police for compliance with the provisions of this chapter. A permit will be issued by the chief of police for a renewal application which meets the provisions specified in this chapter. The permit will be valid for 1 year.

(c) Applications for renewal of an existing valid permit must be completed and received by the chief of police, in completed form, no later than 30 days prior to the expiration of the current permit.

5.55.110 Permit transition period.

(b) A federally licensed firearms dealer conducting business as a gunsmith from a residence under a home occupation permit will be permitted to continue to operate in the manner prescribed in this chapter.

5.55.120 Permit conditions.

(a) All permits issued pursuant to this chapter shall be subject to the following conditions. The violation of any of the listed conditions will be grounds for suspension or revocation of the permit by the chief of police.

(1) No firearms dealer permit will be issued to a person engaged in the business of selling, transferring, leasing, or advertising for sale, transfer, or lease any firearm from a residence.

(2) The business shall be conducted only in the building located at the street address indicated on the permit.

(3) The sales of firearms shall be conducted only by the person(s) listed on the firearms dealer permit issued by the city, known as the "permittee." If the permittee is to be assisted by another person such as an owner, partner, employee, manager, officer, agent, lessee, or other responsible person engaged in the business of the sale of firearms, these individuals must be reviewed under the requirements of § 5.55.070(a), (e), (f), (g), and (h).

(4) The permittee shall comply with Cal. Penal Code §§ 12072(b), 12073, 12074, 12076, 12077, and 12082, to the extent that the provisions remain in effect.

(5) The permittee shall comply with all sections of this chapter.

(b) Any permit pursuant to this chapter shall be subject to additional conditions as the chief of police deems reasonably related to the purpose of this chapter.

5.55.130 Permit denial, suspension, conditioning, revocation, denial of renewal.

(a) The chief of police may deny a new permit application or suspend, modify, revoke or deny renewal of an existing permit for failure of the applicant or permittee to satisfy any of the criteria provided in §§ 5.55.070, 5.55.080, 5.55.110, 5.55.120, 5.55.160 and 5.55.170.

(b) Any decision to deny a new permit application, suspend, revoke, modify or deny renewal of an existing permit shall be given to the applicant or permittee in writing, addressed to the permittee or applicant at the address on the application, and shall set forth the factual and legal grounds for the decision.

5.55.140 Appeal of adverse action.

(a) Within 30 days after the date of deposit of the decision of the chief of police in the mail in accordance with § 5.55.130, the applicant or permittee may appeal the decision in writing to the city manager, setting forth the factual and legal grounds for appeal.

(b) The city manager (or designee) shall:

(1) Set a time and place for the hearing on the appeal;

(2) Appoint a city hearing officer to conduct a hearing; and

(3) Notify the applicant or permittee in writing of such date and time not later than 30 working days from the date the appeal was received by the city manager.

(c) The hearing shall be conducted within 45 days from the date the appeal was received by the city manager. In any hearing under this section, the applicant shall bear the burden of proof to establish entitlement to the requested permit by a preponderance of the evidence.

(d) After hearing the appeal, the city hearing officer may:

(1) Refer the matter back to the chief of police for a new investigation and decision consistent with direction provided by the hearing officer;

(2) Affirm the decision of the chief of police;

(3) Approve the application for a permit subject to any conditions the hearing officer may prescribe; or

(4) Approve the application for a permit without conditions.

(e) The decision of the city hearing officer shall be the final administrative determination and is subject to judicial review.

5.55.150 Costs of appeal and attorneys' fees. In any appeal hearing conducted under this chapter, the city hearing officer shall award all costs of the hearing, including direct and indirect staff costs and overhead, hearing officer costs and attorneys' fees, to the city whenever the city prevails.

5.55.160 Permit liability insurance.

(a) No firearms dealer permit shall be issued or renewed pursuant to this chapter unless there is in full force and effect prior to issuance of a permit or renewal a policy of insurance in such form that the city attorney and city risk manager deem proper, executed by an insurance company approved by the city attorney whereby the applicant or permittee is insured against liability for damage to property and for injury to or death of any person as a result of the sale, transfer or lease, or advertising for sale, transfer or lease, or advertising for lease, any firearm. The minimum liability limits shall not be less than \$1,000,000 for damages to or destruction of property in any one incident, and \$1,000,000 for the death or injury of any 1 person; provided, however, that additional amounts may be required by the city attorney if deemed necessary. Person(s) engaged in the business of operating or managing a gunsmith business which designs, modifies, makes or repairs firearms will not be required to obtain and maintain liability insurance as discussed in this section.

- (b)** The policy of insurance shall name the city, its officers, agents and employees as additional insureds. Applicants and permittees shall indemnify, defend and hold harmless the city, its officers, agents, and employees from claims arising from the negligence of the applicant or permittee. Such policy of insurance shall contain an endorsement providing that the policy will not be canceled until notice in writing has been given to the chief of police 60 days prior to cancellation.
- (c)** A federally licensed firearms dealer possessing a home occupation permit for the sale of firearms from his/her residence shall be exempted from this requirement.

5.55.170 Inspection authority. The chief of police or his/her designee shall have the right to enter any firearms dealer establishment from time to time during regular business hours to make reasonable inspections to ascertain whether the provisions of this chapter are being complied with. A warrant shall be obtained whenever required by law.

5.55.180 Compliance. Any person engaging in the business of selling, transferring, or leasing, or advertising for sale, transfer, or lease, or offering for sale, transfer, or lease, any firearm on the effective date of this chapter shall have 60 days from the effective date to comply with the provisions of this chapter.

5.55.190 Temporary suspension.

(a) If a firearm dealer violates any federal, state or local county or city law, the chief of police may immediately suspend the right of the dealer to sell firearms.

(b) The temporary suspension will not exceed three days. If the violation results in a criminal charge filed by a federal, state, or county district attorney, such permit to sell firearms may be suspended until the case is adjudicated in a court of law.

(c) Notice of suspension and rights to appeal and costs shall be the same as provided in §§ 5.55.130, 5.55.140 and 5.55.150.

5.55.200 Severability.

(a) This chapter shall be enforced to the full extent of the authority of the chief of police. If any section, subsection, sentence, clause, phrase or portion of this chapter is, for any reason, held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this chapter.

(b) The city council hereby declares that it would have adopted this chapter, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions should be declared invalid or unconstitutional.

Title 9. Public Peace, Morals & Welfare
Chapter 9.15: Firearms

9.15.010 Sale of weapons to minors. Except as otherwise provided in § 9.15.040, no persons shall sell, give, loan, or in any way furnish to any person under the age of 16 years any gun, revolver, pistol, firearm, spring gun, air gun, BB gun, sling, slingshot, bow and arrow, or other device designed or intended to discharge, or capable of discharging, any dangerous missile.

9.15.020 Sale of ammunition to minors. Except as otherwise provided in § 9.15.040, no person shall sell, give, loan, or in any way furnish, to any person under the age of 16 years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from, any gun, revolver, pistol, or other firearm.

9.15.030 Possession and use of weapons by minors. Except as otherwise provided in § 9.15.040, no person under the age of 16 years shall fire, discharge, shoot, or operate, or participate in the firing, discharging, shooting, or operating, or have in his/her possession, care, custody, or control, any gun, revolver, pistol, firearm, spring gun, air gun, BB gun, sling, slingshot, bow and arrow, or device designed or intended to discharge, or capable of discharging, any dangerous missile, or any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fired from any gun, revolver, pistol, or other firearm.

9.15.040 Prohibition does not apply to licensed hunters. Nothing in § 9.15.010, 9.15.020 or 9.15.030 shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing of any article mentioned in §§ 9.15.010 and 9.15.030 to any person under the age of 16 years who is the holder of a valid hunting license issued to such person in accordance with the provisions of the California Fish and Game Code; nor prohibit any such licensee under the age of 16 years from using or possessing any article mentioned in § 9.15.030. Nothing in this chapter shall be deemed or construed to prohibit any person under the age of 16 years from firing, discharging, shooting, or operating any article mentioned in § 9.15.030 when such person is the holder of a valid state hunting license and is engaged in hunting any wild game or predatory bird or animal which may be lawfully hunted and killed, or is lawfully engaged in shooting at any inanimate target or trapshooting device while accompanied by, and under the direct care and control of, some responsible adult person, at an established shooting range with a safe background.

9.15.050 Other dangerous weapons – Sale, use, or possession prohibited. This chapter further prohibits the sale, gift, loan, or furnishing of dangerous weapons to any person, and the use by or possession or control of dangerous weapons by any person.

9.15.070 Use of weapons. No person shall fire, discharge, shoot, or operate, or assist or participate in the firing, discharging, shooting, or operating of, any gun, revolver, pistol, shotgun, firearm, spring gun, air gun, BB gun, sling, slingshot, bow and arrow, or device designed or intended to discharge or capable of discharging any dangerous missile or any cartridge, shell, ammunition, or device containing any explosive substance.

9.15.080 Shooting or aiming at buildings, signs, persons, or domestic animals. No person shall shoot, fire, discharge, or operate any gun, revolver, pistol, firearm, spring gun, air gun, BB gun, sling, slingshot, bow and arrow, or device designed or intended to discharge or capable of discharging any dangerous missile or any cartridge, shell, ammunition, or device containing any explosive substance, or aim any such weapon or device in the direction of any person, building, sign, utility pole, or power line, or insulator thereon, or any domestic fowl or animal, or any vehicle, vessel, or other article of personal property.

9.15.090 Exceptions. Nothing in this chapter shall be deemed or construed as restricting or prohibiting the use of any weapon or device by any peace officer in the performance of his/her duty, nor to any person while lawfully defending life or property, nor to any person while engaged in lawfully protecting life, property, or crops from destruction or damage by any predatory or destructive bird or animal, nor to any person engaged in shooting in a shooting gallery, or while engaged in target, skeet, or trapshooting in any regularly established shooting range or range shooting club, or while engaged in hunting at any regularly established hunting club.

FRESNO MUNICIPAL CODE & CHARTER
Article 26 – Crimes against Public Health and Safety
Current October 12, 2016

SEC. 9-2601. – Use and Possession of Weapons.

(a) No person shall discharge a firearm into or within the city.

(c) No person shall hunt wildlife with any weapon described in this section.

(d) No person under the age of 18 years shall have in his or her possession any firearm within the city limits unless he or she, at all times during the possession, (1) has on his or her person the written consent of his or her parent or legal guardian, or (2) is accompanied by his or her parent or legal guardian, or (3) is participating in and going to and from an organized, lawful recreational or competitive shooting activity or lawful hunting activity. As used in this subdivision (d), "firearm" means any firearm except (1) any pistol, revolver or firearm capable of being concealed upon the person as described in California Penal Code § 12001, or (2) a B-B gun, pellet gun or spot-marking gun as described in California Penal Code § 12001.1, or (3) any other firearm the possession of which by minors is regulated by State law.

(e) This section shall not be deemed to make punishable the act of carrying or discharging a weapon in the lawful discharge of his or her duties by a public officer, or private person duly licensed therefor.

(f) This section shall not apply to the keeping of weapons at a place of business or residence by a person 18 years of age or older lawfully in possession of the property.

(g) This section shall not apply to the keeping or use of weapons on the premises of any shooting gallery, practice range, skeet field, archery range, or similar place conducted at a fixed location and with regard to which adequate safeguards have been provided to protect persons and property from injury.

(h) This section shall not apply to an organized hunt for the purpose of ridding premises larger than 1 acre of vermin, when the setting of traps or poison is impractical and the Chief of Police has approved the time, place, and method of the hunt.

(i) No parent, guardian, or any adult person having the control, custody, or charge of any person under the age of 18 years, shall knowingly permit, allow, or let said person to use or possess a weapon in violation of this section.

(j) The Chief of Police is authorized to seize and impound any weapon which is kept, possessed or used in violation of this section, or the missile thereof, and to hold the same for a period of 30 days and until thereafter claimed by its owner. Such articles may not be returned to any person under the age of 18 years but may be returned to his or her guardian or parent.

(k) This section shall not be deemed to make punishable an act or acts which are allowed or prohibited by any law of the State.

GLENDALE MUNICIPAL CODE
Title 9. Public Peace & Welfare
Chapter 9.24 Weapons
Current June 2016

9.24.010 Concealable firearms—Permit required. No person shall, within the city, engage in the business of selling or otherwise transferring any handgun, pistol, revolver or other firearm capable of being concealed upon the person without first having received a revocable permit from the chief of police authorizing such person to make such sales. (Prior code § 19-80)

9.24.020 Permit—Application—Issuance.

A. The chief of police shall issue a revocable permit for the sale of firearms described in this section upon the receiving of an application accompanied by a fee of \$100 for the first issuance of such a permit and \$25 thereafter, for each subsequent renewal, whenever:

1. The applicant has an established place of business within the city; and

2. The applicant is a person of good moral character and has not been convicted of any felony or misdemeanor involving the violation of any law of the state of California or ordinance of the city relating to the owning, carrying, sale, use or registration of any firearm or dangerous or deadly weapon.

B. Such permit shall be revocable for cause, which cause shall include, but shall not necessarily be limited to violation of § 9.24.040 and/or falsification of the information contained on the application required by this section.

C. The fees established by subsection A of this section shall be modified to reflect cost-of-living changes and to ensure that changing economic conditions do not impair the real value of the fees under this chapter. Accordingly, on July 1st of each year, the chief of police shall:

1. Review the fees set forth in subsection A of this section; and

2. Adjust the fees:

a. Upward or downward by the same percentage increase or decrease occurring during the previous 12 months, in the Consumer Price Index for All Urban Consumers ("CPI-U") for the Los Angeles-Orange County-Riverside Metropolitan Area (published by the Bureau of Labor Statistics, U.S. Department of Labor), or applying a similar index if the CPI-U is not published or available, and

b. To the nearest \$1.

D. In addition to adjusting the fees for the cost-of-living changes annually under subsection C of this section, the chief of police, at any time, shall recommend, with the city manager's approval, that the city council revise the fees and charges when a change in the administrative costs of processing applications for permits for the sale of firearms makes the revision appropriate.

E. The chief of police may prepare, adopt, amend, and enforce rules, regulations, or procedures for calculating, collecting, paying, and administering the fees and charges under this chapter.

9.24.030 Permit—Form—Term. No permit shall be issued by the chief of police except on a form prescribed by the Attorney General of the state of California. All permits so issued shall expire upon June 30th next following the date of issuance or upon the cessation or change of location of business for which such permit is issued, whichever is sooner.

9.24.040 Permit—Conditions—Revocation. Any permit issued shall be subject to all of the following conditions, the breach of any of which shall be sufficient cause for revocation of the permit by the chief of police:

A. The business shall be carried on only in the building designated in the license.

B. The license or a copy thereof, certified by the issuing authority shall be displayed on the premises where it can easily be seen.

C. No pistol or revolver shall be delivered within 15 days of the application for the purchase, and in addition, the purchaser must be personally known to the seller or the purchaser must present clear evidence of his or her identity to the seller.

D. No pistol or revolver shall be delivered unless it is unloaded and securely wrapped.

E. No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of the premises where it can readily be seen from the outside.

9.24.055 Firearms and weapons generally—Persons under age eighteen not to possess firearms, ammunition, etc. No person under the age of 18 years shall have in his or her possession, care, custody or control in the city, any gun, revolver, pistol, spring or air gun, or firearm of any description, or any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearm of any description, or any ammunition of any description containing any explosive.

9.24.060 Firearms and weapons generally—Permit required to discharge. No person shall shoot or discharge any gun, pistol or other firearm or any air gun or pistol or any spring gun or pistol or any bow and arrow within the city, without first having obtained a written permit from the chief of police to do so.

9.24.070 Firearms and weapons generally—Issuance of permit required. The chief of police shall have power to issue to any person a permit in writing to shoot or discharge any weapon when, in the judgment of the chief of police, such person is suitable to discharge weapons, is likely to handle the same so as not to endanger any person, and when a reasonable necessity exists for the weapon to be discharged. Any person desiring such a permit shall make written application to the chief of police. Any permit issued by the chief of police hereunder shall be in effect for such period as may be therein stated, but not more than 12 months from the date thereof, and shall state the name, address and occupation of the person to whom the same is issued, the date of its issuance and the date of its expiration, and the kind and description of weapon authorized to be discharged.

5.36.010 - Permit—Required. No person shall engage in, carry on or conduct the business of a firearms dealer without first having obtained a permit in accordance with this Chapter and complying with any and all requirements and regulations set forth in this Chapter.

5.36.020 - Permit application. Each person, before obtaining a permit to carry on the business of selling firearms, shall make a written application on forms furnished by the Chief of Police, which shall be signed by the applicant. Every applicant must provide all documents required pursuant to § 12071 of the California Penal Code.

Chapter 9.52: Firearms

9.52.010 - Sale of ammunition prohibited. No person as principal, agent or otherwise, shall sell, exchange, give or loan any BB shot, pellet, or other missile designed or intended for use in any spring gun, air gun, air pistol or other pistol or gun, or any cartridge, shell or other device containing any explosive and designed or intended for use in any gun, revolver, pistol, or firearm of any description to any person under the age of 18 years.

9.52.020 - Possession prohibited. No person, as principal, agent or otherwise, under the age of 18 years, shall have in his or her possession, care, custody or control, any gun, revolver, pistol, spring gun, air gun or firearm of any description, or any cartridge, shell or other device containing any explosive, and designed or intended for use in any gun, revolver, pistol or firearm of any description, or any explosive ammunition of any description whatsoever.

LOS ANGELES COUNTY CODE
Title 7: Business Licenses
Division 2: Specific Businesses
Chapter 7.46 Gun Dealers
Current through October 14, 2016

7.46.010 - Gun dealer defined. "Gun dealer" means any person, firm or corporation who sells or otherwise transfers to the public any pistol, revolver, rifle, shotgun, or other firearm, including those persons required by § 12070(a) of the California Penal Code to obtain a license under California Penal Code § 12071. "Gun dealer" also includes any person, firm or corporation who purchases, takes in trade or accepts on consignment from the public any firearm of any type, including, but not limited to pistols, revolvers, rifles and shotguns.

7.46.020 - License—Required. Every gun dealer shall first procure a license and pay an annual license fee in the amount set forth in § 7.14.010 of this title, under the appropriate heading.

7.46.030 - License—Granted subject to specific conditions. If a license is granted under this chapter, it shall be subject to the conditions set forth in Penal Code § 12071, for breach of any of which the license shall be subject to forfeiture.

7.46.040 - Records and reporting requirement. In addition to properly maintaining all records and documents required by state and federal laws, a gun dealer, upon purchasing, taking in trade or accepting on consignment from the public any firearm of any type, shall comply with buy-form requirements as enumerated in Part 7 of Chapter 7.76 of this title, beginning with § 7.76.310. A gun dealer shall also be required to report every sale, lease, or other transfer of a firearm to the sheriff on a form prescribed by the sheriff.

7.46.050 - Inspection. Upon the request of any designated sheriff representative or any peace officer, a gun dealer shall **(1)** furnish all records pertaining to the gun dealer's transactions, including, but not limited to, all records required to be maintained by law, and **(2)** shall permit an inspection of those portions of the licensed premises where the firearms and firearm accessories are located.

7.46.060 - Conditions for granting license. No license or renewal license shall be issued under this chapter unless, in addition to the requirements set forth in § 7.46.030 and § 7.46.040 above, the gun dealer satisfies each of the following conditions:

- A.** The gun dealer, and all officers, employees, and agents of said gun dealer, are at least 21 years of age;
- B.** Neither the gun dealer, nor any officer, employee, or agent of said gun dealer, has had a similar type license previously revoked or denied within the immediately preceding 2 years;
- C.** Neither the gun dealer, nor any officer, employee, or agent of said gun dealer, has been convicted of:
 - 1. Any offense disqualifying said individual from owning or possessing a firearm under applicable federal, state, or local laws,
 - 2. Any offense relating to the manufacture, sale, possession, use, or registration of any firearm or dangerous or deadly weapon,
 - 3. Any offense involving the use of force or violence upon the person of another,
 - 4. Any offense involving theft, fraud, dishonesty, or deceit,
 - 5. Any offense involving the manufacture, sale, possession, or use of any controlled substance as defined by the California Health and Safety Code, as said definition now reads or may hereafter be amended to read;

- D. The gun dealer has a fixed place of business where all licensed activities will be conducted as required by § 7.04.060 of this code. The storing of all firearms and munitions shall occur at said fixed place of business. Under no circumstance may the address of the fixed place of business be either a United States Post Office box or a private commercial mailbox. The gun dealer shall provide evidence as owner, lessee or other legal occupant of said fixed place of business. The license shall specify the Post Office address of said fixed place of business;
- E. The gun dealer's fixed place of business shall not be located in any area or district that is zoned for residential use;
- F. The gun dealer has agreed to indemnify, defend and hold harmless the county of Los Angeles, its officers, agents and employees, from claims arising from the negligent or intentional acts of said gun dealer;
- G. In connection with every firearm sold, leased, or otherwise transferred by a gun dealer, said gun dealer must also sell or otherwise provide a trigger lock or similar device reviewed and approved by the sheriff that is designed to prevent the unintentional discharge of the firearm;
- H. The gun dealer has obtained a policy of insurance as provided in § 7.46.070 below; and
- I. The gun dealer has complied with the security requirements as provided in § 7.46.080 below.

7.46.070 - Liability insurance.

- A. No license or renewal license shall be issued under this chapter unless the gun dealer carries and maintains in full force and effect a policy of insurance, as described in this subsection, in a form approved by the county of Los Angeles and executed by an insurance company admitted to do business in the state of California. This policy of insurance shall insure the gun dealer against liability for damage to property and for injury to or death of any person as a result of the sale, lease, or transfer, or the offering for sale, lease, or transfer, of a firearm. The minimum liability limits shall not be less than \$1,000,000 for each incident of damage to property or incident of injury or death to a person. The policy shall name the county of Los Angeles as an additional insured.
- B. The policy of insurance shall contain an endorsement providing that said policy shall not be canceled until notice in writing has been given to the office of the treasurer and tax collector at least 30 days prior to the time the cancellation becomes effective.
- C. If at any time the gun dealer's policy of insurance expires, said gun dealer's license under this chapter will automatically be suspended pursuant to § 7.08.240 and § 7.08.250 of this code.

7.46.080 - Security requirements.

- A. No license or renewal license shall be issued under this chapter unless the gun dealer adheres to security measures as required by the sheriff. These security measures shall include, but not be limited to, the following:
 1. The provision of adequate lighting, secure locks, windows, and doors, and fire and theft alarms, as each such item is specified and approved by both the sheriff and the fire department; and
 2. The storing of all firearms and munitions on the premises out of reach of customers in secure, locked facilities, so that access to firearms and munitions shall be controlled by the gun dealer or employees of the gun dealer to the exclusion of all others.
- B. Upon written request by the gun dealer, the sheriff may approve alternative security measures which he/she determines will provide equivalent or superior security to the premises as the measures required under subsection A above.

7.46.090 - Compliance by existing dealers. Any gun dealer licensed to engage in the sale of firearms prior to the effective date of the amendments to this chapter shall within 90 days after said effective date comply with the provisions of these amendments.

7.46.095 - Officers, employees and agents of gun dealers defined. Any reference in this chapter to an officer, employee or agent of a gun dealer shall apply only to those persons who directly participate in firearm sale transactions.

7.46.100 - Penalty. Any gun dealer violating the provisions of this chapter is guilty of a misdemeanor, punishable by a fine not to exceed \$1,000, or imprisonment for a term not to exceed 6 months, or both. This penalty is in addition to all other penalties provided by law, and to the immediate revocation of the gun dealer's license granted under this chapter.

**Title 13: Public Peace, Morals & Welfare
Division 8: Weapons**

Chapter 13.67 – Prohibition on the Sale of Firearms and Ammunition on County Property

13.67.030 - Prohibition. The sale of firearms and/or ammunition on county property is prohibited.

13.67.040 - Definitions. As used in this chapter, the words hereinafter defined are used as so defined unless it is apparent from the context that a different meaning is intended.

A. County Property. "County property" includes real property owned, leased, subleased, or otherwise assigned by the county, or real property subject to the use and control of the county. It includes real property of the county in the possession of a public or private entity under contract with the county. By way of example, it includes all public buildings and the surrounding grounds owned or leased by the county in the unincorporated and incorporated portions of the county, such as the Los Angeles County Fairgrounds in the city of Pomona.

B. Firearm. "Firearm" includes all devices described in California Penal Code § 12001, including, but not limited to, any gun, pistol, revolver, rifle or any device, designed or modified to be used as a weapon, from which is expelled through a barrel a projectile by the force of an explosion or other form of combustion. "Firearm" does not include any instrument as referred to in Government Code § 53071.5.

C. Ammunition. "Ammunition" is any ammunition as defined in California Penal Code § 12316(b)(2).

D. Peace Officer. "Peace officer" is any person who is a peace officer as defined in Title 3, Part 2, Chapter 4.5 of the California Penal Code (§§ 830, et seq.).

E. Sale. A "sale" is any transaction, with or without the exchange of consideration, which transfers ownership, title, possession, or control of any firearm, or gives, loans, leases, or delivers a firearm. A "sale" includes the act of placing an order for any of the aforementioned transfers. The act of displaying a firearm shall not constitute a sale for purposes of this chapter.

13.67.050 - Exceptions. Section 13.67.030 shall not apply to the sale of any firearm by a peace officer when on duty and the sale of such firearm is within the scope of his/her duties. In addition, said section shall not apply to: (A) either the sale of ammunition, or the rental of any firearm, for on-site recreational use, at the Whittier Narrows Trap and Skeet Range within the Whittier Narrows Regional Park; (B) the sale of shotguns, as defined in California Penal Code § 12020(c)(21), but no other firearms, at the aforementioned Whittier Narrows Trap and Skeet Range during the remaining term of that certain Lease Agreement No. 59348, originally entered into between the County of Los Angeles and Pachmayr, Limited; or (C) to the public administrator in the distribution of a private estate or to the sale of firearms by its auctioneer to fulfill its obligations under state law.

13.67.060 - Penalty. Every violation of this chapter shall constitute a misdemeanor.

LOS ANGELES MUNICIPAL CODE
Chapter V. Public Safety & Protection
Article 5. Firearms & Dangerous Weapons
Current through June 30, 2016

SEC. 55.00. Guns – Permits. No person shall fire, shoot or discharge any gun, rifle, pistol or other firearm, or any air-gun, air-rifle or air-pistol, or any spring-gun, spring-rifle or spring-pistol, or any carbon dioxide or other gas operated gun, rifle or pistol without having first obtained a written permit from the Board of Police Commissioners.

SEC. 55.01. Concealed Weapons – Permit. No person, except a peace officer shall wear or in any manner carry concealed upon his person, any loaded or unloaded gun, pistol or revolver, or any other dangerous or deadly weapon permitted to be carried by law without having, at the same time, actually in his possession, and upon his person an unexpired permit so to do issued by the Board of Police Commissioners.

SEC. 55.02. Concealed Weapons – Permit – Record. The Board of Police Commissioners shall have power to issue to any person, who in the judgment of said board, shall have such privilege, a written permit to carry concealed any of the weapons specified in the preceding section. Such permits shall be numbered consecutively in the order in which they are issued. No permit shall be granted for a longer period than 12 months. Each such permit shall state the name, address and occupation of the person to whom the same is issued, and the date of its expiration and shall specify the kind and description of weapon authorized to be carried concealed by said person.

SEC. 55.03. Concealed Weapons – Permit – Fee. The Chief of Police shall keep a record of all permits authorized by the Board of Police Commissioners under this article. No permit required by § 55.01 shall be issued to any person until such person shall have paid to the Chief of Police a registration fee of \$3.

SEC. 55.09. Ammunition Sales. (Added by Ord. No. 165,930, Eff. 6/5/90.)

(a) The term "firearm ammunition", as used in this section, shall include any ammunition for use in pistols, revolvers, rifles, shot guns, or any other device designed to be used as a weapon from which is expelled a projectile by the force of explosion or other form of combustion.

(b) Except as specified in Subsection (c) and (d), no person, including retail gun dealers, shall sell, give, lend or transfer ownership of any firearm ammunition during the period of 7 days prior to the first day of January of each year or on the first day of January of each year, or during the 7 days prior to the Fourth of July of each year or on the Fourth of July of each year.

(c) Nothing in this section shall prohibit the sale or transfer of ownership of firearm ammunition by a wholesale gun dealer to another wholesale gun dealer or by a wholesale gun dealer to a retail gun dealer, or of ammunition requested by § 12324 of the Penal Code of the State of California.

(d) Nothing in this section shall prohibit sale to or acquisition by any person described in § 12302 or 12322 of the Penal Code of the State of California.

(e) The provisions of this section shall not apply to the sale of any firearm ammunition when such sale is prohibited by §§ 12303, 12303.6, 12304 or 12321 of the Penal Code of the State of California, or is otherwise prohibited by Chapter 2.5, Title 2, Part 4, of the Penal Code of the State of California.

SEC. 55.11. Requirements for Ammunition Sales. (Amended by Ord. No. 180,447, Eff. 2/2/09, Oper. 6/18/09.)

(a) "Firearm Ammunition" means any self-contained unit consisting of the case, primer, propellant charge, and projectile for use in pistols, revolvers, rifles, shot guns, or any other device designed to be used as a weapon from which is expelled a projectile by the force of explosion or other form of combustion. **"Firearm Ammunition"** shall not include blank ammunition used solely in the course of motion picture, television, video, or theatrical productions.

(b) The term **"vendor"**, as used in this section, shall mean any person who is engaged in the retail sale of firearm ammunition and retail firearms dealers.

(c) No vendor shall sell or otherwise transfer ownership of any firearm ammunition to any person other than those listed in subsection (g) without at the time of purchase recording the following information on a form to be prescribed by the Board of Police Commissioners:

1. the date of the transaction,
2. the name, address and date of birth of the transferee,
3. the transferee's drivers license or other identification number and the state in which it was issued,
4. the brand, type and amount of ammunition transferred,
5. the transferee's signature, and
6. the name of the sales person who processed the transaction.

The vendor shall also at the time of purchase or transfer obtain the right thumb print of the purchaser or transferee on the above-referenced form.

(d) No vendor shall sell or otherwise transfer ownership of any firearm ammunition without complying with all requirements of subsection (c) in a face-to-face transaction.

(e) The records required by this section shall be maintained on the premises of the vendor for a period of not less than 2 years from the date of the recorded transfer. Said records shall be subject to inspection at any time during normal business hours in accordance with the provisions of § 103.14 of this Code. In addition, said records shall, within 5 calendar days of a firearm ammunition transfer, be electronically transmitted to the Los Angeles Police Department in a format and manner approved by the Chief of Police. (Amended by Ord. No. 183,328, Eff. 1/24/15.)

(f) No person shall knowingly make a false entry in, or fail to make a required entry in, or fail to obtain the required thumb print, or fail to maintain in the required manner records prepared in accordance herewith. No person shall refuse to permit a police department employee to examine any record prepared in accordance with this section during any inspection conducted pursuant to this section, or refuse to permit the use of any record or information therefrom by the police department.

(g) The requirements of subsection (c) shall not apply when the purchaser is any of the following:

1. any person described in § 12302 or 12322 of the Penal Code of the State of California.
2. any off-duty peace officer who displays proper agency identification which identifies him or her as an active peace officer.
3. any person who has been issued a permit to carry a concealed weapon under the authority of § 12050 of the Penal Code of the State of California
4. any security guard licensed under the authority of § 12033 of the Penal Code of the State of California.
5. any firearms dealer who has been issued a Federal Firearms License, a Certificate of Eligibility by the State of California and a Seller of Firearms Police Permit by the City of Los Angeles.
6. any firearm ammunition vendor who has been issued a Seller of Ammunition Police Permit by the City of Los Angeles.

(h) Violation of this section shall constitute a misdemeanor.

SEC. 55.12 Duty to Report Theft or Loss of Firearms; Exemptions. (Added by Ord. No. 178,010, Eff. 12/3/06.)

A. Any person who owns or possesses a firearm (as defined in Penal Code § 12001(b) or as amended) shall report the theft or loss of the firearm to the Los Angeles Police Department within 48 hours of becoming aware of the theft or loss, whenever: **(1)** the person resides in the City of Los Angeles; or **(2)** the theft or loss of the firearm occurs in the City of Los Angeles.

B. Any person who has experienced the theft or loss of a firearm within the 5 years prior to the effective date of this ordinance without the firearm having been recovered during that period, and who otherwise meets the reporting requirements in Section A. above, is required to report the loss or theft of the firearm to the Los Angeles Police Department within 60 days of the effective date of this ordinance.

C. Any person who fails to report the theft or loss of a firearm as required in Subsections A. or B., when the person knew or should have known of the theft or loss, shall be guilty of a misdemeanor.

D. Persons licensed to sell or manufacture firearms pursuant to Penal Code §§ 12071 or 12086 are exempt from this section, if the firearm lost or stolen was business merchandise, was lost or stolen from their firearm-related business, or was in their possession pursuant to Penal Code § 12082.

E. If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions, which can be implemented without the invalid provisions, and to this end, the provisions of this ordinance are declared to be severable.

SEC. 55.12.1. [Disposal of Firearms and Ammunition.] (Added by Ord. No. 179,149, Eff. 10/7/07.)

(a) Definitions.

1. **"Firearm,"** as used in this section, means any pistol, rifle, shotgun or other device designed to be used as a weapon, from which a projectile is expelled through a barrel by the force of an explosion or any other form of combustion, or any device that is capable of being altered so as to expel a projectile in that manner. The term firearm includes the frame of such weapon.

2. **"Ammunition,"** as used in this section, means any projectile designed to be expelled through the barrel of a firearm by the force of any explosion or other form of combustion, including, but not limited to, cartridge cases, primers, bullets, or propellant powder.

(b) Disposal of a firearm and/or ammunition in the City of Los Angeles shall only be accomplished in either of the following two ways:

1. By selling, giving away or otherwise transferring the firearm and/or ammunition in accordance with all applicable provisions of the California Penal Code, Welfare and Institutions Code, and this Code; or

2. By surrendering the firearm and/or ammunition to a California law enforcement agency for the purpose of destruction.

(c) Any person in the City of Los Angeles who disposes of a firearm and/or ammunition in any manner other than as required by this section, including, but not limited to, by depositing those item(s) in a public trash receptacle or leaving in any public place, is guilty of a misdemeanor.

SEC. 55.13. Sale of Ammunition Clips and Similar Devices (Amended by Ord. No. 172,002, Eff. 6/5/98.)

(a) No person shall sell or otherwise transfer to any other person a clip, magazine, belt, drum, feed strip or similar device which has a capacity of, or which can be readily restored or converted to accept, more than ten rounds of ammunition.

(b) The provisions of this section shall not apply to:

1. the sale or transfer of such devices to any person described in § 12302 or 12322 of the Penal Code of the State of California, or

2. the sale or transfer of ownership of such a device by a wholesale gun dealer to another wholesale gun dealer or by a wholesale gun dealer to a retail gun dealer, or

3. any entity or establishment engaged in the business of motion picture, television, video, theatrical, or re-enactment production, provided the clip, magazine, belt, drum, feed strip or similar device is used solely as a prop in the course of motion picture, television, video, theater, or re-enactment production by an authorized participant therein or by an authorized agent or employee of the entity or establishment, and only if the entity or establishment properly secures such clip, magazine, belt, drum, feed strip or similar device from unauthorized use, or

4. any federal, state or local historical society, museum or institutional collection which is open to the public provided any such clip, magazine, belt, drum, feed strip or similar device is properly housed, secured from unauthorized handling and is unloaded.

SEC. 55.14. Sale or Purchase of More than One Handgun Within a 30 Day Period Prohibited.

(a) The term **"dealer"** shall mean a retail firearms dealer licensed by the City of Los Angeles.

(b) No person shall make application to a dealer, as provided in § 12072 of the California Penal Code, to purchase a pistol, revolver or other firearm capable of being concealed upon the person, herein referred to as **"handgun"**, within 30 days of making a prior application for the purchase of a handgun within the State of California. In computing the 30 day period, the date the application is made shall be counted as the first day.

(c) No dealer shall transfer the title of any handgun to any person whom the dealer knows has made application to purchase more than 1 handgun within the State of California within a 30 day period prior thereto, nor shall any dealer process a handgun transaction between unlicensed parties pursuant to California Penal Code § 12072 if the dealer knows that the one receiving the handgun has made application to purchase more than 1 handgun within the State of California within a 30 day period prior thereto.

(d) No dealer shall transfer the title of any handgun to any person or process a handgun transaction between unlicensed parties pursuant to California Penal Code § 12072 if the dealer prior to transfer has received notice from the California Department of Justice, herein referred to as the **"DOJ,"** that DOJ has received an application for that person to purchase a handgun within the State of California within a 30 day period prior thereto. For the purposes of this subsection, the date of application of purchase shall be the date the DOJ receives the Dealer Record of Sale or receives the transmission of required information by any medium of communication authorized under state law.

(e) For the purposes of this section, the redemption of a handgun pledged to a pawnbroker shall not be deemed the sale, purchase or transfer of title of that handgun. However, a dealer may not rely on this exemption unless the purchaser provides proof that the transaction was the redemption of a handgun pawned to a pawnbroker by the purchaser.

(f) Each dealer shall maintain records of each sale of a handgun to include the name of the purchaser, type of handgun, date of sale, and any other information required by the Board of Police Commissioners. Such records shall be maintained on the premises of the dealer for a period of not less than 2 years and shall be subject to inspection at any time during normal business hours.

(g) Each dealer shall post a sign in a conspicuous place with letters at least 1 inch high stating the obligations and restrictions of purchasers and dealers under this ordinance, pursuant to direction by the Board of Police Commissioners.

(h) The dealer shall require the purchaser, at the time of application for purchase, to indicate, on a form prescribed by the Board of Police Commissioners, whether he or she has or has not made an application for the purchase of a handgun within the last 30 days, and which if any of the exemptions set forth in Subsection (i) is applicable to the purchaser. If any of the exemptions is checked, the restrictions of this section shall not apply, provided all necessary information is supplied

to the dealer. The form shall be signed by the purchaser under penalty of perjury. Such form shall be maintained on the premises of the dealer for a period of not less than 2 years from the date of signing and shall be subject to inspection at any time during normal business hours.

(i) The provisions of this section shall not apply to the following:

1. Any person who is licensed to sell firearms pursuant to Article 4, commencing with § 12070, of the Penal Code of the State of California.
2. Any law enforcement agency.
3. Any agency duly authorized to perform law enforcement duties.
4. Any state or local correctional facility.
5. Any private security company licensed to do business in the State of California.
6. Any person who is properly identified as a full-time paid peace officer, as defined in § 830.1, 830.2, 830.4, or 830.5 of the Penal Code of the State of California, and who is authorized to, and does, carry a firearm during the course and scope of his or her employment as a peace officer.
7. Any antique firearm, as defined in Paragraph (16) of Subsection (a) of § 921 of Title 18 of the United States Code.
8. Any person or entity who purchases firearms in a collector's series or a bulk purchase from an estate sale.
9. Any motion picture, television, or video production company, or entertainment or theatrical company whose production involves the use of a handgun, and which secures such handgun from unauthorized use.
10. Any person who is exempt from the waiting period in Subdivision (c) of § 12072 of the Penal Code of the State of California.
11. Any person who is exempt from the provisions of Subdivision (d) of § 12072 of the Penal Code of the State of California.
12. Any person or entity conducting a transaction through a law enforcement agency pursuant to § 12084 of the Penal Code of the State of California.
13. Any person or entity conducting a transaction described in Subdivision (k) of § 12078 of the Penal Code of the State of California.
14. Any person who is licensed as a collector pursuant to Chapter 44, (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, and who has a current certificate of eligibility issued to him or her by the Department of Justice pursuant to § 12071 of the Penal Code of the State of California.
15. Any person or entity acquiring a handgun by bequest or intestate succession.
16. Any person or entity replacing a single handgun where the handgun was lost or stolen, and the person reported that firearm lost or stolen to the Los Angeles Police Department or appropriate law enforcement agency and presents the dealer with evidence of such reporting.
17. Any seller's exchange or replacement of a handgun for a handgun purchased from that seller within the 30 day period immediately preceding the date of exchange or replacement.

(j) Violation of Subsection (b) shall be punishable as an infraction subject to a fine of \$50 for the first violation of that subsection, as an infraction subject to a fine of \$100 for the second violation of the subsection and as a misdemeanor for the third or subsequent violations of that subsection. Each handgun applied for shall be deemed a separate violation.

(k) If any provision of this section is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction within the State of California, such decision shall not affect the validity of the remaining provisions and the City declares that it would have adopted the remaining provisions irrespective of the fact that a provision or provisions are declared invalid or unconstitutional.

SEC. 55.15. Fingerprinting of Firearms Purchasers. (Added by Ord. No. 173,876, Eff. 5/18/01.)

- (a) As used in this section, the term "firearm" shall mean any pistol, revolver, shotgun, rifle, or other firearm, as that term is defined in § 103.314 of this Code.
- (b) As used in this section, the term "dealer" shall mean any person who is engaged in the retail sale of firearms and any retail firearms dealer, as that term is defined in § 103.314 of this Code.
- (c) No dealer shall sell or otherwise transfer ownership of any firearm without obtaining the right thumb print of the purchaser or transferee on the California Department of Justice Dealer Record of Sale of Firearm worksheet signed by the purchaser or transferee. The thumb print shall be recorded at the lower right hand corner on the back side of the worksheet at the time that the worksheet is signed by the purchaser or transferee.
- (d) The thumb print record required by this section shall be maintained on the premises of the dealer throughout the time period during which the Dealer Record of Sale is required to be maintained by the dealer. Such record shall be subject to inspection at any time during normal business hours in accordance with the provisions of § 103.14 of this Code.
- (e) No person shall knowingly fail to obtain a required thumb print, or knowingly fail to maintain the record of a thumb print required by this section. No person shall refuse to permit a law enforcement employee to examine any record prepared in accordance with this section during any inspection conducted pursuant to this section, or refuse to permit the use of any such record or information in such record by a law enforcement agency.
- (f) The requirements of this section shall not apply when the purchaser or transferee is any of the following:
- (1) Any person described in § 12302 or 12322 of the California Penal Code;
 - (2) Any off-duty peace officer who displays proper agency identification which identifies him or her as an active peace officer;

(3) Any person who has been issued a permit to carry a concealed weapon under the authority of § 12050 of the California Penal Code;

(4) Any security guard licensed under the authority of § 12033 of the California Penal Code;

(5) Any firearms dealer who has been issued a Federal Firearms License, a Certificate of Eligibility by the State of California, and a Seller of Firearms Permit by the City of Los Angeles.

(g) Any violation of this section shall constitute a misdemeanor.

SEC. 55.16. Sale of Ultracompact Firearms Prohibited.

(a) As used in this section, the term “**ultracompact firearm**” shall mean any pistol, revolver, or other firearm, which has an overall length of 6-3/4 inches or less or an overall height of 4-1/2 inches or less, as measured with the magazine detached.

(b) As used in this section, the term “**dealer**” shall mean any person who is engaged in the retail sale of firearms and any retail firearms dealer, as that term is defined in § 103.314 of this code.

(c) No dealer or other person shall sell, lend, give, transfer ownership of, or otherwise transfer to any other person any ultracompact firearm.

(d) No dealer shall process, pursuant to Penal Code § 12072(d), any ultracompact firearm transaction between persons not licensed as firearms dealers or not possessing Federal Firearms Licenses.

(e) No dealer or other person shall sell, lend, give, transfer ownership of, or otherwise transfer to any other person any firearm accessory designed to enable or facilitate the carrying of any ultracompact firearm, including but not limited to shoulder holsters, ankle holsters, belt holsters, and other devices designed for the purpose of aiding the concealment of an ultracompact firearm, unless such accessory is designed so that it can be used with a firearm larger than an ultracompact firearm.

(f) The provisions of Subsections (c), (d), and (e) of this section shall not apply when the purchaser or transferee is any of the following:

(1) Any law enforcement agency;

(2) Any agency duly authorized to perform law enforcement duties;

(3) Any state or local correctional facility;

(4) Any private security company licensed to do business in the State of California or employee thereof authorized to carry a firearm within the course and scope of his or her employment with such company;

(5) Any person properly identified as a full-time paid peace officer, as defined in California Penal Code §§ 830.1, 830.2, 830.4, or 830.5, and who is authorized to carry and does carry a firearm within the course and scope of his or her employment as a peace officer;

(6) Any person properly identified as a retired peace officer;

(7) Any person described in § 12302 or 12322 of the California Penal Code;

(8) Any person with a valid license to carry a concealed weapon issued pursuant to California Penal Code § 12050;

(9) The purchaser of an antique firearm, as defined in Paragraph (16) of Subsection (a) of § 921 of the United States Code;

(10) The purchaser of a firearm in a collector’s series, provided that such firearm falls within the definition of a curio or relic contained in § 178.11 of Title 27 of the Code of Federal Regulations;

(11) A motion picture, television, or video production company, or an entertainment or theatrical company whose production involves the use of such handgun, provided that the firearm is borrowed or rented for such purpose, that the firearm is secured from unauthorized use during its use for such purpose, and that the firearm is returned to its owner within a reasonable period of time after it is no longer needed for such use;

(12) Any person who is exempt from the provisions of Subsection (d) of § 12072 of the California Penal Code;

(13) Any person or entity conducting a transaction described in Subdivision (k) of § 12078 of the California Penal Code;

(14) Any person licensed as a collector pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and regulations issued pursuant thereto, and who has a current certificate of eligibility issued to him or her by the state Department of Justice pursuant to § 12071 of the California Penal Code;

(15) Any person or entity acquiring a firearm by bequest or by intestate succession;

(16) A person redeeming a firearm pledged to a pawnbroker, provided that such person provides proof that he or she is the person who pledged the firearm.

(g) Every dealer shall maintain separate records as to any sales exempted pursuant to Subsection (f) of this section, showing each sale of an ultracompact firearm, including as to each sale the name of the purchaser, type of handgun, date of sale, and documentation of any exemption pursuant to Penal Code § 12050 or any other exemption set forth in Subsection (f). Such records shall be maintained on the premises of the dealer for a period of not less than 2 years and shall be subject to inspection at any time during normal business hours in accordance with the provisions of § 103.14 of this code.

(h) Any violation of this section shall constitute a misdemeanor.

SEC. 55.17. Possession of Gun Parts in Airports.

(a) It is unlawful for any person to knowingly possess within any airport or airport operations area, as defined in California Penal Code §§ 602(t)(3)(A) and (C), either in an area to which access is controlled by the inspection of persons and property or in an area in which these inspections are conducted, any of the following items:

- (1) any frame, receiver or barrel of a firearm;
- (2) any ammunition as defined in California Penal Code § 12316.
- (b) This provision shall not apply to, or affect, any of the following:
 - (1) a duly appointed peace officer, as defined in California Penal Code Chapter 4.5 (commencing with California Penal Code § 830) of Title 3 of Part 2, a retired peace officer with authorization to carry concealed weapons as described in California Penal Code § 12027(a), a full-time paid peace officer of another state or the federal government who is carrying out official duties while in California, or any person summoned by any of these officers to assist in making arrests or preserving the peace while he or she is actually engaged in assisting the officer.
 - (2) authorization to possess any frame, receiver or barrel of a firearm or any ammunition granted, in writing, by the city official designated by title 49 Code of Federal Regulations § 1542.3 as the person in charge of security of the airport.
 - (c) A violation of this section shall be punished by imprisonment in a county jail for a period not exceeding 6 months, or by a fine not exceeding \$1,000, or by both that fine and imprisonment.

SEC. 55.18. Sale of Large Caliber Firearms Prohibited.

- (a) As used in this section, the term "**large caliber firearm**" shall mean any firearm, as defined in § 103.314 of this Code, capable of firing a center-fire cartridge of .50 caliber or larger either by designation or by actual measurement. The term "large caliber firearm" shall include any rifle or handgun.
- (b) As used in this section, the term "**rifle**" shall mean any firearm that is designed or redesigned, made or remade, and intended to be fired from the shoulder and is designed to fire only a single projectile through a rifled bore for each single pull of the trigger. The term "rifle" shall not include any shotgun.
- (c) As used in this section, the term "**handgun**" shall mean any firearm with a barrel less than 16 inches in length. The term "handgun" shall include any pistol, revolver, or concealable firearm as such terms are defined in the California Penal Code.
- (d) No person shall sell, give, transfer ownership of, transfer, offer for sale, or display for sale any large caliber firearm.
- (e) The provisions of this section shall not apply to any sale or transfer of a firearm which is prohibited under state law, of any destructive device as defined in § 12301 of the California Penal Code, of any assault weapon as defined in the California Penal Code, or of any .50 BMG rifle as defined in the California Penal Code. The provisions of this section shall not apply to any offer for sale or display in any periodical, solicitation by mail, or use of the internet by a seller or offeror located outside the City of Los Angeles.
- (f) The provisions of Subsection (d) of this section shall not apply where the purchaser or transferee is any of the following:
 - (1) A law enforcement agency;
 - (2) An agency duly authorized to perform law enforcement duties;
 - (3) A state or local correctional facility;
 - (4) A person described in § 12302 or 12322 of the California Penal Code, when acting within the course and scope of his or her law enforcement duties;
 - (5) A federal law enforcement officer, when acting in the course and scope of his or her law enforcement duties;
 - (6) A person who is properly identified as a full-time paid peace officer, as defined in § 830.1, 830.2, 830.4, or 830.5 of the California Penal Code, and who is authorized to, and does, carry a firearm during the course of his or her employment as a peace officer, and is acting within the course and scope of such employment;
 - (7) A firearms dealer who has been issued a Federal Firearms License, a Certificate of Eligibility by the State of California, and a permit by the City of Los Angeles to engage in the retail sale of firearms;
 - (8) A purchaser of a curio or collector firearm. A firearm shall be deemed curio or collector only if it falls within one of these categories:
 - (A) It was manufactured prior to 1899;
 - (B) It is classified as a curio or relic pursuant to 27 Code of Federal Regulations § 178.11, and the purchaser maintains a current federal firearms collector license; or
 - (C) It is a muzzle-loading firearm;
 - (9) A federal, state, or local historical society, museum, or institutional collection that is open to the public, provided that the large caliber firearm is used for display purposes, is secured from unauthorized use, and is unloaded;
 - (10) A person acting pursuant to a valid entertainment firearms permit issued by the State of California; or
 - (11) A person who obtains title to a large caliber firearm by bequest or intestate succession.
- (g) Any violation of this section shall constitute a misdemeanor.

SEC. 55.19. [Sale of Ammunition for Large Caliber Firearms Prohibited.]

(a) Definitions.

1. "**Firearm Ammunition**" means any self-contained unit consisting of the case, primer, propellant charge, and projectile for use in pistols, revolvers, rifles, shot guns, or any other device designed to be used as a weapon from which is expelled a projectile by the force of explosion or other form of combustion. "**Firearm Ammunition**" shall not include blank ammunition used solely in the course of motion picture, television, video, or theatrical productions.

2. "**Large caliber firearm**" means any firearm, as defined in § 103.314 of this Code, capable of firing a center-fire cartridge of .50 caliber or larger either by designation or by actual measurement. The term "large caliber firearm" shall include any rifle or handgun.

(b) No person shall sell, give, transfer ownership of, transfer, offer for sale, or display for sale any firearm ammunition for any large caliber firearm.

(c) The provisions of this section shall not apply to any sale or transfer of firearm ammunition which is prohibited under state law, including but not limited to any destructive device as defined in § 12301 of the California Penal Code or any fixed ammunition of a caliber greater than .60 caliber as defined in § 12304 of the California Penal Code. The provisions of this section shall not apply to any offer for sale or display in any periodical, solicitation by mail, or use of the internet by a seller or offeror located outside the City of Los Angeles.

(d) The provisions of Subsection (b) of this section shall not apply where the purchaser or transferee is any of the following:

- (1) A law enforcement agency;
- (2) An agency duly authorized to perform law enforcement duties;
- (3) A state or local correctional facility;
- (4) A person described in § 12302 or 12322 of the California Penal Code, when acting within the course and scope of his or her law enforcement duties;
- (5) A federal law enforcement officer, when acting in the course and scope of his or her law enforcement duties; and
- (6) A person who is properly identified as a full-time paid peace officer, as defined in § 830.1, 830.2, 830.4, or 830.5 of the California Penal Code, and who is authorized to, and does, carry a firearm during the course of his or her employment as a peace officer, and is acting within the course and scope of such employment.

(e) **Penalty.** Any violation of this section shall constitute a misdemeanor.

(f) **Severability.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions, which can be implemented without the invalid provisions, and to this end, the provisions of this ordinance are declared to be severable.

SEC. 55.20. False or Secret Compartments in Vehicles to Hide Firearms or Destructive Devices.

(a) Definitions.

1. "**False or Secret Compartment**" means any box, container, space, or enclosure that is intended or designed for use to conceal, hide, or otherwise prevent discovery of any unlawfully possessed firearm or destructive device, within or attached to a vehicle, including, but not limited to, any of the following:

- (i) False, altered, or modified fuel tanks;
- (ii) Original factory equipment of a vehicle that is modified, altered, or changed;
- (iii) Compartment, space, or box that is added to, or fabricated, made, or created from, existing compartments, spaces, or boxes within a vehicle.

2. "**Vehicle**" means any of the following vehicles without regard to whether the vehicles are private or commercial, including, but not limited to, cars, trucks, buses, motor homes, motorcycles, aircraft, boats, ships, yachts, and vessels.

3. "**Firearm**", as used in this section, means any pistol, rifle, shotgun or other device designed to be used as a weapon, from which a projectile is expelled through a barrel by the force of an explosion or any form of combustion, or any device that is capable of being altered so as to expel a projectile in that manner. The term firearm includes the frame of such weapon.

4. "**Destructive device**" means a destructive device as defined in § 12301 of the California Penal Code.

(b) It is unlawful for any person to possess, use, or control a False or Secret Compartment with the intent to store, conceal, smuggle, or transport any unlawfully possessed firearm or destructive device.

(c) It is unlawful for any person to design, construct, build, alter, or fabricate a False or Secret Compartment for, or install or attach a False or Secret Compartment in or to a vehicle.

(d) **Penalty.** Violation of this section shall constitute a misdemeanor.

(e) **Severability.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions which can be implemented without the invalid provisions, and to this end, the provisions of this ordinance are declared to be severable.

SEC. 55.21. Safe Storage of Handguns. (Added by Ord. No. 183,956, Eff. 12/16/15.)

(a) Definitions.

1. "**Residence**" shall mean any structure intended or used for human habitation, including, but not limited to, houses, condominiums, rooms, in-law units, motels, hotels, single room occupancies, time-shares, recreational and other vehicles where human habitation occurs.

2. "**Locked Container**" shall mean a secure container which is fully enclosed and locked by a padlock, key lock, combination lock or similar locking device.

3. "**Handgun**" shall mean any pistol, revolver or other firearm that is capable of being concealed upon the person, designed to be used as a weapon, capable of expelling a projectile by the force of any explosion or other form of combustion and has a barrel less than 16 inches in length.

4. "**Trigger Lock**" shall mean a trigger lock that is listed in the California Department of Justice's list of approved firearm safety devices and that is identified as appropriate for that handgun by reference to either the manufacturer and model of the handgun or to the physical characteristics of the handgun that match those listed on the roster for use with the device under Penal Code § 23655(d).

(b) **Prohibition.** No person shall keep a handgun within a residence unless the handgun is:

1. Stored in a locked container or disabled with a trigger lock that has been approved by the California Department of Justice;

2. Carried on the person of the owner or other lawfully authorized user of the handgun who is over the age of 18; or
 3. Within close enough proximity and control that the owner or other lawfully authorized user of the handgun who is over the age of 18 can readily retrieve and use the handgun as if carried on the person.
- (c) Penalty.** Every violation of this section shall constitute a misdemeanor and upon conviction shall be punished by a fine not to exceed \$1,000 or by imprisonment in the county jail not to exceed 6 months, or by both.

OAKLAND MUNICIPAL CODE OF ORDINANCES

Title 5. Business, Taxes & Regulations

Chapter 5.26 Firearms Dealers

Current through September 9, 2016

5.26.010 - Title. This Chapter shall be known as the firearms dealer or ammunition seller permit ordinance.

5.26.030 - Definitions. The following words and phrases, whenever used in this Chapter, shall be construed as defined in this Section:

"Ammunition" means projectiles, cartridge cases, primers, bullets, or propellant powder designed for use in any firearm, and any component thereof, but shall not include blank cartridges or ammunition that can be used solely in an "antique firearm" as that term is defined in § 921(a)(16) of Title 18 of the United States Code.

"Engaged in the business" means the conduct of a business by the selling, transferring, or leasing of any firearm or ammunition; or the preparation for such conduct of business as evidenced by the securing of applicable federal or State licenses; or the holding of one's self out as engaged in the business of selling, transferring, or leasing of any firearm or ammunition, or the selling, transferring, or leasing of firearms or ammunition in quantity, in series, or in individual transactions, or in any other manner indicative of trade.

"Firearm" means any device, designed to be used as a weapon or modified to be used as a weapon, from which is expelled through a barrel a projectile by the force of an explosion or other form of combustion.

"Firearms dealer" means a person engaged in the business of selling, transferring, or leasing, or advertising for sale, transfer, or lease, or offering or exposing for sale, transfer, or lease, any firearm.

"Permit" means a license to sell or transfer firearms or ammunition under this Chapter.

"Permittee" means a person or entity licensed to sell or transfer firearms or ammunition under this Chapter.

"Person" means natural person, association, partnership, firm, or corporation.

5.26.040 - Permit required. It is unlawful for any person, partnership, cooperative, corporation, firm, or association to engage in the business of operating or managing any business which sells, transfers, leases, or offers or advertises for sale, transfer, or lease, any firearm or ammunition without first obtaining a permit from the Chief of Police of the Oakland Police Department.

5.26.040.010 - Display of permit. The permit, or a certified copy of it, shall be displayed in a prominent place on the business premises where it can be easily seen by those entering the premises.

5.26.050 - Application—Forms, fees. An applicant for a permit under this Chapter shall file with the Chief of Police a sworn application in writing, on a form to be furnished by the City. The applicant shall provide all information requested, including proof of compliance with all applicable federal, State, and local laws when required by the Chief of Police, or the application will not be deemed complete. The application shall be accompanied by a nonrefundable fee as set forth in the City municipal license/permit fee schedule. To the extent practicable, the fee amount shall reflect the cost of enforcing the requirements of this Chapter.

5.26.060 - Application—Investigation. The Chief of Police shall conduct an appropriate investigation to determine for the protection of the public safety whether the permit may be issued. The Chief of Police may require additional information of an applicant deemed necessary to complete the investigation.

5.26.070 - Application denial. The Chief of Police shall deny the issuance of a permit, and has the authority to revoke an existing permit, when any of the following conditions exist:

- A. The applicant, or an officer, employee, or agent thereof, is under the age of 21 years.
- B. The applicant is not licensed as required by all applicable federal, State and local laws.
- C. The applicant, or an officer, employee, or agent thereof, has had a similar type permit previously revoked or denied for good cause within the immediately preceding 2 years.
- D. The applicant, or an officer, employee, or agent thereof, has made a false or misleading statement of a material fact or omission of a material fact in the application for a permit.
- E. The applicant, or an officer, employee, or agent thereof, has been convicted of:
 1. Any offense so as to disqualify the applicant, or an officer, employee, or agent thereof, from owning or possessing a firearm or ammunition under applicable federal, State, and local laws;
 2. Any offense relating to the manufacturing, sale, possession, use, or registration of any firearm, ammunition or dangerous or deadly weapon;
 3. Any offense involving the use of force or violence upon the person of another;
 4. Any offense involving theft, fraud, dishonesty, or deceit;

5. Any offense involving the manufacture, sale, possession, or use of any controlled substance as defined by the California Health & Safety Code as said definition now reads or may hereafter be amended to read.

F. The applicant, or an officer, employee, or agent thereof, is an unlawful user of any controlled substance as defined by the California Health & Safety Code as said definition now reads or may hereafter be amended to read, or is an excessive user of alcohol to the extent that such use would impair his or her fitness for a permit under this Chapter.

G. The applicant, or an officer, employee, or agent thereof, has been adjudicated as a mental defective, or has been committed to a mental institution, or suffers from any psychological disturbance which would impair his or her fitness for a permit under this Chapter.

H. The operation of the business as proposed will not comply with all applicable federal, State, or local laws.

I. The applicant, or an officer, employee, or agent thereof, proposes to operate in the following locations:

1. Within a zoning district in which general retail sales commercial activities are not a permitted or conditional use;

2. Within a zoning district in which residential use is the principal permitted or maintained use, or within 1,000 feet of the exterior limits of any such district;

3. Within 1,000 feet of a public or private day care center or day care home, or within 1,000 feet of any elementary, junior high, or high school whether public or private;

4. On or within 1,500 feet of the exterior limits of any other premises occupied by a dealer in firearms or ammunition, an adult entertainment establishment or a hot tub/sauna establishment.

J. The applicant, or an officer, employee, or agent thereof does not have and or cannot provide evidence of a possessory interest in the property at which the proposed business will be conducted.

K. Any ground for denial exists as specified in this Code.

5.26.080 - Security. In order to discourage the theft of firearms or ammunition stored on the premises, any business licensed under this Chapter must adhere to security regulations promulgated by the Chief of Police pursuant to the authority provided by this Chapter. Security measures shall include but not be limited to:

A. The provision of secure locks, windows and doors, storage lockers, adequate lighting, video surveillance and alarm systems installed and maintained by an alarm company operator licensed pursuant to the Alarm Company Act, Business & Professions Code §§ 7590 et seq. with additional requirements as specified by the Chief of Police;

B. Storing of all firearms and ammunition not principally used in handguns on the premises out of the reach of customers in secure, locked facilities, so that access to firearms and ammunition not principally used in handguns shall be controlled by the dealer or employees of the dealer, to the exclusion of all others. Ammunition principally used in handguns shall be stored pursuant to the requirements of Penal Code § 12061 (a)(2).

5.26.090 - Permit form. All permits issued pursuant to this Chapter shall be in the form prescribed by the Attorney General of the State of California.

5.26.100 - Permit—Duration, renewal. All permits issued pursuant to this Chapter shall expire 1 year after the date of issuance; provided, however, that such permits may be renewed by the Chief of Police for additional periods of 1 year upon the approval of an application for renewal by the Chief of Police and payment of the renewal fee. Such renewal application must be received by the Chief of Police, in completed form, no later than 45 days prior to the expiration of the current permit.

5.26.110 - Permit—Assignment. The assignment or attempt to assign any permit issued pursuant to this Chapter is unlawful and any such assignment or attempt to assign a permit shall render the permit null and void.

5.26.120 - Permit—Conditions. Any permit issued pursuant to this Chapter shall be subject to all of the following conditions, the breach of any of which shall be sufficient cause for revocation of the permit by the Chief of Police. Any permit issued pursuant to this Chapter shall be subject to such additional conditions as the Chief of Police finds are reasonably related to the purpose of this Chapter.

A. The business shall be carried on only in the building located at the street address shown on the license.

B. The permittee shall comply with all federal, State, and local laws relating to the sale of firearms or ammunition.

C. The permittee shall post conspicuously within the licensed premises the following warning in block letters not less than 1 inch in height as per Penal Code § 12071(b)(11):

IF YOU LEAVE A LOADED FIREARM WHERE A CHILD OBTAINS AND IMPROPERLY USES IT, YOU MAY BE FINED OR SENT TO PRISON

D. **Persons Under the Age of 18 Excluded from Establishments Displaying Firearms.** No person who maintains or operates any place of business in which firearms are kept, displayed or offered in any manner, sold, furnished or transferred shall permit the entry into the premises of persons under the age of 18 years, unless all firearms are completely and wholly kept, displayed or offered within a separate room or enclosure to which persons under the age of 18 years are excluded. Each entrance to such a room or enclosure shall be signposted in block letters not less than 1 inch in height to the effect that firearms are kept, displayed or offered in such room or enclosure and that persons under the age of 18 are excluded.

A person who maintains or operates any place of business that openly displays firearms without providing for separate enclosures therefor, must prevent entry into the premises of persons prohibited by age under State law from purchasing firearms. The entrance to the establishment shall be signposted in block letters not less than 1 inch in height to the effect that firearms are kept, displayed or offered on the premises and that persons under the age of 18 are excluded.

The person who maintains or operates any place of business in which firearms are kept, displayed or offered in any manner, sold, furnished or transferred, and his employees, agents, and persons acting under his authority, are each and together separately and jointly responsible for requiring bona fide evidence of identity of persons to prevent the entry of persons not permitted to purchase a firearm under State law by reason of age. Bona fide evidence of identity of the person is a document issued by a federal, State, county, or municipal government, or subdivision or agency therefor, including, but not limited to, a motor vehicle operator's license or an identification card issued to a member of the Armed Forces, which contains the name, date of birth, description, and picture of the person.

E. Persons Under the Age of 21 Excluded from Establishments Displaying Concealable Firearms. No person who maintains or operates any place of business in which concealable firearms are kept, displayed or offered in any manner, sold, furnished or transferred shall permit the entry into the premises of persons under the age of 21 years, unless all concealable firearms and concealable firearms accessories are completely and wholly kept, displayed or offered within a separate room or enclosure to which persons under the age of 21 years are excluded. Each entrance to such a room or enclosure shall be signposted in block letters not less than 1 inch in height to the effect that firearms are kept, displayed or offered in such room or enclosure and that persons under the age of 21 are excluded.

A person who maintains or operates any place of business that openly displays concealable firearms without providing for separate enclosures therefor, must prevent entry into the premises of persons prohibited by age under State law from purchasing concealable firearms. The entrance to the establishment shall be signposted in block letters not less than 1 inch in height to the effect that firearms are kept, displayed or offered on the premises and that persons under the age of 21 are excluded.

The person who maintains or operates any place of business in which concealable firearms are kept, displayed or offered in any manner, sold, furnished or transferred, and his employees, agents, and persons acting under his authority, are each and together separately and jointly responsible for requiring bona fide evidence of identity of persons to prevent the entry of persons not permitted to purchase concealable firearms under State law by reason of age. Bona fide evidence of identity of the person is a document issued by a federal, State, county, or municipal government, or subdivision or agency therefor, including, but not limited to, a motor vehicle operator's license or an identification card issued to a member of the Armed Forces, which contains the name, date of birth, description, and picture of the person.

F. Persons Prohibited from Possessing Firearms and/or Ammunition Excluded from Establishments Displaying Firearms and/or Ammunition. Persons prohibited from possessing or purchasing firearms pursuant to California Penal Code § 12021 and 12021.1 or possessing or purchasing ammunition pursuant to Penal Code § 12316(b), or otherwise prohibited by federal, state or local law from possessing or purchasing firearms, shall not enter into or loiter about any firearms dealership, defined as a place of business in which firearms are openly kept, displayed or offered in any manner, sold, furnished or transferred pursuant to Penal Code § 12070. Each entrance to such an establishment shall be signposted in block letters not less than 1 inch in height to the effect that persons prohibited from possessing firearms pursuant to Penal Code § 12021 are excluded from the premises.

When a firearms dealer displays or offers for sale firearms within a separate room or enclosure that segregates the firearms, and firearms related accessories (including but not limited to, ammunition, ammunition clips, and holsters) from other general merchandise, each entrance to such a separate room or enclosure shall be signposted in block letters not less than 1 inch in height to the effect that persons prohibited from possessing firearms pursuant to Penal Code § 12021 are excluded from entering the separate rooms or enclosures.

Any dealer engaging in the business of selling, transferring, or leasing, or advertising for sale, transfer, or lease, or offering or exposing for sale, transfer, or lease, any firearm and/or ammunition within the City who knowingly violates the provisions of Subsection G., or fails to adhere to the notice provisions of Subsection G., shall be subject to the penalty provisions of this Chapter, including but not limited to suspension and/or revocation of his or her permit to sell firearms. Any person prohibited from possessing firearms pursuant to Penal Code § 12021 who enters into or loiters about firearms dealership in Oakland that has been properly posted pursuant to this Section is guilty of a misdemeanor.

G. Inventory Reports. Within the first 5 business days of April and October of each year, the permittee shall cause a physical inventory to be taken that includes a listing of each firearm held by the permittee by make, model, and serial number, together with a listing of each firearm the permittee has sold since the last inventory period. In addition, the inventory shall include a listing of each firearm lost or stolen that is required to be reported pursuant to Penal Code § 12071(b)(13). Immediately upon completion of the inventory, the permittee shall forward a copy of the inventory to the address specified by the Chief of Police, by such means as specified by the Chief of Police. With each copy of the inventory, the permittee shall include an affidavit signed by an authorized agent or employee on behalf of the permittee under penalty of perjury stating that within the first 5 business days of that April or October, as the case may be, the signer personally confirmed the presence of the firearms reported on the inventory. The permittee shall maintain a copy of the inventory on the premises for which the law enforcement permit was issued for a period of not less than 5 years from the date of the inventory and shall make the copy available for inspection by federal, State or local law enforcement upon request.

H. Background Investigation and Verification. Employees, agents or supervisors of the applicant or permittee may not have access to or control over workplace firearms or ammunition until those persons have undergone a law enforcement investigation and background verification process as required by the Chief of Police. A new law enforcement investigation and background verification of such persons must be conducted each time the permittee renews his or her permit, or applies for a new permit. The Chief of Police shall deny the issuance or renewal of a law enforcement permit, or shall

revoke an existing permit, if the applicant or permittee allows any employee, agent or supervisor to have access to or control over workplace firearms or ammunition prior to the completion of the law enforcement investigation and background verification of those persons, or if those persons have not undergone the law enforcement investigation and background verification process within the last 365 days.

5.26.130 - Permit—Grounds for revocation. In addition to any provisions constituting grounds for denial shall also constitute grounds for revocation.

5.26.140 - Permit—Hearing.

A. Any person whose application for a permit under this Chapter has been denied, or whose permit has been revoked pursuant to the provisions of this Chapter, shall have the right to a hearing before the Chief of Police or a designee prior to final denial or prior to revocation.

B. The Chief of Police shall give the applicant or permittee written notice of the intent to deny the application or to revoke the permit. The notice shall set forth the ground or grounds for the Chief of Police's intent to deny the application or to revoke the permit, and shall inform the applicant or permittee that he or she has ten days from the date of receipt of the notice to file a written request for a hearing. The application may be denied or the permit revoked if a written hearing request is not received within the 10-day period.

C. If the applicant or permittee files a timely hearing request, the Chief of Police shall set a time and place for the hearing. All parties involved shall have the right to offer testimonial, documentary and tangible evidence bearing on the issues, to be represented by counsel, and to confront and cross-examine any witnesses against them. The decision of the Chief of Police whether to deny the application or revoke the permit is final and nonappealable.

5.26.150 - Permit—Liability insurance and indemnification. No permit shall be issued or continued pursuant to this Chapter unless there is in full force and effect a policy of insurance in such form as the City Attorney deems proper, executed by an insurance company approved by the City Attorney whereby the applicant or permittee is insured against liability for damage to property and for injury to or death of any person as a result of the sale, transfer or lease, or advertising for sale, transfer, or lease, or offering or exposing for sale, transfer, or lease, any firearm. The minimum liability limits shall not be less than \$1,000,000 for damage to or destruction of property in any one incident, and \$1,000,000 for the death or injury to any 1 person; provided, however, that additional amounts may be required by the City Attorney if deemed necessary.

Such policy of insurance shall contain an endorsement providing that the policy will not be canceled until notice in writing has been given to the City, addressed in care of the Chief of Police, 455 - 7th Street, Oakland, California, 94607, at least 30 days immediately prior to the time such cancellation becomes effective. Further, such policy of insurance shall name the City, its officers, agents, and employees as additional insureds. Additionally, applicants and permittees shall indemnify, defend, and hold harmless the City, its officers, agents, and employees, from claims arising from the negligence of the applicant or permittee.

No permit shall be issued or continued pursuant to this Chapter unless the applicant agrees to indemnify, defend and hold harmless the City, its officers, agents and employees from and against all claims, losses, costs, damages and liabilities of any kind pursuant to the operation of the business, including attorneys fees, arising in any manner out of the negligence or intentional or willful misconduct of the applicant, the applicant's officers, employees, agents and/or supervisors, or if the business is a corporation, partnership or other entity, the officers, directors or partners.

5.26.160 - Permit—Authority to inspect. Any and all investigating officials of the City shall have the right to enter the building designated in the permit from time to time during regular business hours to make reasonable inspections to observe and enforce compliance with building, mechanical, fire, electrical, plumbing, or health regulations, and provisions of this Chapter. A police investigator may conduct compliance inspections from time to time during regular business hours to insure conformance to all federal, State, and local law, and all provisions of this Chapter.

5.26.170 - Compliance. Any person engaging in the business of selling, transferring, or leasing, or advertising for sale, transfer, or lease, or offering or exposing for sale, transfer, or lease, any firearm or ammunition on the effective date of this Chapter shall have a period of 60 days after such effective date to comply with the provisions of this Chapter.

5.26.180 - Suspension or revocation of permit.

A. If the dealer violates any federal, State or local county or City law, the Chief of Police may immediately suspend the right of the dealer to sell firearms or ammunition. If the violation results in a criminal charge filed in court by a federal, State, or county District Attorney, such permit to sell firearms or ammunition may be suspended until the case is adjudicated in a court of law. If the person is convicted, such permit must be immediately revoked.

B. Notice of suspension shall be mailed to the person(s) who made application for the permit and shall be delivered to the address listed on the permit.

C. In addition to any other penalty or remedy, the City Attorney shall report any person or entity whose law enforcement permit is suspended or revoked pursuant to this Article to the Bureau of Firearms of the California Department of Justice and the Bureau of Alcohol, Tobacco, Firearms & Explosives within the U.S. Department of Justice.

5.26.190 - Severability. This Chapter shall be enforced to the full extent of the authority of the City. If any section, subsection, paragraph, sentence or word of this Chapter is deemed to be invalid or beyond the authority of the City, either

on its face or as applied, the invalidity of such provision shall not affect the other sections, subsections, paragraphs, sentences, or words of this Chapter, and the applications thereof; and to that end the sections, subsections, paragraphs, sentences and words of this Chapter shall be deemed severable.

Title 9: Public Peace, Morals & Welfare
Chapter 9.20: Ammunition Sales Registration

9.20.010 - Title. This Chapter shall be known as the ammunition sales registration ordinance.

9.20.020 - Findings and purpose. The intent of the City Council in enacting the ordinance codified in this Chapter is to implement a requirement that ammunition vendors within the City record and maintain records with respect to each individual purchase of ammunition for use by law enforcement in identifying ineligible purchasers of ammunition and removing firearms and ammunition from persons ineligible to possess them.

The City Council further finds that, with the passage of AB 962 imposing statewide requirements for recording handgun ammunition sales, that after February 1, 2011, there will be no need for a local registry to record the purchase of ammunition principally used in handguns.

The City Council further finds that, despite the passage of AB 962, there will remain the need to maintain a record of ammunition sales involving ammunition not principally used in handguns that is not covered under AB 962.

The City Council further finds that the requirement for ammunition purchasers to submit a thumbprint at the time of sale will allow more effective screening of purchasers who are not eligible to possess firearms.

9.20.030 - Definitions.

As used in this Chapter, "**ammunition**" means projectiles, cartridge cases, primers, bullets, or propellant powder designed for use in any firearm, and any component thereof, but shall not include blank cartridges or ammunition that can be used solely in an "antique firearm" as that term is defined in § 921(a)(16) of Title 18 of the United States Code. As used in this Chapter, "**ammunition principally used in handguns**" means ammunition designed or suited for use in revolvers, pistols or other firearms capable of being concealed upon the person, as that term is defined in Penal Code § 12001(a).

"**Vendor**" means any individual, person, gun dealer, store, firm or corporation engaged in the business of selling ammunition within the City.

9.20.040 - Record of ammunition sales. The requirements of this Section shall apply to all ammunition sales in Oakland up until February 1, 2011. Effective February 1, 2011, the requirements of this Section shall not apply to the sale or transfer of ammunition that is principally for use in pistols, revolvers, or other firearms capable of being concealed upon the person, as that term is defined in Penal Code § 12001(a).

Every vendor who sells ammunition in the City shall maintain a record of ammunition sales as prescribed by this Chapter. The record shall be maintained on the vendor's premises, on forms supplied by, or approved by, the Oakland Police Department (OPD). All ammunition sales must be conducted with the actual purchaser present in a face-to-face transaction. An ammunition purchaser must provide to the vendor and the vendor shall record the following information:

- A.** The date of the transaction;
- B.** The purchaser's name, address and date of birth;
- C.** The purchaser's valid driver's license number or other government issued identification number from a valid photographic I.D. such as a passport;
- D.** The brand of ammunition purchased;
- E.** The type and amount of ammunition purchased; and
- F.** The purchaser's signature and vendor's initials.
- G.** The thumbprint of the purchaser on the above record.

The information required to be recorded shall be maintained in chronological order by date of sale of the ammunition and shall be retained on the business premises of the vendor for a period not less than 5 years following the date of the recorded sale of the ammunition. In addition, the required information in Subsections A—G above shall be transmitted electronically within 5 business days of sale to OPD by means determined by the Chief of Police.

Federal, State or local law enforcement officers may enter a vendor's premises during regular business hours for the purpose of examining, inspecting or copying records required by this Chapter.

This Section shall not apply if the purchaser is a "peace officer" as that term is defined in Penal Code § 830 et seq., or a federal law enforcement officer or a person licensed as a dealer or collector in firearms pursuant to Chapter 44 (commencing with Sec. 921) of Title 18 of the United States Code and the regulations pursuant thereto.

9.20.050 - Violation—Penalty. It is unlawful for any vendor engaged in the retail sale of ammunition in Oakland to knowingly make a false entry in, or fail to make appropriate entry, or fail to properly maintain any such record, or refuse to immediately provide the ammunition sales log for inspection to a federal, State or local law enforcement officer upon request.

Violation of any provision of this Chapter shall be a misdemeanor, subject to fines and penalties as provided by law. Additionally, failure to abide by the requirements of this Chapter shall be grounds for the revocation of a vendor's permit, pursuant to Chapter 5.26.

Chapter 9.36
Article 2: Firearms & Weapons Violence Prevention

9.36.070 - Definitions. The following words and phrases, wherever used in this article, shall be construed as defined in this section:

A. "Firearms" means any device, designed to be used as a weapon or modified to be used as a weapon, from which is expelled through a barrel a projectile by the force of an explosion or other form of combustion.

B. "Projectile weapon" means any device or instrument used as a weapon which launches or propels a projectile by means other than the force of an explosion or other form of combustion with sufficient force to cause injury to persons or property. A projectile weapon shall include, but not be limited to, air gun, air pistol, air rifle, gas-operated gun, BB gun, pellet gun, flare gun, dart gun, bow, cross-bow, slingshot, wrist rocket, blow gun, paint gun, or other similar device or instrument.

9.36.080 - Firing of projectile weapons and discharge of firearms. It is unlawful for any person to at any time fire or discharge, or cause to be fired or discharged, any firearm or any projectile weapon as defined in this chapter, within the limits of the city.

9.36.090 - Enforcement. Violations of this article shall result in arrest as a misdemeanor. The District Attorney shall review the circumstances surrounding the violation and shall charge the violation either as an infraction or as a misdemeanor, except that:

A. Violation of this article for a second or subsequent offense shall be chargeable as a misdemeanor only, and the penalty for conviction of the same shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period of not more than 1 year, or by both.

B. Violation of this article occurring within 1,500 feet of a day care center, school or school yard, whether public or private, shall be a misdemeanor, and the penalty for conviction of the same shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period of not more than 1 year, or by both.

C. A person shall be guilty of a separate offense for each and every firing of a projectile weapon or discharge of a firearm, and shall be punished accordingly.

D. Juveniles arrested pursuant to this section shall be subject to § 602 of the Welfare and Institutions Code.

9.36.100 - Parental responsibility for minors. Any parent or legal guardian, of a person over the age of 18, is also guilty of an offense punishable in accordance with § 9.36.090 if he or she knows or reasonably should know that a minor is likely to gain access to a firearm or a projectile weapon kept within any premises or vehicle which is under his or her custody or control, and a minor obtains and fires or discharges the firearm or projectile weapon within the city, in violation of § 9.36.080.

9.36.110 - Firearms and weapons—Confiscation and disposal. Any firearm or projectile weapon discharged within the boundaries of the city in violation of the provisions of § 9.36.080 is declared to be a nuisance, and shall be surrendered to the Police Department of the city. The Chief of Police, except upon the certificate of a judge of a court of record, or of the District Attorney of Alameda county that the preservation thereof is necessary or proper to the ends of justice, shall destroy or cause to be destroyed such firearms and projectile weapons, provided however, that in the event any such firearm or projectile weapon is determined to have been stolen, the same shall not be destroyed but shall be returned to the lawful owner as soon as its use as evidence has been served, upon identification of the firearm or projectile weapon and proof of ownership thereof.

9.36.120 - Firearms and projectile weapons—Exceptions.

A. The provisions of § 9.36.080 relative to the use of firearms and projectile weapons shall not apply to or affect sheriffs, constables, marshals, police officers, or other duly appointed peace officers in the performance of their official duties, nor to any person summoned by such officer to assist in making arrests or preserving the peace while said person so summoned is actually engaged in assisting such officer; nor to persons who are by the United States Federal Government authorized to use such firearms and projectile weapons, nor to persons using said firearms and projectile weapons in necessary self defense.

B. Use of firearms and projectile weapons within the city shall be unlawful pursuant to § 9.36.080, except that use of firearms and projectile weapons may be permissible when integral to the pursuit of specific competitive and sporting events, including but not limited to events such as take place at shooting ranges, archery ranges and skeet shooting, upon issuance of a permit from the Chief of Police to persons conducting the event or engaged in the business of providing the location upon which such activities are to take place. The Chief of Police shall formulate criteria for the application, issuance, and renewal of such permits, and may require as a condition of approval the posting of any bond, or proof of adequate liability insurance.

C. The city, through the Department of Parks and Recreation or other city departments, may sponsor specific competitive and sporting events, including but not limited to events such as take place at shooting ranges, archery ranges, and skeet shooting, and is exempt from provisions of subsection B of this section for these purposes. Any person who seeks to conduct such an event on property under the jurisdiction of the city shall obtain approval from both the Chief of Police and the City Manager or a designee, prior to the issuance of a permit for engaging in such activities.

9.36.130 - Projectile weapons—Possession of by minors.

A. It is unlawful for any person under the age of 18 to have in his or her possession within the city limits of Oakland any projectile weapon, as defined in § 9.36.070. Violation of this provision shall be punishable in the manner provided in § 9.36.090D.

B. It is unlawful for any parent or legal guardian, or any person over the age of 18 years, to sell, give or loan to any minor in the city under the age of 18 years, or to allow such minor to possess, any device or instrument capable of launching a projectile, and/or the projectiles specifically intended to be launched by said device or instrument, as defined hereinabove. Violation of this provision shall be punishable in the manner provided in § 9.36.090.

C. Any device or instrument capable of launching a projectile, and/or the projectiles specifically intended to be launched by said device or instrument, which is in possession of a minor in violation of this article, is declared to be a nuisance, and shall be surrendered to the Police Department of the city. The Police Department, except upon the certificate of a judge of a court of record or of the District Attorney of Alameda county that the preservation thereof is necessary or proper to the ends of justice, shall destroy any such device or instrument.

9.36.131 - Theft or loss of firearms—Reporting of stolen and/or lost firearms required.

A. Any person owning a firearm or in possession of a firearm is required to report the theft or loss of such firearm to the Oakland Police Department when:

1. Owner resides in Oakland, AND/OR
2. The theft or loss of the firearm occurs in Oakland.

B. A person subject to the reporting requirements in Subsection A. is required to report the theft or loss of a firearm within 48 hours of when he or she knew or reasonably should have known that the firearm was stolen or lost.

C. A person who has experienced the theft or loss of a firearm between August 1, 1992 and July 30, 2002 and who otherwise meets the reporting requirements in subsection A is required to report the loss or theft of such firearm to the Oakland Police Department within 60 days of the effective date of the Amendment under which this new section was adopted.

Article III: Prohibition on the Sale of Saturday Night Specials, Also Known as Junk Guns

9.36.160 - Purpose and intent. The purpose of this article is to ensure the health, safety, and general welfare of city citizens by eliminating the sale of cheaply made, inadequately designed and poorly manufactured handguns in the city.

9.36.170 - Saturday night special defined.

A. Except as provided in subsection B of this section, term "Saturday night special" as used in this article means any of the following:

1. A pistol, revolver, or firearm capable of being concealed upon the person, as those terms are defined in the California Penal Code § 12001(a), which contains a frame, barrel, breechblock, cylinder or slide that is not completely fabricated of heat treated carbon steel, forged alloy or other material of equal or higher tensile strength;

2. A semi-automatic pistol which:

a. It is not originally equipped by the manufacturer with a locked-breech action, and

b. Is chambered for cartridges developing maximum permissible breech pressures above 24,100 Copper Units of Pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute,

c. For purpose of subsection (A)(2)(b) of this section, "semi-automatic pistol" means a firearm, as defined in California Penal Code § 12001(b), which is designed to be held and fired with one hand, and which does the following upon discharge: (i) fires the cartridge in the chamber, (ii) ejects the fired cartridge case, and (iii) loads a cartridge from the magazine into the chamber. "Semi-automatic pistol" shall not include any assault weapons designated in California Penal Code § 12276;

3. A pistol, revolver, or firearm capable of being concealed upon the person, as those terms are defined in California Penal Code § 12001(a), which:

a. Uses an action mechanism which is substantially identical in design to any action mechanism manufactured in or before 1898 that was originally chambered for rimfire ammunition developing maximum safe permissible breech pressures below 19,000 Copper Units of Pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute, and

b. Is chambered to fire either centerfire ammunition or rimfire ammunition developing maximum permissible breech pressures above 19,000 Copper Units of Pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute, and

c. Is not originally equipped by the manufacturer with a nondetachable trigger guard, or

d. If rimfire, is equipped with a barrel of less than 20 bore diameters in overall length protruding from the frame,

e. For purposes of this subsection (A)(3), "action mechanism" means the mechanism of a firearm by which it is loaded, locked, fired and unloaded commonly known as the cycle of operation.

B. Exclusions. The term "Saturday night special" does not include any of the following:

1. Any pistol which is an antique or relic firearm or other weapon falling within the specifications of paragraphs (5), (7) and (8) of subsection (b) of California Penal Code § 12020; or

2. Any pistol for which the propelling force is classified as pneumatic, that is, of, or related to, compressed air or any other gases not directly produced by combustion; or

3. Children's pop guns or toys; or
4. An "unconventional pistol" as defined in California Penal Code § 12020(c)(12); or
5. Any pistol which has been modified to either: render it permanently inoperable, or permanently to make it a device no longer classified as a Saturday night special.

9.36.180 - Roster of Saturday night specials. On or before January 1, 1997, the Chief of Police or his or her designee shall compile, publish, and thereafter maintain a roster of Saturday night specials. The roster shall list those firearms, by manufacturer and model number, which the Chief of Police or his or her designee determines fit the definition of Saturday night special set forth in § 9.36.170A.

9.36.190 - Notification.

A. Upon completion of a list of firearms to be placed on the roster for the first time, the Police Chief or his or her designee shall endeavor to send written notification to:

1. The manufacturer of every firearm on said list; and
2. Every dealer within the city who is licensed to sell and transfer firearms pursuant to § 12071 of the Penal Code of the state of California and Chapter 5.26 of this code.

B. Such notification shall do the following:

1. Identify the model number of the firearm which has been classified as a Saturday night special within the meaning of § 9.36.170A; and
2. Advise the recipient that the recipient may apply for reconsideration of the classification of the firearm as a Saturday night special; and
3. Advise the recipient that the burden of proving a firearm does not constitute a Saturday night special within the meaning of § 9.36.170A shall be on the recipient.

9.36.200 - Reconsideration by the Chief of Police.

A. The Chief of Police, or his her designee, shall, prior to the effective date of the ordinance codified in this article establish standards and procedures for the form and content of an application, conducting an administrative hearing and evaluating evidentiary testimony relating to the decision of the Chief of Police or his or her designee to classify the firearm in question as a Saturday night special as defined in Section

9.36.170A.

B. Upon timely filing of 1 or more complete applications for reconsideration, the Chief of Police or his or her designee shall evaluate the evidence submitted by the applicant(s). The applicant(s) shall have the burden of demonstrating that the firearm does not constitute a Saturday night special within the meaning of § 9.36.170A.

9.36.210 - Appeal of classification.

A. If the Chief of Police or his or her designee determines that the firearm under reconsideration has been properly classified as a Saturday night special, then the applicant(s) shall have the right to appeal such decisions to the City Manager, and the applicant(s) shall have the right to a hearing before the City Manager or his or her designee prior to inclusion of the firearm in question on the roster.

B. The City Manager, or his or her designee, is authorized to establish standards and procedures for the form and content of an appeal, conducting an administrative hearing and evaluating evidentiary testimony relating to the decision of the Chief of Police or his or her designee to classify the firearm in question as a Saturday Night Special as defined in § 9.36.170A.

C. The burden of proof shall be on the appellant(s) to demonstrate that the firearm does not constitute a Saturday night special within the meaning of § 9.36.170A.

D. All parties involved shall have the right to offer testimonial, documentary and tangible evidence bearing on the issues and to be represented by counsel.

E. The City Manager or his or her designee shall hear and consider all relevant evidence. Upon the conclusion of the hearing, the City Manager or his or her designee shall, based on the evidence presented, determine whether the firearm constitutes a Saturday night special within the meaning of § 9.36.170A.

F. In all instances, the decision of the City Manager or his or her designee whether to classify the firearm in question as a Saturday night special as defined in the § 9.36.170A and to place said firearm on the roster is final.

9.36.220 - Publication of the roster. The Chief of Police or his or her designee shall place on the roster those firearms which have been determined to constitute a Saturday night special within the meaning of § 9.36.170A. The Chief of Police or his or her designee shall cause the roster to be published in the following manner:

A. Notification of the roster's completion shall be published at least once in the official newspaper as designated by the city and circulated in the city within 15 days after its completion; and

B. A copy of the roster, certified as a true and correct copy thereof, shall be filed in the office of the City Clerk of the city; and

C. A copy of the roster, certified as a true and correct copy thereof, shall be distributed to every dealer within the city who is licensed to sell and transfer firearms pursuant to § 12071 of the Penal Code of the state of California and Chapter 5.26 of the municipal code.

9.36.230 - Effective date of roster. The roster shall become effective on the fifteenth day after its publication.

9.36.240 - Additions to the roster. Additions to the roster shall be made in accordance with the following:

A. Semiannual Determination. On a semiannual basis, the Chief of Police or his or her designee shall determine the need to place firearms on the roster. Upon identifying 1 or more firearms as a Saturday night special, the City Manager or his or her designee shall prepare a draft list of the additions to the roster.

B. Notification of Additions to Roster. In the event that a draft list of firearms to be added to the roster is prepared, the Chief of Police or his or her designee shall endeavor to send written notification in accordance with the aforementioned provisions of § 9.36.190.

C. Reconsideration by the Chief of Police. Any person who the Chief of Police or his or her designee notifies pursuant to subsection B of this section may apply for reconsideration of the classification of that firearm as a Saturday night special in accordance with the provisions of § 9.36.200.

D. Appeal of Classification. Whenever a firearm has been determined to be properly classified as a Saturday night special after reconsideration, the applicant may file an appeal to the City Manager and the City Manager or his or her designee shall hold a hearing in accordance with the provisions of § 9.36.210.

E. Additions of Firearms to Roster. After all appeals have been exhausted, the Chief of Police or his or her designee shall place on the roster those additional firearms which have been determined to constitute a Saturday night special within the meaning of § 9.36.170A. The Chief of Police or his or her designee shall cause the roster, as amended to include these additional firearms, to be published in accordance with § 9.36.220.

F. Effective Date of Additions to the Roster. The addition of new firearms to the roster shall not operate to preclude the enforcement of the roster with respect to firearms previously listed thereon. The publication of the roster, as amended to include new firearms, shall be effective as to those newly added firearms on the fifteenth day after its publication as set forth in § 9.36.230.

9.36.250 - Sale prohibited. [N]o wholesale or retail firearms dealer as licensed by the city in Chapter 5.26 of the municipal code shall sell, offer or display for sale, give, lend or transfer ownership of, any firearm listed on the roster of Saturday night specials. This section shall not preclude a wholesale or retail gun dealer from processing firearm transactions between unlicensed parties pursuant to § 12072(d) of the Penal Code of the state of California.

9.36.260 - Exemptions. Nothing in this article relative to the sale of Saturday night specials shall prohibit the disposition of any firearm by sheriffs, constables, marshals, police officers, or other duly appointed peace officers in the performance of their official duties, nor to persons who are authorized by the United States Federal Government for use in the performance of their official duties; nor shall anything in this article prohibit the use of any firearm by the above-mentioned persons in the performance of their official duties.

9.36.270 - Penalty. Any person violating any of the provisions of this article shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this article shall be punishable by a fine of not more than \$1,000 or by imprisonment for a period not exceeding 6 months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this article is committed, continued or permitted by such person and shall be punishable accordingly. In addition, any person found to be in violation of this Article shall be considered in noncompliance with the requirements of Chapter 5.26 of this code, and subject to the suspension and or revocation of a firearms dealer permit.

9.36.280 - Severability and validity. This article shall be enforced to the full extent of the authority of the city. If any section, subsection, paragraph, sentence or word of this article is deemed to be invalid or beyond the authority of the city, either on its face or as applied, the invalidity of such provision shall not affect the other sections, subsections, paragraphs, sentences or words of this article, and the applications thereof; and to that end the section, subsections, paragraphs, sentences and words of this article shall be deemed severable.

Article V. - Prohibition on the Sale of Compact Handguns

9.36.400 - Title. This article shall be known as the City of Oakland Compact Handgun Sales Limitation Act.

9.36.420 - Definitions.

A. "Dealer" means a retail firearms dealer licensed by the city.

B. "Compact handgun" means a pistol, revolver, and any handgun designed to be concealed upon the person that has a length of 6-3/4 inches or less or a height of 4-1/2 inches or less, measured with the magazine detached.

9.36.430 - Prohibition on the sale of compact handguns. As of the effective date of this article:

A. No firearms dealer in Oakland shall transfer the title of any compact handgun as defined herein to any person. This section shall not preclude a wholesale or retail gun dealer from processing firearms transactions between unlicensed parties pursuant to § 12072(d) of the Penal Code of the state of California.

B. For the purposes of this section, the redemption of a compact handgun covered by this article pledged to a pawnbroker prior to the effective date of this ordinance shall not be deemed the sale or transfer of title of that handgun. However, a dealer may not rely on this exemption unless the transaction involved the redemption of a handgun pawned to a pawnbroker by the purchaser.

C. Each dealer shall post a sign in a conspicuous place with letters at least 1 inch high stating the obligations and restrictions of dealers under this ordinance, pursuant to direction by the Oakland Police Department.

D. The provisions of this section shall not apply to the following:

1. Any law enforcement agency;
2. Any agency duly authorized to perform law enforcement duties;
3. Any state or local correctional facility;
4. Any private security company licensed to do business in the state of California;
5. Any person who is properly identified as a full-time paid peace officer, as defined in § 830.1, 830.2, 830.4, or 830.5 of the Penal Code of the state of California, and who is authorized to carry a firearm during the course and scope of his or her employment as a peace officer;
6. Any antique firearm, as defined in paragraph (16) of subsection (a) of § 921 of Title 18 of the United States Code;
7. Any motion picture, television, or video production company, or entertainment or theatrical company whose production involves the use of an ultracompact firearm, and which secures such from unauthorized use;
8. Any person who is exempt from the provisions of subdivision (d) of § 12072 of the Penal Code of the state of California;
9. Any person or entity conducting a transaction described in subdivision (k) of § 12078 of the Penal Code of the state of California;
10. Any person who is licensed as a collector pursuant to Chapter 44, (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, and who has a current certificate of eligibility issued to him or her by the Department of Justice pursuant to § 12071 of the Penal Code of the state of California;
11. Any person or entity acquiring a compact handgun by bequest or intestate succession.

9.36.440 - Penalties. Violation of this article by a firearms dealer shall subject the dealer to civil penalties as provided for in Chapter 1.8 and 1.12 of the OMC, and in addition shall subject the dealer to suspension or revocation of the dealer's firearms dealer permit. Each instance wherein a compact handgun is sold, conveyed, transferred or distributed in violation of this article shall be deemed a distinct and separate offense.

RIVERSIDE COUNTY CODE
Title: Public Peace, Morals & Welfare
Chapter 9.20: Firearms
Article 1. - General Use
Current through September 27, 2016

9.20.010 - Definitions. For the purpose of this article, the following words are defined and shall be construed as having the following meanings:

"Firearm" includes the following: cannon, gun, pistol, revolver, automatic pistol, rifle, shotgun, air gun, pellet gun and any other weapon designed to discharge one or more projectiles propelled by the expansion of gas.

Loaded Rifle or Shotgun. A rifle or shotgun shall be deemed to be loaded when there is an unexpended cartridge or shell in the firing chamber but not when the only cartridges or shells are in the magazine.

9.20.020 - Zones. For the purpose of this article the county is divided into two zones, the "western zone" and the "eastern zone."

A. The western zone is defined as: that portion of the county lying westerly of the following line: Beginning at the Riverside-San Bernardino County line on the center line of the Banning Canyon Road; thence Southerly, along the said center line of the Banning Canyon Road to a point of intersection with the center line of U.S. Highway 10; thence Westerly, along the said center line of U.S. Highway 10 to a point of intersection with the center line of Lambs Canyon Road, (now known as State Highway 79); thence Southerly and Easterly, along the said center line of State Highway 79 to a point of intersection with the center line of Soboba Road; thence Southeasterly, along the said center line of Soboba Road to the West line of § 5, T5S, R1E, SMB; thence Southerly, along the said West line of § 5, T5S, R1E, SBM., to the Southerly line of San Jacinto River; thence Easterly and Southeasterly, along the said Southerly line of San Jacinto River to the East line of § 14, T5S, R1E, SBM., said East line of § 14, also being a portion of the West boundary line of the San Bernardino National Forest; thence Southerly, along the said East line of § 14, and Southerly along the said West line of the San Bernardino National Forestry Boundary, to the Southeast corner of § 35, T5S, R1E, SBM.; thence Westerly, along the South lines of § 35, 34, 33, 32, and 31, of T5S, R1E, SBM., and continuing Westerly along the South lines of §§ 36, 35 and the South line of the E 1/2 of § 34, to a point of intersection with the centerline of State Street, thence Southerly, along the said center line of State Street to a point of intersection with the center line of Cactus Valley Road; thence Easterly, along the said center line of Cactus Valley Road to a point of intersection with the center line of Sage Road; thence Southerly, Southeasterly and Easterly along the various courses of the said center line of Sage Road, to a point of intersection with the center line of the Temecula-Aguanga Road, (Also known as State Highway 71); thence Southeasterly, along the said center line of Temecula-Aguanga Road (Also known as State Highway 71) to a point of intersection with the Riverside-San Diego County line.

B. The eastern zone is defined as that portion of the county lying easterly of the line described in subsection A of this section.

9.20.030 - Discharge unlawful when.

A. It is unlawful in either the western zone or the eastern zone for any person to shoot or discharge any firearm within 300 yards of any occupied or unoccupied building, house or dwelling place, without the written consent of the owner or occupant thereof, or any shotgun within 150 yards, or any other firearm within 300 yards of any corral, paddock, feed yard, dairy, barn or other farm building where cattle, horses, sheep or other animals are raised, milked, fed, trained, housed or confined, without the written consent of the owner or operator thereof, or within 300 yards of any park, public campgrounds, or state riding and hiking trail, or for any person to shoot or discharge within 300 yards of any public highway, public road or public street any firearm other than a shotgun used in lawfully hunting game pursuant to a valid hunting license.

B. It is unlawful in either the western zone or the eastern zone for any person to shoot or discharge within 1 mile of any incorporated city any firearm, other than a shotgun used in lawfully hunting game pursuant to a valid hunting license.

C. It is unlawful in either the western zone or the eastern zone to shoot or discharge any firearm between 1/2 hour after sunset and 1/2 hour before sunrise of the following day.

9.20.040 - Discharge or possession in western zone—Restrictions. It is unlawful in the western zone for any person to shoot or discharge any firearm, or to have in his or her possession within said zone any loaded rifle or shotgun except as follows:

A. The discharging of a shotgun used in lawfully hunting game pursuant to a valid hunting license, or the possession of a loaded shotgun used in lawfully hunting game pursuant to a valid hunting license shall be permitted in the western zone during the period July 4th through January 15th, inclusive, of each year; provided, however, that this subsection shall not be construed to permit the discharging to a shotgun or the possession of a loaded shotgun within the boundaries of any closed area described in § 9.20.060.

B. The discharging of a firearm used in lawfully hunting deer by persons possessing valid deer license tag or permits, or the possession of a loaded rifle or shotgun used in lawfully hunting deer by such persons shall be permitted in the following described area in the western zone during that deer hunting season as is from time to time prescribed for such area by the rules and regulations of the fish and game commission, or by statute:

That portion of the western zone lying south and west of the following line:

U.S. Highway 60 easterly from the Riverside-San Bernardino County Line to U.S. Highway 395, U.S. Highway 395 southerly to State Highway 74, State Highway 74 easterly to County Road R-3 in the town of Hemet, southerly on County Road R-3 through the town of Sage to State Highway 71 at the town of Rader, Southeasterly on State Highway 71 to State Highway 79 near the town of Aguanga, southeasterly on State Highway 79 to the Riverside County Line.

9.20.050 - Posting of signs on county highway. All county highways leading into the western zone shall be posted with appropriate signs indicating that the discharge of firearms, or the possession of loaded rifles or shotguns is prohibited except as permitted by the provisions of this article.

9.20.060 - Closed areas designated. It is unlawful in either the western zone or the eastern zone for any person to shoot or discharge any firearm or to have in his or her possession any loaded rifle or shotgun within the boundaries of the hereinafter described areas, which areas are set aside as "closed areas":

A. Pine Cove Area. The southwest quarter of § 1, the south half of § 2, and all of § 11, T5S, R2E.

B. Reche Canyon Area. Sections 11, 12 and 13, T2W, R4W, and §§ 7, 17, and 18 and the north half of § 19, T2S, R3W.

C. Lake Fulmor Area. Within 1/2 mile on each side of Banning-Idyllwild Panoramic Highway between Vista Grande Forest Protection Station and the intersection of the Marion Mountain Road.

D. Old Banning-Idyllwild Road Area. Sections 19, 20, 21, 29 and the south half of §§ 16 and 17, T3S, R1E.

E. Northwest Area. The portion of the county lying northerly and westerly of the following described line: Beginning at the intersection of Limonite Avenue and the west county boundary; thence easterly along Limonite Avenue to Etiwanda Avenue; thence southerly along the line of Etiwanda Avenue to the center line of the Santa Ana River, thence easterly along the center line of the Santa Ana River to the city limit of the City of Riverside; thence easterly and northerly along said city limit to its northwesterly corner at Bowie Street; thence westerly to the east bank of the Santa Ana River; thence northerly along said east bank to the north county boundary.

F. Cabazon Area. Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24, T3S, R2E, SBBM.

G. Garner Valley Area. Sections 9, 10, 15, 25 and 36 of T6S, R3E. § 31, and 32 of T6S, R4E; the west half of § 5, § 6, north half of § 7, § 8, of T7S, R4E. § 1 of T7S, R3E; excluding all property in those sections that are part of the U.S. National Forest and owned by the U.S. Government.

9.20.070 - Closed areas—Posting of signs. All county highways leading into the closed areas shall be posted with appropriate signs indicating that the discharge of firearms is prohibited within such areas.

9.20.080 - Exemptions. The provisions of this article shall not apply to the following persons:

A. Any peace officer or member of the armed services while acting in the lawful discharge of his or her duties;

B. Any person using a firearm in the lawful defense of himself or herself, another person or property;

C. Any person possessing a loaded firearm or discharging a firearm or causing a firearm to be discharged at an established firing, shooting or target range, or hunting or gun club, or on a properly constructed indoor home range on private property under his or her ownership or control;

D. Any person possessing a loaded firearm or discharging a firearm or causing a firearm to be discharged on private property under his or her ownership or control situated in the eastern zone, or any person possessing a loaded firearm or discharging a firearm or causing a firearm to be discharged on private property situated in the eastern zone after having first obtained the written consent of the owner or person controlling such property, except where the area in question is listed as a no shooting area under § 9.20.060(G) in which case shooting shall be prohibited entirely.

9.20.090 - Violation—Penalty. It is unlawful for any person to violate any provision of this article. Any person violating any provision of this article shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. Such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article, is committed, continued, or permitted.

Any person so convicted shall be: **(1)** guilty of an infraction offense and punished by a fine not exceeding \$100 for a first violation; **(2)** guilty of an infraction offense and punished by a fine not exceeding \$200 for a second violation. The third and any additional violations shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding \$1,000 or 6 months in jail, or both. Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor. Payment of any penalty in this article shall not relieve a person from the responsibility for correcting the violation.

Article 2. - Use and Discharge by Minors

9.20.100 - Firearm defined. The word "firearm," as used in this article, includes the following: cannon, gun, pistol, revolver, automatic pistol, rifle, shotgun, air gun, pellet gun and any other weapon designed to discharge 1 or more projectiles propelled by the expansion of gas.

9.20.110 - Discharge unlawful—Exceptions. It is unlawful for any person under the age of 18 years to shoot or discharge a firearm in the unincorporated territory of the county unless such person: **(a)** holds and has in his or her possession a permit issued by the county as hereinafter provided; or **(b)** is in the company of a parent, guardian or other adult person having responsibility for his or her conduct; or **(c)** holds and has in his or her possession a current valid hunting license issued pursuant to law.

9.20.120 - Permit—Issuance requirements. The permit required under this article shall be issued by the sheriff, subject to the limitations of this article, to any person who presents a certificate of competency, as provided in this article.

9.20.130 - Safe handling of firearms—Course of instruction. The sheriff shall provide for a course of instruction in the safe handling of firearms, and for this purpose may cooperate with any reputable association or organization having as one of its objectives the promotions of safety in the handling of firearms.

The sheriff may designate any person found by him or her to be competent to give instructions in the handling of firearms. A person so appointed shall give such course of instruction and upon the successful completion thereof shall issue to the person instructed a certificate of competency in the safe handling of firearms.

9.20.140 - Permit revocation. The sheriff may revoke a permit issued by him or her whenever the holder has violated any law or ordinance relating to the possession, use or discharge of a firearm or has demonstrated his or her unfitness to exercise the privilege granted thereunder, and may refuse on like grounds to issue such permit. Every revoked permit shall be promptly surrendered to the sheriff.

9.20.150 - Exemptions. The provisions of this article shall not apply to the following persons:

- A.** Any peace officer or member of the armed services while acting in the lawful discharge of his or her duties;
- B.** Any person using a firearm in the lawful defense of himself or herself, another person or property;
- C.** Any person discharging a firearm or causing a firearm to be discharged, under adult supervision, at an established firing, shooting or target range, a properly constructed indoor or outdoor home range on private property.

9.20.160 - Violation—Penalty. It is unlawful for any person to violate any provision of this article. Any person violating any provision of this article shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. Such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed, continued or permitted.

Any person so convicted shall be: **(1)** guilty of an infraction offense and punished by a fine not exceeding \$100 for a first violation; **(2)** guilty of an infraction offense and punished by a fine not exceeding \$200 for a second violation. The third and any additional violations shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding \$1,000 or 6 months in jail, or both. Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor. Payment of any penalty in this article shall not relieve a person from the responsibility for correcting the violation.

SACRAMENTO CITY CODE
Title 5: Business Licenses & Regulations
Chapter 5.64: Firearm and Ammunition Sales
Current through September 2016

5.64.010 Definitions. The following words and phrases when used in this chapter shall have the following meanings:
“**Applicant**,” means a person applying for a license to engage in firearm and ammunition sales. When the person is other than a natural person, “applicant” includes any officer, director, employee or agent of the person applying for the license.
“**Chief of police**” means the chief of police or the chief of police’s designee.
“**Firearm**” means any device, designed to be used as a weapon or modified to be used as a weapon that expels a projectile through a barrel by the force of an explosion or other form of combustion.
“**Firearm ammunition**” means any cartridge or encasement containing a bullet or projectile, propellant or explosive charge, and a primer which is used in the operation of a firearm.
“**Firearm and ammunition sales**” means the selling, leasing or transferring of any firearm or firearm ammunition in quantity, in series, in individual transactions, or in any other manner indicative of trade; or the preparation for such conduct as evidenced by the securing of applicable federal or state licenses; or the holding of one’s self out as engaged in such conduct. (Ord. 2013-0018 § 1; prior code § 28.05.500)

5.64.020 License requirement and penalty for violation.

A. No person shall engage in firearm and ammunition sales, without a valid license from the chief of police. Gunsmiths, crafts makers and firearms collectors are not required to possess a license unless they sell, lease or transfer firearms.
B. The chief of police shall make available application forms requiring applicants to provide the information set forth in § 5.64.030. Applicants shall submit a completed application and a nonrefundable application fee to the revenue division of the department of finance. Upon receiving the application fee, the revenue division shall issue a receipt to the applicant showing that such application fee has been paid. The issuance of the receipt does not authorize an applicant to engage in firearm and ammunition sales until the necessary license has been lawfully issued.
C. The application fee amount shall be established by resolution of the city council and shall be the exclusive source of city funds from which recovery of all costs associated with this chapter may be obtained, including but not limited to, processing applications, monitoring licensees, and enforcing the provisions of this chapter.
D. Any person who violates subsection A of this section is guilty of a misdemeanor, punishable by imprisonment in the county jail not exceeding 6 months, or by fine not exceeding \$1,000, or by both. The chief of police shall prescribe a form on which the chief of police shall inform the California Department of Justice that such violators do not meet the state requirements for gun licensees or dealers pursuant to Penal Code § 26700. (Ord. 2013-0018 § 2; prior code § 28.05.501)

5.64.030 Application form.

A. The application for a license to engage in firearm and ammunition sales shall be signed under penalty of perjury and shall set forth:

1. The name, age and address of the applicant;
2. The address of the location for which the license is required, together with the business name, if any, of such location;
3. All convictions of the applicant for any misdemeanor or felony;
4. All information relating to licenses or permits relating to firearms or other weapons sought by the applicant from other jurisdictions, including, but not limited to, the date(s) of application(s) and whether each such application resulted in issuance of a license or permit;
5. All information relating to suspension(s) or revocation(s) of licenses or permits relating to firearms, including, but not limited to, the date and circumstances of the suspension(s) or revocation(s);
6. Applicant’s agreement to indemnify, defend, and hold harmless the city, its officers, agents, and employees, from and against any and all claims, losses, costs, damages and liabilities of any kind, arising in any manner out of the applicant’s negligence or intentional or willful misconduct relative to the license for which the applicant is applying;
7. Applicant’s understanding that the city shall have the right to enter the buildings and premises designated in the license from time to time during regular business hours to make reasonable inspections and to investigate and enforce compliance with building, mechanical, fire, electrical or plumbing regulations to the extent authorized by law;
8. Applicant’s understanding that police department employees, as designated by the chief of police, shall have the right to enter the building and premises designated in the license during regular business hours to make reasonable inspections and to investigate and enforce compliance with the provisions of this chapter;
9. Other conditions deemed appropriate by the chief of police.

B. The application for a license to engage in firearm and ammunition sales shall be submitted with a copy of a valid special permit for the proposed location as required by Title 17.

C. The chief of police shall take the fingerprints of the applicant and shall confirm the information submitted. The chief of police shall act upon and either approve or deny the application at the earlier of the following: **(1)** within 180 days of receipt of the application; or **(2)** within 30 days after all required documentation and site investigations are conducted by the police department, the building inspection division, and the fire department; or **(3)** within 15 days of receipt of fingerprint verification by the State Department of Justice. (Ord. 2013-0018 § 3; prior code § 28.05.502)

5.64.040 Form of license. All licenses issued pursuant to this chapter shall be in the form prescribed by the chief of police of the city. (Prior code § 28.05.503)

5.64.050 Referral of application to other departments.

A. Upon receipt of an application, the chief of police shall refer the application to the building inspection division and the fire department, which departments shall inspect the premises to be used for the sale of firearms and shall report to the chief of police concerning compliance with the codes they administer, and compliance with this chapter. To the extent possible, the police department, the building inspection division and the fire department shall conduct such site investigations jointly.

B. Upon receipt of the reports and recommendations from the building inspection division and the fire department, and within the time period specified in § 5.64.030 of this chapter, the chief of police shall render his or her decision. The chief of police shall either deny the application for one or more grounds specified in § 5.64.060 of this chapter, and specify the grounds upon which the denial is based, or approve the application, subject to such reasonable and appropriate conditions as may be imposed, including the conditions specified in § 5.64.110 of this chapter. (Prior code § 28.05.504)

5.64.060 Denial of license. Except as specifically provided otherwise herein, the chief of police shall deny the issuance of a license when any of the following conditions exist:

A. The applicant is under the age of 21 years;

B. The applicant has had a similar type of license previously revoked or denied within the immediately preceding 2 years for substantive reasons;

C. The applicant has made a false or misleading statement of a material fact, or omission of a material fact, in the application for a license. If a license is denied on this ground, any reapplication for a gun dealer license shall be automatically denied for a period of 2 years;

D. The applicant has been convicted of:

1. Any offense so as to disqualify the applicant from owning or possessing a firearm under applicable federal, state, and local laws,

2. Any offense relating to the manufacture, sale, possession, use or registration of any firearm or dangerous or deadly weapon,

3. Any offense involving the use of force or violence upon the person of another,

4. Any offense involving theft, fraud, dishonesty, or deceit,

5. Any offense involving the manufacture, sale, possession, or use of any controlled substance as defined by the California Health and Safety Code;

E. The applicant is: **(1)** currently, or has been within the past 2 years, an unlawful user of any controlled substance as defined by the California Health and Safety Code; or **(2)** an excessive user of alcohol, to the extent that such use would impair his or her fitness to be a dealer in firearms;

F. Firearms having been confiscated from the applicant within the immediately past 2 years pursuant to California Penal Code § 18250;

G. Applicant has been detained for psychiatric evaluation pursuant to California Welfare and Institutions Code § 5150;

H. The operation of the business as proposed would not comply with all applicable federal, state, and local laws;

I. The applicant, or an officer, employee, or agent thereof does not have, and/or cannot provide evidence of a possessory interest in the property at which the proposed business will be conducted in the form of ownership, lease, license or other entitlement to operate at such location and the written consent of the owner of record of the real property;

J. The applicant has failed to submit a complete application form and all information and documentation required by § 5.64.030; or

K. Any other ground for denial which exists under any applicable provision of federal, state, or local law. (Ord. 2013-0018 § 4; prior code § 28.05.505)

5.64.070 Duration and renewal of licenses. Unless revoked on an earlier date, all licenses issued pursuant to this chapter shall expire 1 year after the date of issuance; provided, however, that such licenses may be renewed by the chief of police for additional periods of 1 year upon the approval of an application for renewal by the chief of police and payment of the renewal fee as established by resolution of the city council. Such renewal application shall set forth the information listed in § 5.64.030 of this chapter, and must be received by the chief of police, in completed form, no later than 45 days prior to the expiration of the current license. (Prior code § 28.05.506)

5.64.080 Nonassignability of license. The assignment of any license issued pursuant to this chapter is unlawful and any such assignment shall render the license null and void. In addition, the attempt to transfer or assign any license issued pursuant to this chapter shall be further grounds for revocation. (Prior code § 28.05.507)

5.64.090 Security. Each business licensed under this chapter shall meet the requirements of a "secure facility" pursuant to § 17110 of the California Penal Code. (Ord. 2013-0018 § 5; prior code § 28.05.508)

5.64.100 Application for employee work permit.

A. Each employee who engages in firearm and ammunition sales must obtain either of the following: **(1)** a valid employee work permit from the chief of police; or **(2)** a valid certificate of eligibility issued by the California Department of Justice.

The work permit requirement does not apply to employees at gun shows that are properly licensed under state and federal law.

B. The application for an employee work permit for an employee engaged in firearm and ammunition sales shall be submitted to the chief of police on a form provided by the chief of police. Prior to submitting such application, a nonrefundable fee as established by resolution of the city council shall be paid to the chief of police to defray, in part, the cost of investigation and report required by this section. The chief of police shall issue a receipt to the employee showing that such permit application fee has been paid. The issuance of such a receipt shall not authorize an employee to engage in firearm and ammunition sales until the necessary work permit has been lawfully granted.

C. The application to the chief of police shall be signed under penalty of perjury and set forth the following information:

1. The name, age and address of the employee;
2. The business name and address of the employer;
3. All convictions of the applicant for any misdemeanor or felony;
4. All information relating to licenses or permits relating to firearms or other weapons sought by the applicant from other jurisdictions, including, but not limited to, the date(s) of application(s) and whether each such application resulted in issuance of a license or permit;
5. All information relating to suspension(s) or revocation(s) of licenses or permits relating to firearms, including, but not limited to, the date and circumstances of the suspension(s) or revocation(s);
6. Other reasonable conditions deemed appropriate by the chief of police.

D. The chief of police shall take the fingerprints of the employee and shall confirm the information submitted.

E. The chief of police shall act upon and either approve or deny the application for an employee work permit at the earlier of the following: **(1)** within 180 days of receipt of the application; or **(2)** within 15 days of receipt of fingerprint verification by the State Department of Justice.

F. The chief of police shall deny the issuance of an employee work permit when any of the following conditions specified in §§ 5.64.060(D) through (G) exist.

G. Duration and Renewal of Work Permit. Unless revoked on an earlier date, all employee work permits issued pursuant to this chapter shall expire 1 year after the date of issuance; provided, however, that such work permits may be renewed by the chief of police for additional 1-year periods upon the approval of an application for renewal by the chief of police and payment of the renewal fee established by resolution of the city council. Such renewal application shall set forth the information listed herein, and must be received by the chief of police, in completed form, no later than 45 days prior to the expiration of the current employee work permit.

H. Nonassignability. The assignment of any employee work permit issued pursuant to this chapter is unlawful and any such assignment shall render the license null and void. In addition, the attempt to transfer or assign any employee work permit issued pursuant to this chapter shall be further grounds for revocation.

I. Grounds for Revocation of Work Permit. In addition to any other provisions of this section, any circumstances constituting grounds for denial of an employee work permit shall also constitute grounds for revocation of an employee work permit. (Ord. 2013-0018 § 6; prior code § 28.05.509)

5.64.110 License—Conditions. In addition to all other requirements and conditions stated in this chapter, each licensee shall be subject to all of the following conditions, the breach of any of which shall be sufficient cause of revocation of the license by the chief of police:

A. The business shall be carried on only in the building located at the street address shown on the license, except for gun shows as permitted under state and federal law.

B. The licensee shall comply with state law, including §§ 28050 through 28250 of the California Penal Code.

C. The licensee shall verify that each employee engaged in firearm and ammunition sales has obtained either of the following: **(1)** a valid employee work permit from the chief of police; or **(2)** a valid certificate of eligibility issued by the California Department of Justice. An employee shall not engage in firearm and ammunition sales if a work permit is denied or revoked by the chief of police. A licensee who permits an employee to work without a valid work permit or valid certificate of eligibility shall be in violation of this section.

D. The licensee shall not engage in firearm and ammunition sales, except for leases or transfers for theatrical purposes, without also selling or otherwise providing with each firearm a nonreturnable trigger lock. If the use of a trigger lock on a particular type of firearm is infeasible, then the licensee shall do the following: **(1)** demonstrate such infeasibility to the satisfaction of the chief of police; and **(2)** make available for sale a similar device, which is approved by the chief of police, that is designed to prevent the unintentional discharge of the firearm.

E. The licensee shall not sell, lease or otherwise transfer any firearm to any person whom the licensee reasonably believes is within any of the classes prohibited by state law, including California Penal Code §§ 29800 through 29875, 29900 and 29905 and California Welfare and Institutions Code §§ 8100 through 8103.

F. The licensee shall comply with all conditions, if any, of the special permit issued pursuant to Title 17.

G. The licensee shall comply with all federal, state, and local laws, and all provisions of this chapter.

Any license issued pursuant to this chapter shall be subject to such additional conditions as the chief of police finds are reasonably related to the purpose of this chapter. (Ord. 2013-0018 § 7; Ord. 2000-053 § 1; Ord. 2000-017 § 4(a)(16); prior code § 28.05.510)

5.64.120 Grounds for revocation. In addition to any other provisions of this chapter, any circumstances constituting grounds for denial of a license shall also constitute grounds for revocation of a license. (Prior code § 28.05.511)

5.64.130 Hearing on license and work permit denial or revocation.

A. Any person whose application for a license or work permit under this chapter has been denied, or whose license or work permit has been revoked pursuant to the provisions of this chapter, shall have the right to a hearing before the chief of police or his or her designee prior to final denial or prior to revocation.

B. The chief of police shall give the applicant, licensee or employee written notice of the intent to deny the application or to revoke the license or work permit. The notice shall be mailed, postage prepaid, to the last known mailing address of the licensee or employee and set forth the ground or grounds for the chief of police's intent to deny the application or to revoke the license or work permit and shall inform the applicant, licensee or employee that he or she has 10 days from the date of mailing of the notice to file with the police department a written request for a hearing. The application may be denied or the license or work permit revoked if a written request for hearing is not received within the 10 day period.

C. If the applicant, licensee, or any employee who is required to obtain a valid work permit files a timely request for hearing, the chief of police shall set a time and place for the hearing. All parties involved shall have the right to: **(1)** offer testimonial, documentary and tangible evidence bearing on the issues; **(2)** be represented by counsel; and **(3)** confront and cross-examine any witnesses against them. If the hearing is before a designee of the chief of police, the designee shall make a written recommendation following the hearing regarding whether an application should be denied or a license revoked. The decision of the chief of police whether to deny the application or revoke the license or work permit shall be appealable by the applicant/licensee to the city council, pursuant to §§ 1.24.010 through 1.24.030 of this code, at which proceeding the chief shall have the burden of proof to justify his decision by a preponderance of the evidence. Time for hearing for denial of the license shall be held within 70 days of the application. A revocation hearing shall be held within 30 days of a notice stating intent to revoke the license or work permit. (Prior code § 28.05.512)

5.64.140 Suspension of license.

A. If the chief of police reasonably believes that a licensee has: **(1)** violated any federal, state or local law relating to the sale, lease, transfer, use or possession of firearms or firearm ammunition; or **(2)** has committed any of the offenses set forth in § 5.64.060; or **(3)** is within the class of persons set forth in § 5.64.060(E), (F) or (G), the chief of police may immediately suspend the license for a period not to exceed 90 days.

B. If the licensee is charged by a federal, state, or local prosecuting attorney with a violation of any such law, the chief of police may suspend such license until the charges are dismissed or the licensee is found not guilty in a court of law. If the chief of police suspends a license pursuant to this provision, the licensee shall be provided an opportunity to present evidence to the chief or his or her designee that the pending charges are without legal merit. The chief's decision regarding whether to suspend a license pending the outcome of such charges shall be appealable by the licensee to the city council, at which proceeding the chief shall have the burden of proof to justify his or her decision by a preponderance of the evidence.

C. Notice of suspension shall be mailed, postage prepaid, to the last known mailing address of the licensee. (Ord. 2013-0018 § 8; prior code § 28.05.513)

5.64.150 Authority to inspect. Any and all investigating officials of the city shall have the right to enter the building and entire premises designated in the license from time to time during regular business hours to make reasonable inspections and to observe and enforce compliance with building, mechanical, fire, electrical, or plumbing regulations to the extent provided by law. Police department employees, as designated by the chief of police, may conduct compliance inspections to insure conformance with all federal, state, and local laws, and all provisions of this chapter. (Prior code § 28.05.514)

5.64.160 Compliance by existing dealers. Any person lawfully engaging in the business of selling, leasing, or otherwise transferring any firearm or firearm ammunition on the effective date of the ordinance codified in this chapter shall have a period of 90 days after such effective date to comply with the provisions of this chapter. (Prior code § 28.05.515)

5.64.180 Rules and regulations. The chief of police is authorized to promulgate such rules and regulations after noticed hearing as will enable the police department to effectuate the purposes of this chapter. Failure to comply with such rules and regulations, or with any other requirements imposed by this chapter, shall constitute grounds for revocation of licenses issued hereunder. (Prior code § 28.05.517)

Title 9: Public Peace, Morals & Welfare
Chapter 9.32: Weapons & Explosives
Article 1: In General

9.32.010 Definitions. The following definitions apply in this chapter:

“Dangerous or deadly weapon” means, but is not limited to, ... any dangerous or deadly weapon within the meaning of any law of this state restricting the use thereof; ... and any firearm other than one carried pursuant to a valid permit, issued by a duly authorized governmental authority, or any ordinary rifle or shotgun lawfully carried for purposes of hunting or other lawful sport.

“Firearm” means any device, designed to be used as a weapon or modified to be used as a weapon, which expels a projectile through a barrel by the force of an explosion or other form of combustion.

“**Law enforcement officer**” means any federal law enforcement officer or peace officer as defined under § 830 and following of the California Penal Code. (Ord. 2016-0005 § 1; prior code § 48.01.001)

9.32.040 Person carrying concealed dangerous or deadly weapon—Not to loiter about place where intoxicating beverages sold or other place of public resort. It is unlawful for any person who has concealed upon his or her person any dangerous or deadly weapon to loiter about any place where intoxicating liquors are sold or any other place of public resort. (Prior code § 48.01.004)

9.32.050 Dangerous or deadly weapons prohibited in cars. It is unlawful for any person to have in his or her possession, in any automobile, any dangerous or deadly weapon, but this restriction shall not be deemed to prohibit the carrying of ordinary tools or equipment carried in good faith for uses of honest work, trade or business or for the purpose of legitimate sport or recreation. (Prior code § 48.01.005)

9.32.130 Firearms—Discharge in city prohibited generally. Except as provided in § 9.32.140, no person shall fire or discharge any firearm of any kind within the city. Any person violating this section is guilty of a misdemeanor. (Ord. 2016-0005 § 2; prior code § 26.01.021)

9.32.140 Firearms—Exceptions to prohibited discharge. Section 9.32.130 does not apply to the following:

- A.** Law enforcement officers in the discharge of their official duties and using reasonable care;
- B.** Persons using firearms in necessary self-defense or necessary defense of others;
- C.** Persons using the Mangan Rifle and Pistol Range;
- D.** Persons using the shooting ranges at the California Army National Guard armories;
- E.** Persons lawfully using gun or rifle ranges authorized and established pursuant to the Planning and Development Code; and
- F.** Persons using firearms to defend livestock from predatory animals, upon property that is agriculturally zoned, owned or occupied by them, and larger than one acre. (Ord. 2016-0005 § 3; Ord. 2013-0021 § 26; prior code § 26.01.022)

9.32.150 Public grounds—Discharge of firearms, sales, shows, etc. No person shall, in or upon any public grounds, discharge any cannon or firearm, expose for sale any goods, wares or merchandise or erect or maintain any booth, stand or show; except, in accordance with a permit from the city manager. (Prior code § 26.01.042)

9.32.180 Reporting of stolen or lost firearms required. It is unlawful for any person who owns or possesses a firearm to knowingly or negligently fail to report the theft or loss of such firearm to the Sacramento police department within 48 hours of the time he or she knew or should have known the firearm has been stolen or lost, when either the owner or possessor resides in the city, or the theft or loss of the firearm occurs in the city. Any person violating this section is guilty of a misdemeanor.

SAN DIEGO COUNTY CODE
Title 2: Business Regulations & Business Taxes
Division 1: Business Regulations
Chapter 12: Firearms Dealers
Current through January 4, 2016

SEC. 21.1202. Definitions. For the purposes of this chapter the following definitions shall apply:

(a) "Firearm" means any device defined as a firearm in Penal Code § 16520.

(b) "Firearms dealer" means a person who meets the requirements of Penal Code § 26700 and to whom a license has been issued pursuant to this chapter.

(c) "Firearms dealer employee" means a person who works for a firearms dealer as an agent, employee or representative.

SEC. 21.1203. License Required. The licensing authority for firearm dealers in the unincorporated area of the County is the Sheriff. It shall be unlawful for any person to sell, lease or transfer a firearm in the unincorporated area of the County without a license issued by the Sheriff pursuant to Penal Code §§ 16130, 16400, 16550, 16810, 17110, 26700-26915 (inclusive). This section shall not apply to a firearms transaction excluded under Penal Code §§ 16620, 16730 (a) & (c), 16960, 17310, 26500-26588 (inclusive). A person requesting a license under this chapter shall submit an application on a form provided by the Sheriff. A firearms dealer's license is governed by §§ 21.101- 21.117 and any additional conditions in this chapter.

SEC. 21.1204. Minimum Age for Firearms Dealer. The minimum age to be a firearms dealer is 21.

SEC. 21.1205. Additional Grounds for Denial of License. In addition to the grounds for denial of a license under § 21.108 the Sheriff may deny a firearms dealer's license if the dealer fails to meet any requirement under Penal Code § 16130, 16400, 16550, 16810, 17110, 26700-26915 (inclusive) or if the Sheriff determines the applicant:

- (a)** Is disqualified from owning or possessing a firearm under federal, State or County laws or regulations.

(b) Has within 5 years preceding the date of the application been convicted of any offense relating to the manufacture, sale, possession, use or registration of any firearm or any "dangerous weapon" or "deadly weapon," as those terms are defined under federal law, or the law of any state.

SEC. 21.1206. Clearance for Firearms Dealer Employee.

(a) No person shall be employed as an employee of a firearms dealer without a written clearance from the Sheriff. An employee of a firearms dealer is required to renew the written clearance from the Sheriff annually.

(b) A person seeking to be employed by a firearms dealer shall submit fingerprints and complete a form provided by the Sheriff. A person requesting clearance under this section shall be subject to investigation under § 21.107. The Sheriff may deny the clearance based upon any of the grounds in §§ 21.108 and 21.1205. The Sheriff shall issue or deny the clearance in writing within 30 days after a completed request for clearance has been submitted. The Sheriff may suspend or revoke a person's clearance under this section on any of the grounds for which a license or permit may be suspended or revoked under § 21.112 or otherwise prohibited by law.

(c) It shall be unlawful for a firearms dealer to employ any person who does not have a current clearance from the Sheriff to be a firearms dealer employee.

SEC. 21.1207. No Transactions at Unauthorized Locations. Except as provided in Penal Code §§ 16620, 17310, 26505-26588 (inclusive), a firearms dealer shall only conduct firearms transactions at the location specified in the license.

SEC. 21.1208. Transaction Records and Inspection. A firearms dealer shall maintain all firearms transaction records required by federal and State law and have them available for inspection. During business hours, a firearms dealer shall allow any Sheriff's Department employee and any peace officer to inspect firearms transaction records, firearms, firearm accessories and all places where transaction records, firearms and firearm accessories are stored.

SEC. 21.1209. Compliance with Requirement for Secondhand Goods Dealers. A firearms dealer licensed under this chapter who acquires a secondhand or used firearm for resale shall comply with §§ 21.701-21.706 and State law requirements for acquisition and sales of secondhand goods.

SAN DIEGO MUNICIPAL CODE
Chapter 3: Business Regulations, Business Taxes, Permits & Licenses
Article 3: Police Regulated Business Regulations
Division 42: Regulation of Firearm Dealers

§33.4201 Permit Required

(a) It is unlawful for any person to engage in business as a Firearm Dealer without a Firearm Dealer permit issued by the Chief of Police.

(b) It is unlawful for any person to sell, deliver, or otherwise transfer any firearm in violation of state or federal law or without the permit required by § 33.4201.

§33.4202 Definitions. For the purpose of this Division, the following words mean:

“**Chief of Police**” means the Chief of Police or the Chief's designated representative.

“**Firearm**” means any device designed to be used as a weapon, from which a projectile is expelled through a barrel by the force of any explosion or other form of combustion. A “Firearm” includes any device defined as a firearm in California Penal Code § 12002.

“**Firearm Dealer**” means any person who obtains a Federal Firearms Dealers License for the business of:

(a) Selling, transferring, or leasing any new or used Firearms at wholesale or retail; or

(b) advertising for sale, transfer, or lease any new or used Firearms at wholesale or retail; or

(c) offering or exposing for sale, transfer, or lease, any new or used Firearms at wholesale or retail.

§33.4203 Application for Permit

(a) The Chief of Police shall prescribe the application form for a Firearm Dealer permit.

(b) Any person proposing to engage in business as a Firearm Dealer within the City of San Diego shall secure the applicable federal license and shall have 30 calendar days after receipt of such federal license to apply for a City permit in compliance with the provisions of this Division.

§33.4204 Issuance or Denial of Permit. Except as otherwise provided in this Code, upon completion of the background investigation of the applicant, the Chief of Police or designated representative shall issue the permit unless:

(a) The applicant has knowingly made false or misleading statements of a material fact or omitted a material fact in the application; or

(b) The operation of the Firearm Dealer business as proposed in the application for the permit will violate any applicable building, fire, health, or zoning requirement set forth in this Code; or

(c) The applicant is under 21 years of age; or

(d) The applicant has had a similar permit or license previously revoked or denied for good cause within year immediately preceding the date of the filing of the application; or

(e) The applicant has not been licensed as a Firearm Dealer as required by federal law and the State of California; or

(f) The applicant, within 5 years immediately preceding the date of filing the application has been convicted in a court of competent jurisdiction of any of the following offenses:

(1) Any offense involving the use of force or violence upon the person of another; or
(2) Any offense of theft, embezzlement, or receiving stolen property; or
(3) Any felony offense involving the sale, manufacture, possession, or use of any controlled substance as defined by the California Health and Safety Code; or

(4) Any offense in another state which, if committed in this state, would have been punishable as one of the offenses specified above and immediately preceding; or,

(g) The applicant is under indictment for, or has been convicted of, any violation of federal, state or local law relating to the manufacture, sale, transfer, lease, registration, use, or possession of any firearm or ammunition, or

(h) The applicant fails to remove the authority of any officer, agent or employee to act on behalf of the applicant in the Firearm Dealer business within 5 working days after applicant receives written notification by certified mail or personal delivery from the Chief of Police, that:

(1) any officer, employee, or agent of the applicant, is under indictment for, or has been convicted of, any violation of federal, state or local law relating to the manufacture, sale, transfer, lease, registration, use, or possession of any firearm or ammunition; or

(2) any officer, employee, or agent of the applicant, is a person in a prohibited class described in § 12021 or § 12021.1 of the California Penal Code or § 8100 or § 8103 of the Welfare and Institutions Code; or

(i) The applicant is a person in a prohibited class described in § 12021 or § 12021.1 of the California Penal Code or § 8100 or § 8103 of the Welfare and Institutions Code; or

(j) The applicant has failed to provide evidence of a possessory interest, such as the interest of an owner, tenant, lessee or sublessee, in the property where the proposed business will be conducted; or

(k) The applicant has failed to obtain a zoning use certificate required by this Code.

§33.4205 Permit Renewal. A valid Firearm Dealers permit issued pursuant to the provisions of this Code may be renewed annually only upon the following terms and conditions:

(a) An application for renewal shall be completed and submitted to the Chief of Police of the City of San Diego 30 days prior to the expiration of the existing permit, unless extended to a later date by the Chief of Police.; and

(b) If an application for renewal is not filed within the time specified by § 33.4205(a), the permit shall expire 1 year after the date of its issuance or last renewal.

§33.4206 Right of Inspection. Firearm Dealers shall have their places of business open to Police Department inspection during all hours of operations. Firearm Dealers shall maintain all Firearms records and documents, Firearms and storage places in a manner and place accessible for inspection by Police Department personnel.

§33.4207 Permit Not Transferable. A Firearm Dealer permit may be issued only to a specific person to conduct business as a dealer at a specific location and at gun shows in accordance with California Penal Code § 12071. It is unlawful for any person to transfer a Firearm Dealer permit to another person or from one location to another without prior written approval of the Chief of Police. Any attempted transfer shall be ineffective.

§33.4208 Permit Restricted to One Location. The Firearm Dealer business may be carried on only in the location designated in the permit. Only 1 Firearm Dealer permit may be issued per location.

§33.4209 Display of Permit Required. The Firearm Dealer permit or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can be easily read.

§33.4210 Business and Security Regulations

(a) All Firearm Dealers and officers, employees or agents of the Firearm Dealers, shall comply with all provisions of California Penal Code § 12071, which include business regulations and the building specifications for Firearm security.

(b) All sellers of Firearms shall protect such Firearms from theft during business hours in the following manner:

(1) All Firearms shall be in locked cabinets, a secure rack, or a storage area so that access to Firearms is controlled by the dealer or an employee, to the exclusion of all others.

(2) The Firearm Dealer, agent, or employee shall be present when a prospective buyer or seller is handling any Firearm.

§33.4211 Revocation of Permit. In addition to the grounds enumerated in § 33.0401, the Chief of Police may revoke or suspend a Firearm Dealer's permit for cause if the Chief finds any of the following:

(a) The Firearm Dealer, or any officer, employee or agent of the Firearm Dealer, is not operating in full compliance with all provisions of this Division; or

(b) The Firearm Dealer is convicted of any of the offenses enumerated in § 33.4204; or

(c) The Firearm Dealer fails to remove the authority of any officer, agent, or employee to act on behalf of the Firearm Dealer within 5 working days after the Firearm Dealer receives written notification by certified mail or personal delivery from the Chief of Police, that such officer, agent or employee has been convicted of any of the offenses enumerated in § 33.4204; or

(d) Any of the conditions listed on the permit are violated.

§33.4212 Provision of Trigger Locks

(a) It is unlawful for any firearm dealer to sell, give, lend or transfer ownership of any firearm without also providing with the firearm a trigger locking or similar device approved by the Chief of Police. The trigger locking or similar device shall be designed to prevent the unintentional discharge of the firearm.

The trigger locking or similar device shall be attached to the firearm prior to the completion of the sale, gift, lending or transfer transaction, and the firearm must leave the premises of the firearms dealer with the trigger locking or similar device attached. If a trigger locking or similar device cannot be attached because the firearm lacks a trigger guard, a lockable bag or box shall be used in lieu of a trigger locking or similar device. Nothing in this section shall prevent the firearms dealer from recovering the cost of the trigger locking or similar device by charging a price for the lock, either separately or as part of the price of the firearm.

(b) It is unlawful for any firearm dealer sell, give, lend or transfer ownership of any firearm, without providing with the firearm printed material, approved by the Chief of Police, that advises the user of safe firearm storage practices.

(c) In connection with any sale, gift, loan or transfer of a firearm, the firearm dealer shall obtain from the person receiving the firearm a signed acknowledgment that a trigger locking or similar device required by § 33.4212(a) of this Municipal Code, and the printed material required by § 33.4212(b), has been provided with the firearm. The acknowledgment shall be in a form approved by the Chief of Police. The firearm dealer shall retain signed acknowledgments of receipt in the same manner and to the same extent as required by State law for other firearm transaction records.

(d) A firearm dealer who has fully complied with the provisions of this section relating to trigger locking or similar devices shall not be presumed to have made any representation to the transferee regarding the safety or appropriateness of the use of the trigger locking or similar device, nor shall the firearm dealer be liable in any civil action brought against the firearm dealer, to the extent such liability would be based solely upon the act of furnishing the trigger locking or similar device to a person in compliance with this section.

(e) The requirements of § 33.4212 shall be in force and effect, and shall apply to all firearms dealers now or hereafter licensed, 90 days after the date on which the Chief of Police sends written notice to currently–licensed firearms dealers of the approved trigger locking or similar devices, printed safety material and form of acknowledgment.

(f) The provisions of this section shall not apply to temporary lending transaction in which the firearm does not leave the premises of the firearms dealer.

(g) The requirements in §§ 33.4212(a),(b), and (c) shall not apply to firearms that are curios or relics, as defined by federal law, Title 27 Code of Federal Regulations § 178.

(h) The requirements in §§ 33.4212(a), (b) and (c) shall not apply to firearms dealers when they are involved in private

Chapter 5: Public Safety, Morals & Welfare

Article 3: Firearms, Dangerous Weapons & Explosives & Hazardous Trades

§53.10 Firearms, Etc. — Firing Prohibited — Exceptions

(a) Purpose and Intent. It is the purpose and intent of the Council of The City of San Diego that the firing of firearms and other explosives within the city limits be strictly regulated for the protection of all persons and property located in the City.

(b) Definitions. For the purposes of this section:

(1) Firearm shall mean any weapon from which a missile, such as, but not limited to, a bullet, ball, or shell, is hurled by an explosive.

(2) Fire shall mean to explode, discharge, or impel by using heat, percussion or electric spark.

(3) The term explosive is defined as it is in § 53.05 of this Article.

(c) Prohibition. No person shall fire any firearm or explode any explosive within The City of San Diego.

(d) Exceptions. This section does not apply to firearms fired under the authority of the United States or the State of California, nor to shooting galleries or target ranges; nor where a permit has been issued or a firing area designated by the City Council pursuant to Subsections (e) and (f) hereof.

(e) Permits. The City Council, by resolution, may issue written permits to fire firearms upon such terms and under such conditions as it deems proper. The terms and conditions imposed by the Council shall be set forth on the face of any permit issued under this subsection.

(f) The City Council, by resolution, may designate certain areas within the City in which it shall be lawful to fire firearms upon such terms and under such conditions as the Council deems proper.

§53.16 Penalties for Firearms and Other Weapons Offenses

(a) A person is guilty of a separate punishable offense for each firing or discharge of a weapon described in Municipal Code §§ 53.10 or 53.15.

(b) Minors arrested for a violation of Municipal Code §§ 53.10, 53.15, 53.15.1 or 53.15.2 shall be subject to the provisions of § 602 of the California Welfare and Institutions Code.

(c) Any parent or legal guardian, or person over the age of eighteen, is also guilty of a misdemeanor, if:

(1) he or she possesses on any premises or within a vehicle under his or her custody or control, any of the firearms identified in Municipal Code §§ 53.10, and

(2) he or she knows or reasonably should know that a minor is likely to gain access to such firearm, and

(3) a minor obtains and fires or discharges such firearm in violation of § 53.10.

(d) A violation of Municipal Code §§ 53.10, 53.15 or 53.15.1 occurring within 1,500 feet of a public or private day care center, school or school grounds, is a misdemeanor, and the penalty for conviction of the same is punishable by a fine of not more than \$1,000, or by imprisonment in the County jail for a period of not more than 1 year, or both.

§53.31 Assault Weapons, Nuisance, Temporary Custody

(a) The term “assault weapon,” as used in this Section, shall include:

(1) Any semiautomatic action, center fire rifle or carbine which accepts a detachable magazine with a capacity of 20 rounds or more, with a barrel of more than 16 inches, including but not limited to the following firearms or their copies: AR 15 semiautomatic assault rifles, Uzi semiautomatic assault rifles or carbines, Ingram Mac–10 semiautomatic assault carbines, Ingram Mac–11 semiautomatic assault carbines, Heckler and Koch 93 semiautomatic assault rifles, Heckler and Koch 91 semiautomatic assault rifles, AK–47 semiautomatic assault rifles, AKM–47 semiautomatic assault rifles, all Avtomat Kalashnikov weapons, M1–A semiautomatic assault rifles, M–14 semiautomatic assault rifles, Thompson semiautomatic carbines and any other semiautomatic carbines manufactured by Auto Ordnance;

(2) Any shotgun with a barrel of more than 18 inches and a folding stock or magazine capacity of more than 6 rounds;

(3) Any weapon which may be readily restored to an operable assault weapon, as defined in paragraphs 1 and 2 above; and

(4) Any part, or combination of parts, designed or intended to convert a weapon into an assault weapon, as defined above in paragraphs 1 and 2, or any combination of parts from which an assault weapon may be readily assembled, if those parts are in the possession or under the control of the same person.

(b) As used in this Section, the term “semiautomatic” means a weapon which fires a single projectile for each single pull of the trigger and which employs a magazine.

(c) The term “assault weapon” does not include any of the following:

(1) Any of the above generally and specifically described weapons which is a “machine gun” as that term is defined by § 12200 of the Penal Code of the State of California; any pistol, revolver or other firearm which is capable of being concealed upon one’s person, as defined and regulated by the provisions of §§ 12021 and 12025 of the Penal Code of the State of California;

(2) Any of the following: weapons which do not use fixed ammunition, weapons which were manufactured prior to 1898, manually operated bolt action weapons, lever action weapons, slide action weapons, single-shot weapons, multiple-barrel weapons, revolving cylinder weapons, semiautomatic weapons which use exclusively Mannlicher-style clips, semiautomatic weapons manufactured prior to 1954, rim-fire weapons that employ a tubular magazine;

(3) Any assault weapon which is an antique or relic firearm or other weapon falling within the specifications of paragraphs (5) (7) and (8) of Subsection (b) of § 12020 of the Penal Code of the State of California;

(4) Any short-barreled rifle or shotgun as defined in Subsection (c) of Penal Code § 12020; or

(5) Any assault weapon which has been modified either to render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon.

(d) A sheriff, undersheriff, deputy sheriff, marshal, deputy marshal, or police officer, as defined in subdivision (a) of § 830.1, a member of the University of California Police Department, as defined in subdivision (d) of § 830.2, and a member of a California State University Police Department, as defined in subdivision (e) of § 830.2, during the performance of his or her duties within the City of San Diego may take temporary custody of any assault weapon in plain sight or discovered pursuant to a consensual search as necessary for the protection of the peace officer or other persons of the City of San Diego.

(e) The provisions of subsection (d) shall not apply to assault weapons in the possession of any person specifically authorized to possess concealed or loaded firearms within the City limits of San Diego pursuant to the Dangerous Weapons’ Control Law, California Penal Code § 1200 et seq.

(f) Upon taking custody of an assault weapon, the officer shall give the owner or person who possessed the assault weapon a receipt. The receipt shall describe the assault weapon and list any identification or serial number on the assault weapon. The receipt shall indicate where the firearm can be recovered and the date after which the owner or possessor can recover the assault weapon. No assault weapon shall be held less than 48 hours. If an assault weapon is not retained for use as evidence related to criminal charges or is not retained because it was illegally possessed, the assault weapon shall be made available to the owner or person who was in lawful possession 48 hours after the seizure or as soon thereafter as possible, but no later than 72 hours after the seizure.

(g) Any assault weapon which has been taken into custody which has been stolen shall be restored to the lawful owner, as soon as its use for evidence has been served, upon his or her identification of the firearm and proof of ownership.

(h) Any assault weapon taken into custody and held by a police, university police, or sheriff’s department or by a marshal’s office, for longer than 12 months and not recovered by the owner or person who has lawful possession at the time it was taken into custody, shall be considered a nuisance and sold or destroyed as provided in subdivision (c) of § 12028.

SEC. 613. Regulating Sale of Firearms. It shall be unlawful for any person, firm, corporation or dealer engaging in the business of selling, leasing or otherwise transferring any firearm, firearms ammunition, or firearms ammunition component to sell, lease or otherwise transfer any firearm, firearms ammunition or firearms ammunition component without first having obtained a license from the San Francisco Police Department. The Department shall make available application forms requiring applicants to provide the information set forth in § 613.2, and shall collect a nonrefundable application fee from each applicant.

The Chief of Police shall recommend to the Board of Supervisors, on or before April 1, 1994, a fee which shall be sufficient to recover all costs associated with regulating the sale of firearms under this Article, including but not limited to, processing applications, monitoring licensees, and enforcing the provisions of this Article. The fee shall be set by the Board of Supervisors.

(Amended by Ord. 407-86, App. 10/3/86; Ord. 91-94, App. 2/25/94; Ord. 290-95, App. 9/1/95; Ord. 260-04, File No. 031932, App. 11/4/2004)

SEC. 613.1. Definitions.

(a) "Firearm" shall mean any device, designed to be used as a weapon or modified to be used as a weapon that expels a projectile by the force of an explosion or other form of combustion.

(b) "Firearm ammunition" shall mean any cartridge or encasement containing a bullet or projectile, propellant or explosive charge, and a primer which is used in the operation of a firearm.

(c) "Firearm ammunition component" shall mean any cartridge or encasement, bullet or projectile, primer or propellant or explosive material used in the manufacture of ammunition.

(d) "Firearm capable of being concealed upon the person" shall mean any such firearm as defined in California Penal Code § 12001(a).

(e) "Transfer" shall include, but shall not be limited to, the redemption of a pawned or pledged firearm by any individual including the individual who pawned or pledged the firearm.

(f) "Ultracompact firearm" shall mean any pistol, revolver, handgun or other firearm that is 6.75 inches or less in length or 4.5 inches or less in height, measured with the magazine detached, but shall not include any such firearm that is an unsafe handgun defined by § 12126 of the California Penal Code.

SEC. 613.2. Application Form and Background Check Requirements.

(a) The application for a license to engage in the business of selling, leasing or otherwise transferring any firearm, firearms ammunition, or firearms ammunition component shall be signed under penalty of perjury and shall set forth:

(1) The name, age and address of the applicant, as well as the name, age and address of all persons who will have access to or control of workplace firearms, firearm ammunition, or firearm ammunition components, including but not limited to, the applicant's employees, agents and or supervisors, if any;

(2) The address of the location for which the license is required, together with the business name of such location, if any;

(3) All convictions of the applicant for any of the offenses listed in § 613.3(e);

(4) All information relating to licenses or permits relating to firearms or other weapons sought by the applicant from other jurisdictions, including, but not limited to date of application and whether each such application resulted in issuance of a license;

(5) All information relating to revocations of licenses or permits relating to firearms, including but not limited to date and circumstances of revocation;

(6) Applicant's agreement to indemnify, defend, and hold harmless the City, its officers, agents, and employees, from and against any and all claims, losses, costs, damages and liabilities of any kind, arising in any manner out of the applicant's negligence or intentional or wilful misconduct;

(7) Applicant's understanding that the City shall have the right to enter the building designated in the license from time to time during regular business hours to make reasonable inspections and to investigate and enforce compliance with building, mechanical, fire, electrical, plumbing, or health regulations, provisions of this Article, and all other applicable federal, state, and local laws.

(b) Each application must be accompanied by evidence that the applicant has satisfied the insurance requirements stated in § 613.13 of this Article.

(c) All persons listed on the application form as having access to, or control of, workplace firearms, firearm ammunition, or firearm ammunition components shall obtain a certificate of eligibility under Penal Code § 12071 from the state Department of Justice. A copy of the certificate of eligibility for each such person shall be submitted with the application.

(d) The Chief of Police shall conduct a criminal history background check on the applicant and on all other persons listed on the application form as having access to, or control of, workplace firearms, firearm ammunition, or firearm ammunition components, including but not limited to, the applicant's employees, agents and/or supervisors, if any, and shall determine whether such persons have been convicted of any offenses described in subsection (e) of § 613.3, or are among the persons described in subsections (f) or (g) of § 613.3. Where the Chief of Police determines that 1 or more of the applicants, employees, agents or supervisors have been convicted of an offense described in subsection (e) of § 613.3, or are among the persons described in subsections (f) or (g) of § 613.3, the applicant shall have 21 days from the mailing of written notification from the Chief of Police to provide evidence in a form acceptable to the Chief of Police that such persons have been removed or reassigned so that they no longer have access to or control of workplace firearms, firearm

ammunition, or firearm ammunition components. In the event that an applicant fails to comply with this subsection, the Chief of Police shall deny the license.

(e) As used in this Section, the term "applicant" when the applicant is other than a natural person shall include any officer, director, employee or agent of the applicant who has access to, or control of, workplace firearms, firearm ammunition, or firearm ammunition components.

SEC. 613.3. Denial of License. The Chief of Police shall deny the issuance or renewal of a license when any of the following conditions exist:

(a) The applicant is under the age of 21 years.

(b) The applicant is not licensed as required by all applicable federal, State and local laws.

(c) The applicant has had a firearms license previously revoked or denied for good cause within the immediately preceding 2 years.

(d) The applicant has made a false or misleading statement of a material fact, or omission of a material fact, in the application for a license. If a license is denied on this ground, the applicant shall be prohibited from reapplying for a license for a period of 2 years.

(e) The applicant has been convicted of:

(1) Any offense so as to disqualify the applicant from owning or possessing a firearm under applicable federal, State, and local laws, including but not limited to the offenses listed in California Penal Code § 12021;

(2) Any offense relating to the manufacture, sale, possession, use, or registration of any firearm or dangerous or deadly weapon;

(3) Any offense involving the use of force or violence upon the person of another;

(4) Any offense involving theft, fraud, dishonesty, or deceit, including but not limited to any of the offenses listed in Title 7 (Crimes Against Public Justice) and title 13, Chapters 4 (Forgery and Counterfeiting), 5 (Larceny), 6 (Embezzlement), 7 (Extortion), 8 (False Personation), 13 and 14 (Fraud) of the California Penal Code;

(5) Any offense involving the manufacture, sale, possession or use of any controlled substance as defined by the California Health and Safety Code as said definition now reads or may hereafter be amended to read.

(f) The applicant is within the classes of persons defined in California Welfare and Institutions Code §§ 8100 or 8103.

(g) The applicant is (1) currently, or has been within the past 2 years, an unlawful user of any controlled substance as defined by the California Health and Safety Code as said definition now reads or may hereafter be amended to read; or

(2) an excessive user of alcohol, to the extent that such use would impair his or her fitness to be a dealer in firearms.

(h) The operation of the business as proposed would not comply with all applicable federal, State, and local laws.

(i) The applicant, or an officer, employee, or agent thereof, proposes to operate in the following locations:

(1) Within any RH, RM, RC, NC or RED zoning district, or within 1,000 feet of the exterior limits of any such district;

(2) Within 1,000 feet of a public or private day care center or day care home, or within 1,000 feet of any elementary, junior high or high school whether public or private;

(3) On or within 1,500 feet of the exterior limits of any other premises used as a place of business by a dealer in firearms;

(4) Within 1,000 feet of a community center, church, neighborhood center, recreational center, whether public or private, where regularly scheduled activities are conducted for people under 18 years of age.

(j) The applicant, or an officer, employee or agent thereof does not have, and/or cannot provide evidence of a possessory interest in the property at which the proposed business will be conducted.

(k) Any other ground for denial exists under any applicable provision of federal, State or local law.

(l) The applicant fails to comply with the requirements of subsections (c) or (d) of § 613.2.

As used in this Section, the term "applicant" when the applicant is other than a natural person shall include any officer, director, employee or agent of the applicant who has access to, or control of, workplace firearms, firearm ammunition, or firearm ammunition components.

SEC. 613.4. Referral of Application to Other Departments. Upon receiving an application that is not rejected for one of the reasons stated in § 613.3, the Police Department shall refer the application to the Bureau of Building Inspection, the Fire Department, and the City Planning Department, which departments shall inspect the premises to be used for the sale of concealable firearms and shall report to the Police Department concerning compliance with the codes they administer, and compliance with this Article.

SEC. 613.5. Public Hearing before Issuance of License. When an application is filed for a license under this Article, and the application is not denied for one of the reasons stated in § 613.3, the Police Department shall fix a time and place for a public hearing regarding the application. Not less than 10 days before the date of such hearing, the Police Department shall cause to be posted a notice of such hearing in a conspicuous place on the property in which the proposed business is to be operated and the applicant shall maintain said notice as posted until the day following the hearing.

SEC. 613.6. Form of License. All licenses issued pursuant to this Article shall be in the form prescribed by the Attorney General of the State of California.

SEC. 613.7. Duration and Renewal of Licenses. All licenses issued pursuant to this Article shall expire 1 year after the date of issuance; provided, however, that such licenses may be renewed by the Chief of Police for additional periods of 1

year upon the approval of an application for renewal by the Chief of Police and payment of the renewal fee. Such renewal application shall set forth the information listed in § 613.2 and must be received by the Chief of Police, in completed form, no later than 45 days prior to the expiration of the current license.

SEC. 613.8. Nonassignability of License. The assignment or attempt to assign any license issued pursuant to this Article is unlawful and any such assignment or attempt to assign a license shall render the license null and void.

SEC. 613.9. Security. In order to discourage the theft of firearms stored on the premises of a firearms dealer, each business licensed under this Article must adhere to security measures as required by the Chief of Police. Security measures shall include but not be limited to:

- (a) Provision of secure locks, windows and doors, adequate lighting, and alarms as specified by the Chief of Police;
- (b) Storage of all firearms on the premises out of the reach of customers in secure, locked facilities, so that access to firearms shall be controlled by the dealer or employees of the dealer, to the exclusion of all others.

SEC. 613.9.5. Findings.

1. "Enhanced-lethality ammunition" means the ammunition that licensees may not sell, lease or otherwise transfer under Police Code Sec. 613.10(g).

SEC. 613.10. License – Conditions. In addition to all other requirements and conditions stated in §§ 613-619, each license shall be subject to all of the following conditions, the breach of any of which shall be sufficient cause for revocation of the license by the Chief of Police:

- (a) The business shall be carried on only in the building located at the street address shown on the license, except as otherwise authorized under § 12071(b)(1) of the California Penal Code.
- (b) The licensee shall comply with §§ 12073, 12074, 12076, 12077 and 12082 of the California Penal Code, to the extent that the provisions remain in effect.
- (c) The licensee shall not deliver any pistol or revolver to a purchaser earlier than 10 days after the application for the purchase, lease or transfer, unless otherwise provided by State or federal law.
- (d) The licensee shall not deliver any firearm to a purchaser, lessee or other transferee unless the firearm is unloaded and securely wrapped or unloaded in a locked container.
- (e) The licensee shall not deliver any firearm, firearm ammunition, or firearm ammunition component to a purchaser, lessee or other transferee unless the purchaser, lessee or other transferee presents clear evidence of his or her identity and age to the seller. As used in this Section, "clear evidence of his or her identity and age" includes, but is not limited to, a motor vehicle operator's license, a State identification card, an armed forces identification card, an employment identification card which contains the bearer's signature and photograph, or any similar documentation which provides the seller reasonable assurance of the identity and age of the purchaser.
- (f) The licensee shall not display in any part of the premises where it can be readily seen from outside the premises, any firearm, firearm ammunition or imitation thereof, or placard advertising the sale or other transfer thereof, other than a sign identifying the name of the business.
- (g) The licensee shall not sell, lease or otherwise transfer to any person any ammunition that:
 - (1) Serves no sporting purpose;
 - (2) Is designed to expand upon impact and utilize the jacket, shot or materials embedded within the jacket or shot to project or disperse barbs or other objects that are intended to increase the damage to a human body or other target (including, but not limited to, Winchester Black Talon, Speer Gold Dot, Federal Hydra-Shok, Hornady XTP, Eldorado Starfire, Hollow Point Ammunition and Remington Golden Sabre ammunition; or
 - (3) Is designed to fragment upon impact (including, but not limited to, Black Rhino bullets and Glaser Safety Slugs).

This subsection does not apply to conventional hollow-point ammunition with a solid lead core when the purchase is made for official law enforcement purposes and the purchaser is authorized to make such a purchase by the director of a public law enforcement agency such as the Chief of the San Francisco Police Department or the Sheriff of the City and County of San Francisco.

(h) The licensee shall post within the licensee's premises a notice stating the following:
"THE CALIFORNIA PENAL CODE PROHIBITS THE SALE OF FIREARMS OR FIREARMS AMMUNITION TO PERSONS UNDER THE AGE OF 18, AND FURTHER GENERALLY PROHIBITS THE SALE OF A PISTOL, REVOLVER, OR FIREARM CAPABLE OF BEING CONCEALED UPON THE PERSON TO ANY PERSON UNDER THE AGE OF 21."
The posted notice shall be in a conspicuous location, shall be in 36 point type block letters in black ink on a white background, and shall be located so that the notice can easily and clearly be seen by all prospective purchasers of firearms and firearm ammunition.

(i) The licensee shall not sell, lease or otherwise transfer any ultracompact firearm except as authorized by § 613.10-2 or any 50 caliber firearm or 50 caliber cartridge except as authorized by § 613.10-1.

(j) Any license issued pursuant to this Article shall be subject to such additional conditions as the Chief of Police finds are reasonably related to the purpose of this Article.

(k) The licensee shall comply with the requirements of § 613.10-3 and shall, in addition, post the appropriate notice or notices, as specified below, in a conspicuous location at the entrance of the licensee's premises (or at the entrance to the separate room or, enclosure pursuant to § 613.10-3(c)). Such notice shall be in 36 point type block letters in black ink on a white background.

(1) Licensees that sell, lease or otherwise transfer firearms, other than firearms capable of being concealed on the person, shall post a notice at the entrance to the premises (or at the entrance to the separate room or enclosure pursuant to § 613.10-3(c)) stating the following:

"THE SAN FRANCISCO POLICE CODE REQUIRES THAT FIREARMS DEALERS PROHIBIT ENTRY BY PERSONS UNDER AGE 18, AND FURTHER PROHIBITS ENTRY BY (1) PERSONS CONVICTED OF A VIOLENT OFFENSE WHO ARE PROHIBITED FROM POSSESSING FIREARMS PURSUANT TO CALIFORNIA PENAL CODE SECTIONS 12021 OR 12021.1; AND (2) PERSONS WHO ARE CURRENTLY PROHIBITED FROM POSSESSING FIREARMS BECAUSE THEY HAVE BEEN ADJUDICATED AS MENTALLY DISORDERED, NOT GUILTY BY REASON OF INSANITY OR INCOMPETENT TO STAND TRIAL."

(2) Licensees that sell, lease or otherwise transfer firearms capable of being concealed on the person shall post a notice at the entrance to the premises (or at the entrance to the separate room or enclosure containing such firearms pursuant to § 613.10-3(c)) stating the following:

"THE SAN FRANCISCO POLICE CODE REQUIRES THAT FIREARMS DEALERS PROHIBIT ENTRY BY PERSONS UNDER AGE 21, AND FURTHER PROHIBITS ENTRY BY (1) PERSONS CONVICTED OF A VIOLENT OFFENSE WHO ARE PROHIBITED FROM POSSESSING FIREARMS PURSUANT TO CALIFORNIA PENAL CODE SECTIONS 12021 OR 12021.1; AND (2) PERSONS WHO ARE CURRENTLY PROHIBITED FROM POSSESSING FIREARMS BECAUSE THEY HAVE BEEN ADJUDICATED AS MENTALLY DISORDERED, NOT GUILTY BY REASON OF INSANITY OR INCOMPETENT TO STAND TRIAL."

(3) Licensees that sell, lease or otherwise transfer firearms capable of being concealed on the person, but who keep such firearms in a separate room or enclosure in accordance with § 613.10-3(c) shall post the notice required by paragraph (1) at the entrance to the premises or separate room or enclosure containing firearms that are not capable of being concealed on the person, and shall post the notice required by paragraph (2) at the entrance to the separate room or enclosure containing firearms capable of being concealed on the person.

(l) The licensee shall notify the Chief of Police of the name, age and address of, and submit a certificate of eligibility under Penal Code § 12071 from the State Department of Justice for, any person not listed on the licensee's application under § 613.2(a)(1) who will be given access to, or control of, workplace firearms, firearm ammunition, or firearm ammunition components. The licensee shall submit the required information and certificate within 10 days of such person being employed or otherwise being given access to, or control over workplace firearms, firearm ammunition, or firearm ammunition components.

(m) Within the first 5 business days of April and October of each year, licensees shall cause a physical inventory to be taken that includes a listing of each firearm held by the licensee by make, model, and serial number, together with a listing of each firearm the licensee has sold since the last inventory period. In addition, the inventory shall include a listing of each firearm lost or stolen that is required to be reported pursuant to Penal Code § 12071(b)(13). Licensees shall maintain a copy of the inventory on the premises for which the license was issued. Immediately upon completion of the inventory, licensees shall forward a copy of the inventory to the address specified by the Chief of Police, by such means as specified by the Chief of Police. With each copy of the inventory, licensees shall include an affidavit signed by the licensee (or, if the licensee is not a natural person, by an officer, general manager, or other principal of the licensee) stating under penalty of perjury that within the first 5 business days of that April or October, as the case may be, the signer personally confirmed the presence of the firearms reported on the inventory.

(n) At or prior to the time of delivering a firearm, licensees shall provide the person buying, leasing, or receiving the loan of the firearm with a copy of a notice, to be prepared by the Chief of Police, advising the reader of local firearms laws, including safe gun storage requirements and the requirement to report a lost or stolen firearm. The notice may also include summary information on relevant State firearms laws, including the requirement that the sale, loan or other transfer of a firearm to a non-licensed person be completed through a licensed firearms dealer.

(o) Licensee shall ensure that its business location is monitored by a video surveillance system that meets the following requirements:

(1) The system shall include cameras, monitors, digital video recorders, and cabling, if necessary to meet any of the other requirements listed below.

(2) The number and location of the cameras are subject to the approval of the Chief of Police or his or her designee. The cameras shall be sufficient in number and location to monitor all places where firearms or ammunition are stored, handled, sold, transferred, or carried, including, but not limited to, counters, safes, vaults, cabinets, shelves, cases, and entryways. The video surveillance system shall operate continuously, without interruption, whenever the licensee is open for business. Whenever the licensee is not open for business, the system shall be triggered by a motion detector and begin recording immediately upon detection of any motion within the monitored area.

(3) The sale or transfer of a firearm or ammunition shall be recorded by the video surveillance system in such a way that the facial features of the purchaser or transferee are clearly visible.

(4) When recording, the video surveillance system shall record continuously and store color images of the monitored area at a frequency of not less than 15 frames per second. The system shall produce retrievable and identifiable images and video recordings on media approved by the Chief of Police or his or her designee that can be enlarged through projection or other means, and can be made a permanent record for use in a criminal investigation. The system shall be capable of delineating on playback the activity and physical features of persons or areas where guns and ammunition are stored and handled within the premises.

(5) The stored images shall be maintained on the business premises of the licensee for a period not less than 1 year from the date of recordation and shall be made available to federal, state, or local law enforcement agencies upon service of a search warrant. Law enforcement agencies may only use images thus obtained for legitimate law enforcement purposes.

(6) The video surveillance system shall be maintained in proper working order at all times. If the system becomes inoperable, it must be repaired or replaced within 15 calendar days. The licensee shall inspect the system at least weekly to ensure that it is operational and images are being recorded and retained as required. The licensee shall notify the Chief of Police or his or her designee that the system has become inoperable as soon as practicable after discovering inoperability. The licensee shall allow the Chief of Police or his or her designee to inspect the system to ensure operability.

(7) The licensee shall post a sign in a conspicuous place at each entrance to the premises that states in block letters not less than one inch in height: THESE PREMISES ARE UNDER VIDEO SURVEILLANCE. YOUR IMAGE MAY BE RECORDED.

SEC. 613.10-1. Sale or Transfer of 50 Caliber Firearms and Cartridges Restricted.

(b) Purpose and Intent. ... It is not the intent of this Section to address the problem of handgun safety, as addressed, for example in §§ 12125 through 12133 of the California Penal Code, or to otherwise regulate 50 caliber handguns based on consumer product safety considerations for the person using the handgun.

(c) Definitions.

(1) As used in this section, the term "50 caliber firearm" shall mean any firearm, as defined in § 613.1 of this Article, capable of firing a center-fire 50 caliber cartridge.

(2) As used in this section, the term "50 caliber cartridge" shall mean a firearm ammunition cartridge in 50 caliber, either by designation or actual measurement, or any metric equivalent, including but not limited to a .50 BMG cartridge, that is capable of being fired from a centerfire rifle or a handgun. The term "50 caliber cartridge" does not include any memorabilia or display item that is filled with a permanent inert substance or that is otherwise permanently altered in a manner that prevents ready modification for use as live ammunition.

(3) As used in this section, the term "rifle" shall mean any firearm that is designed or redesigned, made or remade, and intended to be fired from the shoulder, and which is designed or redesigned, made or remade to use the energy in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger. The term "rifle" shall not include any shotgun.

(4) As used in this section, the term "handgun" shall mean any firearm with a barrel less than 16 inches in length. The term "handgun" shall include any pistol, revolver, or concealable firearm as such terms are defined in the California Penal Code.

(d) Sale or Transfer of 50 Caliber Firearms and Cartridges Restricted. No person shall sell, give, transfer, offer for sale or display for sale any 50 caliber firearm or 50 caliber cartridge except as authorized by paragraph (e) of this Section.

(e) Exceptions.

(1) The provisions of Subsection (d) of this Section shall not apply to:

(A) the sale or other transfer of a 50 caliber firearm or 50 caliber cartridge which is prohibited under state law, including, but not limited to, the sale or transfer of any assault weapon as defined in the California Penal Code;

(B) the sale or other transfer of a 50 caliber firearm which is an antique firearm, as defined in paragraph (16) of subsection (a) of § 921 of Title 18 of the United States Code;

(C) the delivery of a 50 caliber firearm to a licensed gunsmith, as defined in California Penal Code § 12001(r), or to a person licensed pursuant to California Penal Code § 12071, for purposes of service or repair, or to the return of the firearm to its owner by the gunsmith or the licensee following the completion of service or repairs;

(D) the return of a 50 caliber firearm to its owner by a person licensed pursuant to this Article where the firearm was initially delivered to the licensee for the purpose of a consignment sale or as collateral for a pawnbroker loan; or

(E) the offer for sale or display in any periodical, solicitation by mail or use of the internet of a 50 caliber firearm or 50 caliber cartridge by any person or entity where the seller or offeror is located outside of the City and County of San Francisco.

(F) the loan of an unloaded 50 caliber firearm to a person for use solely as a prop in a motion picture, television, video, theatrical or other entertainment production or event, provided that such person is in compliance with § 12081 of the California Penal Code.

(2) The provisions of Subsection (d) of this Section shall not apply to the sale or other transfer of a 50 caliber firearm or 50 caliber cartridge where the purchaser or transferee is any of the following:

(A) A law enforcement agency;

(B) An agency duly authorized to perform law enforcement duties;

(C) A state or local correctional facility;

(D) A federal law enforcement officer, provided such law enforcement officer is authorized to acquire a 50 caliber firearm and/or 50 caliber cartridges and does so while acting within the course and scope of his or her employment;

(E) A person described in §§ 12302 or 12322(a) of the California Penal Code; provided such person is authorized to acquire a 50 caliber firearm and/or 50 caliber cartridges and does so while acting within the course and scope of his or her employment;

(F) A person who is properly identified as a full-time paid peace officer as defined in §§ 830.1, 830.2, 830.4, or 830.5 of the California Penal Code, provided such peace officer is authorized to acquire a 50 caliber firearm and/or 50 caliber cartridge and does so while acting within the course and scope of his or her employment;

(G) A firearms dealer who has been issued a Federal Firearms License, and who is in compliance with the requirements of § 12071 of the California Penal Code,

(H) A person or entity conducting a transaction described in subdivision (k) of § 12078 of the California Penal Code:

(I) A person acquiring a 50 caliber firearm or 50 caliber cartridge by bequest or intestate succession, or otherwise by operation of law, provided that such firearms or cartridges are transferred to a law enforcement agency or to a person licensed pursuant to California Penal Code § 12071 within 12 months from the date that the person obtains title;

(J) A non-profit entity that is authorized to destroy firearms, and which has agreed to destroy the firearm being transferred;

(K) A federal, state, or local historical society, museum, or institutional collection that is open to the public; provided that the 50 caliber firearm is used for display purposes, is unloaded, and is secured from unauthorized uses.

(f) Penalties.

(1) Violation of this Section shall be punishable as a misdemeanor. In addition, in the case of a violation of this section by a firearms dealer licensed under this Article, each violation of this Section shall constitute grounds for suspension or revocation of the licensee's firearms dealer license.

(2) Each transaction in violation of this Section shall be deemed a distinct and separate violation.

(g) Sunset Provision. If the State of California enacts legislation prohibiting or restricting the sale or transfer of 50 caliber rifles, 50 caliber handguns, or 50 caliber cartridges covered by this section, the requirements of this Section shall be suspended as of the date such legislation goes into effect with respect to any requirements of this Section that apply to the firearms or cartridges prohibited or restricted by state law. If the State of California subsequently repeals any such legislation, the suspension shall expire by operation of law and the previously suspended provisions shall become operative.

SEC. 613.10-2. Sale of Ultracompact Firearms Restricted.

(c) Sale of Ultracompact Firearms Restricted. No person licensed pursuant to this Article shall sell, lease or otherwise transfer any ultracompact firearm except as authorized by paragraph (d) of this Section. Nothing in this section shall preclude any person licensed pursuant to this Article from processing firearms transactions between unlicensed parties pursuant to subdivision (d) of § 12072 of the Penal Code of the State of California.

(d) Exceptions. The requirements of this Section shall not apply to the sale, lease or other transfer of an ultracompact firearm in the following circumstances:

(1) To any law enforcement agency;

(2) To any agency duly authorized to perform law enforcement duties;

(3) To any state or local correctional facility;

(4) To a federal law enforcement officer, provided such law enforcement officer is authorized to acquire an ultracompact firearm and does so while acting within the course and scope of his or her employment;

(5) To a private security company licensed to do business in the State of California;

(6) To a person described in §§ 12302 or 12322(a) of the California Penal Code, provided such person is authorized to acquire an ultracompact firearm and does so while acting within the course and scope of his or her employment;

(7) To any person who is properly identified as a full-time paid peace officer, as defined in §§ 830.1, 830.2, 830.4, or 830.5 of the California Penal Code, provided such peace officer is authorized to acquire an ultracompact firearm and does so while acting within the course and scope of his or her employment.

(8) To the sale, lease or other transfer of any antique firearm, as defined in paragraph (16) of subsection (a) of § 921 of Title 18 of the United States Code.

(9) To the loan of an ultracompact firearm to a person for use solely as a prop in a motion picture, television, or video, theatrical or other entertainment production or event, provided that such person is in compliance with § 12081 of the California Penal Code;

(10) To any person or entity conducting a transaction that is exempt from the provisions of subdivision (d) of § 12072 of the California Penal Code;

(11) To any person or entity conducting a transaction described in subdivision (k) of § 12078 of the California Penal Code;

(12) To a firearms dealer who has been issued a Federal Firearms License, and who is in compliance with the requirements of § 12071 of the California Penal Code;

(13) To any person or entity acquiring an ultracompact firearm by bequest, intestate succession or otherwise by operation of law;

(14) To a non-profit entity that is authorized to destroy firearms, and which has agreed to destroy the firearm being transferred

(15) To a federal, state, or local historical society, museum, or institutional collection that is open to the public, provided that the ultracompact firearm is used for display purposes, is unloaded, and is secured from unauthorized use;

(16) To the delivery of an ultracompact firearm to a licensed gunsmith, as defined in California Penal Code § 12001(r), or to a person licensed pursuant to California Penal Code § 12071, for purposes of service or repair, or to the return of the firearm to its owner by the gunsmith or by licensee following the completion of service or repairs;

(17) To the return of an ultracompact firearm to its owner by a person licensed pursuant to this Article where the firearm was initially delivered to the licensee for the purpose of a consignment sale or as collateral for a pawnbroker loan.

(e) Penalties.

(1) Violation of this section shall be punishable as a misdemeanor. In addition, each violation of this Section shall constitute grounds for suspension or revocation of the licensee's firearms dealer license under this Article.

(2) Each transaction in violation of this Section shall be deemed a distinct and separate violation.

SEC. 613.10-3. Persons Prohibited from Purchasing Firearms Not Permitted on Licensees' Premises.

(a) No person who is prohibited from possessing or purchasing firearms pursuant to California Penal Code §§ 12021 or 12021.1 or Subsections (a), (b), (c) or (d) of California Welfare and Institutions Code § 8103 shall enter into any place of business that is licensed pursuant to this Article to engage in the business of selling, leasing or otherwise transferring firearms and which displays the notices required by § 613.10(k), except in accordance with paragraph (c) of this Section.

(b) (1) No person licensed pursuant to this Article to sell, lease or otherwise transfer firearms shall permit the entry onto the premises that are the subject of the license by any person who the licensee knows or has reason to know is prohibited from possessing or purchasing firearms pursuant to California Penal Code §§ 12021 or 12021.1, or Subsections (a), (b), (c) or (d), of California Welfare and Institutions Code § 8103, except in accordance with paragraph (c) of this Section.

(2) No person licensed pursuant to this Article to sell, lease or otherwise transfer firearms shall permit the entry onto the premises that are the subject of the license by any person under 18 years of age except in accordance with paragraph (c) of this section. No person licensed pursuant to this Article to sell, lease or otherwise transfer firearms and who keeps or displays for sale, lease or other transfer firearms capable of being concealed on the person shall permit the entry onto the premises that are the subject of the license by any person under 21 years of age, except in accordance with paragraph (c) of this section.

(3) The licensee and any of his or her agents, employees or other persons acting under the licensee's authority shall be responsible for requiring clear evidence of age and identity of persons to prevent the entry of persons not permitted to purchase a firearm under state law by reason of age. Clear evidence of age and identity includes, but is not limited to, a motor vehicle operator's license, a State identification card, an armed forces identification card, or an employment identification card which contains the bearer's signature, photograph, and age, or any similar documentation which provides reasonable assurance of the identity and age of the individual.

(c) Exceptions.

(1) It shall not be a violation of this section for any person who is otherwise prohibited pursuant to subsection (a) from entering or being present on the premises to enter or be present on the premises if the firearms and related accessories (including, but not limited to, ammunition, ammunition clips and holsters) are kept or displayed within a separate room or enclosure that separates such firearms and related accessories from other merchandise, and such persons are excluded from the separate room or enclosure.

(2) It shall not be a violation of this section for any person who the licensee is otherwise required to keep from entering or being present on the premises pursuant to subsection (b) to enter or be present on the premises if the firearms and related accessories (including, but not limited to ammunition, ammunition clips and holsters) are kept or displayed within a separate room or enclosure that separates such firearms and related accessories from other merchandise, and such persons are excluded from the separate room or enclosure. Where a licensee keeps or displays weapons capable of being concealed on the person in a separate room or enclosure that separates such firearms and related accessories, (including, but not limited to, ammunition, ammunition clips and holsters) from other merchandise (including other firearms), it shall not be a violation of this section for persons at least 18 years old but less than 21 years old to enter or be present on the premises if such persons are excluded from the separate room or enclosure containing firearms capable of being concealed on the person.

(d) Penalty for violation.

(1) Any person who is prohibited from possessing or purchasing firearms pursuant to California Penal Code §§ 12021 or 12021.1 or Subsections (a), (b), (c) or (d) of California Welfare and Institutions Code § 8103 and who knowingly enters into any place of business that is licensed pursuant to this Article to engage in the business of selling, leasing or otherwise transferring firearms in violation of subsection (a) shall be guilty of a misdemeanor.

(2) Any licensee or other person acting under the authority of a licensee, including, but not limited to, employees or agents of a licensee, who knowingly allows a person to enter the licensee's premises in violation of this section shall be guilty of a misdemeanor.

SEC. 613.11. License – Grounds for Revocation. In addition to any other provisions of this Article, any circumstances constituting grounds for denial of a license shall also constitute grounds for revocation of a license.

SEC. 613.12. Hearing on License Denial or Revocation.

(a) Any person whose application for a license under this Article has been denied, or whose license has been revoked pursuant to the provisions of this Article, shall have the right to a hearing before the Chief of Police or his or her designee prior to final denial or prior to revocation.

(b) The Chief of Police shall give the applicant or licensee written notice of the intent to deny the application or to revoke the license. The notice shall set forth the ground or grounds for the Chief of Police's intent to deny the application or to revoke the license, and shall inform the applicant or licensee that he or she has 10 days from the date of mailing of the

notice to file a written request for a hearing. The application may be denied or the license revoked if a written hearing request is not received within the 10-day period.

(c) If the applicant or licensee files a timely hearing request, the Chief of Police shall set a time and place for the hearing. All parties involved shall have the right to (1) offer testimonial, documentary and tangible evidence bearing on the issues; (2) be represented by counsel; and (3) confront and cross examine any witnesses against them. If the hearing is before a designee of the Chief of Police, the designee shall make a written recommendation following the hearing regarding whether an application should be denied or a license revoked. The decision of the Chief of Police whether to deny the application or revoke the license shall be appealable to the Board of Appeals, at which proceeding the Chief shall have the burden of proof to justify his decision.

SEC. 613.13. License – Liability Insurance. No license shall be issued or reissued pursuant to this Article unless there is in full force and effect a policy of insurance in such form as the City Attorney and the City's Risk Manager deem proper, executed by an insurance company approved by the City's Risk Manager, whereby the applicant or licensee is insured against liability for damage to property and for injury to or death of any person as a result of the sale, transfer or lease, or advertising for sale, transfer or lease, or offering or exposing for sale, transfer or lease, of any firearm, firearm ammunition or firearm ammunition component. The minimum liability limits shall not be less than \$1,000,000 for damage to or destruction of property in any one incident, and \$1,000,000 for the death or injury to any 1 person; provided, however, that additional amounts may be required by the City Attorney or City's Risk Manager if deemed necessary to protect the interests of the City and its residents.

Such policy of insurance shall contain an endorsement providing that the policy will not be canceled until notice in writing has been given to the City, address in care of the Chief of Police, 850 Bryant Street, San Francisco, California, 94103, at 30 days immediately prior to the time such cancellation becomes effective. Further, such policy of insurance shall name the City, its officers, agents, and employees as additional insureds.

In addition, applicants and licensees shall agree in writing that they shall indemnify, defend, and hold harmless the City, its officers, agents, and employees, from claims arising out of the negligence or the intentional or wilful misconduct of the applicant or licensee.

SEC. 613.14. License – Authority to Inspect. Any and all investigating officials of the City shall have the right to enter the building designated in the license from time to time during regular business hours to make reasonable inspections and to observe and enforce compliance with building, mechanical, fire, electrical, plumbing, or health regulations, and provisions of this Article. A police investigator may conduct compliance inspections to insure conformance with all federal, state, and local laws, and all provisions of this Article.

SEC. 613.15. Compliance by Existing Dealers. Any person engaging in the business of selling, transferring, or leasing, or advertising for sale, transfer, or lease, or offering or exposing for sale, transfer, or lease, any firearm, firearm ammunition, or firearm ammunition component on the effective date of this Article, or any amendments thereto, shall have a period of 60 days after such effective date to comply with the provisions of this Article, or any amendments thereto.

In addition, any person who possesses as of February 1, 1994, a permit or license issued by the San Francisco Police Department to engage in the business of selling, transferring, or leasing, or advertising for sale, transfer, or lease, or offering or exposing for sale, transfer, or lease, any firearm, firearm ammunition, or firearm ammunition component, shall not be required to comply with the requirements of § 613.3(i)(1), (2) and (3) of this Article.

SEC. 613.16. Temporary Suspension of License.

(a) If the Chief of Police has reason to believe that a licensee has (1) violated any federal, state or local law relating to the sale, lease, transfer, use or possession of firearms, firearm ammunition or firearms ammunition components, or (2) has committed any of the offenses set forth in § 613.3(e), the Chief of Police may immediately suspend for a period not to exceed 3 days the right of the licensee to sell, lease or otherwise transfer firearms, firearm ammunition or firearm ammunition components.

However, if the licensee is charged by a federal, state, or local prosecuting attorney with a violation of any such law the Chief of Police may suspend such license until the charges are dismissed or the licensee is found not guilty in a court of law. If the Chief of Police suspends a license pursuant to this provision, the licensee shall be provided an opportunity to present evidence to the Chief or his or her designee that the pending charges are without legal merit. The Chief's decision regarding whether to suspend a license pending the outcome of such charges shall be appealable to the Board of Appeals, at which proceeding the Chief shall have the burden of proof to justify his decision.

(b) Notice of suspension shall be mailed to the person(s) who applied for the license and shall be delivered to the address listed on the license.

SEC. 613.17. Delivery to Tax Collector. Upon granting said license, the Police Department shall forward said license to the Tax Collector who shall issue said license to the applicant upon payment of the license fee, payable in advance.

SEC. 613.18. Rules and Regulations. The Chief of Police is hereby authorized to promulgate such rules and regulations after noticed hearing as will enable the Police Department to effectuate the purposes of this ordinance. Failure to comply with such rules and regulations, or with any other requirements imposed by this ordinance, shall constitute grounds for revocation of licenses issued hereunder.

SEC. 613.19. Penalties. Any person violating any provision of this Article shall be guilty of a misdemeanor or an infraction unless a penalty is otherwise specified. The complaint charging such violation shall specify whether the violation is a misdemeanor or infraction, which decision shall be that of the District Attorney. If charged as an infraction, upon conviction, the violator shall be punished by a fine of not more than \$100 for each provision violated. If charged as a misdemeanor, upon conviction, the violator shall be punished by a fine of not less than \$500 or more than \$1,000 for each provision violated or by imprisonment in the County Jail for a period of not more than 6 months, or by both such fine and imprisonment. In any accusatory pleading charging a violation of this Section, if the defendant has been previously convicted of a violation of this Section, each such previous violation and conviction shall be charged in the accusatory pleading. Any person violating any provision of this Section a second or subsequent time within a 10-year period shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$500 and not more than \$1,000 for each provision violated, or by imprisonment in the County Jail for a period of not more than 6 months, or by both such fine and imprisonment.

SEC. 613.20. Severability. If any section, subsection, paragraph, sentence or word of this Article is deemed to be invalid or beyond the authority of the City and County of San Francisco, either on its face or as applied, the invalidity of such provision shall not affect the other sections, subsections, paragraphs, sentences, or words of this Article, and the application thereof; and to that end the section, subsections, paragraphs, sentences and words of this Article shall be deemed severable.

SEC. 614. Exceptions. Sections 613 to 613.20 inclusive, of this Article, shall not apply to wholesale dealers in their business intercourse with retail dealers, nor to wholesale or retail dealers in the regular or ordinary transport of unloaded firearms as merchandise to other wholesale or retail dealers by mail, express or other mode of shipment to points outside the City and County of San Francisco.

SEC. 615. Records of Ammunition Sales.

(a) Definitions. As used in this Section 615, these terms shall have the following meanings:

(1) "Firearm ammunition" shall include any ammunition for use in any pistol or revolver, or semiautomatic rifle or assault weapon, but shall not include ammunition for shotguns that contains shot that is No. 4 or smaller.

(2) "Semiautomatic rifle" shall mean any repeating rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

(3) "Assault weapon" shall mean any of the weapons designated in California Penal Code § 12276 or 12276.1.

(4) "Vendor" shall mean any person located in the City and County of San Francisco who is engaged in the sale of firearm ammunition, including any retail firearms dealer.

(5) "Remote Vendor" shall mean any person engaged in the sale of firearm ammunition, including any retail firearms dealer, who is located outside the City and County of San Francisco but delivers or causes to be delivered firearm ammunition to an address within the City and County of San Francisco.

(b) No Vendor or Remote Vendor engaging in a transaction for delivery to an address in the City and County of San Francisco shall sell or otherwise transfer ownership of any firearm ammunition without at the time of purchase recording the following information on a form to be prescribed by the Chief of Police:

(1) the name of the Vendor or Remote Vendor (including the name of the specific individual) transferring ownership to the transferee;

(2) the place where the transfer occurred; in the case of a Remote Vendor, the place of transfer shall be the origin of the shipment;

(3) the date and time of the transfer; a Remote Vendor shall record the date and time of the shipment;

(4) the name, address and date of birth of the transferee;

(5) the transferee's driver's license number, or other identification number, and the state in which it was issued;

(6) the brand, type and amount of ammunition transferred; and

(7) the transferee's signature and thumbprint.

(c) Any Vendor or Remote Vendor who sells or otherwise transfers any firearm ammunition, where the transaction occurs within the City and County of San Francisco or the firearm ammunition is ordered for delivery to an address within the City and County of San Francisco, shall be subject to the reporting requirement of this subsection (c). On a weekly basis, the Vendor or Remote Vendor shall report the transactions for the previous week to the Chief of Police or his or her designee by electronic mail or by such other means specified by the Chief of Police or his or her designee. The report shall contain the same information required under subsection (b) for each transaction.

(d) No Vendor or Remote Vendor shall knowingly make a false entry in, or fail to make a required entry in, records prepared in accordance with subsection (b). No Vendor or Remote Vendor shall fail to submit the report required under subsection (c) in a timely manner, or knowingly include false information in such report. A Vendor or Remote Vendor must maintain the records required under subsection (b) on the premises for a period of not less than 2 years from the date of the recorded transfer. Said records shall be subject to inspection by the Police Department at any time during normal business hours.

(e) Penalties.

(1) First Conviction. Any person violating any provision of this Section shall be guilty of an infraction. Upon conviction of the infraction, the violator shall be punished by a fine of not less than \$50 nor more than \$100.

(2) Subsequent Convictions. In any accusatory pleading charging a violation of this Section, if the defendant has been previously convicted of a violation of this Section, each such previous violation and conviction shall be charged in the accusatory pleading. Any person violating any provision of this Section a second time within a 90-day period shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$300 and not more than \$400 for each provision violated, or by imprisonment in the County Jail for a period of not more than 6 months, or by both such fine and imprisonment. Any person violating any provision of this Section, a third time, and each subsequent time, within a 30-day period shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$400 and not more than \$500 for each provision violated, or by imprisonment in the County Jail for a period of not more than 6 months, or by both such fine and imprisonment.

(f) Severability. If any subsection, sentence, clause, phrase, or word of this Section be for any reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining portions of this Section or any part thereof. The Board of Supervisors hereby declares that it would have adopted this Section notwithstanding the unconstitutionality, invalidity, or ineffectiveness of any one or more of its subsections, sentences, clauses, phrases, or words.

SEC. 616. Reporting the Loss or Theft of Firearms.

(a) Any person that owns or is otherwise in possession of a firearm shall report the theft or loss of such firearm to the San Francisco Police Department within 48 hours of becoming aware of the theft or loss whenever

(1) the owner resides in San Francisco, or

(2) the theft or loss of the firearm occurs in San Francisco.

(b) The failure of an owner or person in possession of a firearm to report the theft or loss of the firearms within 48 hours of when the owner or person in possession becomes aware or should have become aware of the theft or loss shall be punishable in accordance with § 613.19.

(c) The failure of an owner or person in possession of a firearm to report the theft or loss of the firearms in a timely manner shall create a rebuttable presumption that the owner or person remains in possession of the firearm.

SEC. 617. Prohibition against Possession or Sale of Firearms or Ammunition on Property Controlled by the City and County of San Francisco.

A. Legislative Findings.

(12) The California Supreme Court has ruled that State Law does not preempt local laws banning the possession and sale of firearms and ammunition on their property. In *Nordyke v. King* (2002) 27 Cal.4th 875, the Supreme Court upheld an Alameda County ordinance banning the possession of firearms and ammunition on county owned property and in *Great Western v. County of Los Angeles* (2002) 27 Cal.4th 853, the Supreme Court upheld a Los Angeles County Ordinance prohibiting all sales of firearms and ammunition on county property. These rulings uphold the legal ability of the Board of Supervisors to ban the possession and sale of firearms and ammunition on City and County property.

C.1 Definitions.

(1) City and County Property.

(a) As used in this section, the term "City property" means real property, including any buildings thereon, owned or leased by the City and County of San Francisco (hereinafter "City"), and in the City's possession or in the possession of a public or private entity under contract with the City to perform a public purpose including but not limited to the following property: recreational and park property including but not limited to Golden Gate Park, the San Francisco zoo, Hilltop Park and San Francisco's parks and playgrounds, plazas including but not limited to United Nations Plaza and Hallidie Plaza, community centers such as Ella Hill Hutch Community Center, and property of the Department of Recreations and Parks, the Port, and the Public Utilities Commission.

(b)2 The term "City property" does not include any "local public building" as defined in Penal Code § 171b(c), where the state regulates possession of firearms pursuant to Penal Code § 171b.

(c) The term "City property" also does not include the public right-of-way owned by the City and County of San Francisco including any area across, along, on, over, upon, and within the dedicated public alleys, boulevards, courts, lanes, roads, sidewalks, streets, and ways within the City or any property owned by the City that is outside the territorial limits of the City and County of San Francisco.

(2) Firearms. As used in this section the term "firearm" is any gun, pistol, revolver, rifle or any device, designed or modified to be used as a weapon, from which is expelled through a barrel a projectile by the force of an explosion or other form of combustion. "Firearm" does not include imitation firearms or BB guns and air rifles as defined in Government Code § 53071.5.

(3) Ammunition. "Ammunition" is any ammunition as defined in California Penal Code § 12316(b)(2).

C.1 Possession or Sale of Firearms or Ammunition on County Property Prohibited. No person shall:

(1) Bring onto or possess on county property a firearm, loaded or unloaded, or ammunition for a firearm.

(2) Sell on county property a firearm, loaded or unloaded, or ammunition for a firearm.

D. Exceptions, Ban on Possession. Section C.(1)1 above shall not apply to the following:

(1) peace officer, retired peace officer or person assisting a peace officer when authorized to carry a concealed weapon under Penal Code § 12027(a) or a loaded firearm under Penal Code § 12031(b)(1) and under 18 U.S.C. 926B or 926C.

(2) Members of the armed forces when on duty or other organizations when authorized to carry a concealed weapon under Penal Code § 12027(c) or a loaded firearm under Penal Code § 12031(b)(4).

(3) Military or civil organizations carrying unloaded weapons while parading or when going to and from their organizational meetings when authorized to carry a concealed weapon under Penal Code § 12027(d).

(4) Guards or messengers of common carriers, banks and other financial institutions when authorized to carry a concealed weapon under Penal Code § 12027(e) and armored vehicle guards when authorized to carry a loaded weapon under Penal Code § 12031(b)(7).

(5) Persons who are at a target range.

(6) Honorably retired Federal officers or agents of Federal law enforcement agencies when authorized to carry a concealed weapon under Penal Code § 12027(i) or a loaded weapon under Penal Code § 12031(b)(8).

(7) The public administrator in the distribution of a private estate or to the sale of firearms by its auctioneer to fulfill its obligation under State Law.

(8) Patrol special police officers, animal control officers or zookeepers, and harbor police officers, when authorized to carry a loaded firearm under Penal Code § 12031(c).

(9) A guard or messenger of a common carrier, bank or other financial institution; a guard of a contract carrier operating an armored vehicle; a licensed private investigator, patrol operator or alarm company operator; a uniformed security guard or night watch person employed by a public agency; a uniformed security guard or uniformed alarm agent; a uniformed employee of private patrol operator or private investigator when any of the above are authorized to carry a loaded firearm under Penal Code § 12031(d).

(10) Any authorized participant in a motion picture, television or video production or entertainment event when the participant lawfully uses a firearm as part of that production or event.

E. Exception, Ban on Sale. Section C.(2)1 above shall not apply to the following:

(1) Purchase or sale of a firearm or ammunition for a firearm by a federal, state or local law enforcement agency or by any other Federal, State or local governmental entity.

(2) The public administrator in the distribution of a private estate or to the sale of firearms by its auctioneer to fulfill its obligation under state law.

(3) Sale of ammunition at a target range for use at the target range.

F. Penalty for Violation. Any person who violates any of the provisions of this § 617(c)3 shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$1,000 or by imprisonment in the county jail not to exceed 6 months, or by both.

G. Severability. If any provision, clause or word of this Section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision, clause, word or application of this Section which can be given effect without the invalid provision, clause or word, and to this end the provisions of this chapter are declared to be severable.

CODIFICATION NOTES

1. As enacted by Ord. 194-07, this section includes two divisions designated "C.," both of which have subdivisions designated "(1)" and "(2)." The first division "C." includes definitions; the second includes prohibitions relating to sales and possession.

2. As enacted by Ord. 194-07, the second and third paragraphs of this division are undesignated. The codifier added the designations "(b)" and "(c)."

3. So in Ord. 194-07.

SEC. 618. Prohibited Ammunition

(a) Definition. For purposes of this Section, "**Prohibited Ammunition**" shall mean:

(1) Ammunition sold under the brand name "Winchester Black Talon," or that has physical properties resulting in ballistics performance identical to ammunition presently or formerly sold under the brand name Winchester Black Talon; or,

(2) Ammunition designated by its manufacturer for purchase by law enforcement or military agencies only, unless other ammunition is available to the general public that has physical properties resulting in ballistics performance identical to such ammunition.

(b) Possession Prohibited; Exceptions. No person, firm, corporation or other entity may possess Prohibited Ammunition within the City and County of San Francisco, except that this subsection shall not apply to the otherwise-lawful possession of Prohibited Ammunition by the following:

(1) Peace officers in possession of Prohibited Ammunition issued to them by their employing agency;

(2) Federal law enforcement officers or other federal employees in possession of Prohibited Ammunition issued to them by their employing agency;

(3) Members of the armed forces of the United States in possession of Prohibited Ammunition issued to them by the military agency to which they belong;

(4) Patrol special police officers, animal control officers or zookeepers, harbor police officers, sheriff's security officers, or police security officers in possession of Prohibited Ammunition issued to them by their employing agencies; or,

(5) Businesses licensed as firearms dealers under this Article in possession of Prohibited Ammunition for sale to law enforcement and military agencies. Agencies employing persons listed in subsection (b)(4) are considered law enforcement agencies for purposes of this Section.

(c) Sale or Transfer. No business licensed as a firearm dealer under this Article may sell, lease or otherwise transfer Prohibited Ammunition except to law enforcement and military agencies.

(d) Police Database. The San Francisco Police Department shall prepare or cause to be prepared a public database of brands and product lines of ammunition meeting the definition of "Prohibited Ammunition" in subsection (a). Failure of the Police Department to create or maintain such a database, or the omission from the database of a particular brand or product line of ammunition otherwise qualifying as "Prohibited Ammunition," under subsection (a), shall not be a defense to or otherwise excuse a violation of this Section.

(e) Penalty. Violation of any of the provisions of this Section is a misdemeanor and upon conviction the violator may be punished by a fine not to exceed \$1,000 or by imprisonment in the county jail not to exceed 6 months, or by both.

(f) Severability. If any provision, clause or word of this § 618 or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision, clause, word or application of this Section which can be given effect without the invalid provision, clause or word, and to this end the provisions of this Section are declared to be severable.

SEC. 619. Prohibition against Possession of Large Capacity Magazines.

(b) Definition. "Large capacity magazine" means any detachable ammunition feeding device with the capacity to accept more than 10 rounds, but shall not be construed to include any of the following:

- (1) A feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds;
- (2) A .22 caliber tube ammunition feeding device; or
- (3) A tubular magazine that is contained in a lever-action firearm.

(c) Prohibition on Possession of Large Capacity Magazines.

(1) No person, corporation, or other entity in the City may possess a large capacity magazine, whether assembled or disassembled.

(2) Any person who, prior to the effective date of this chapter, was legally in possession of a large capacity magazine shall have 90 days from such effective date to do any of the following without being subject to prosecution:

- (A) Remove the large capacity magazine from the City;
- (B) Surrender the large capacity magazine to the Police Department for destruction; or
- (C) Sell or transfer the large capacity magazine lawfully in accordance with Penal Code § 12020.

(d) Exceptions. Subsection (c) shall not apply to the following:

(1) Any government officer, agent, or employee, member of the armed forces of the United States, or peace officer, to the extent that such person is otherwise authorized to possess a large capacity magazine in connection with his or her official duties;

(2) A person licensed pursuant to Penal Code §§ 26700 to 26915, inclusive;

(3) A gunsmith for the purposes of maintenance, repair or modification of the large capacity magazine;

(4) Any entity that operates an armored vehicle business pursuant to the laws of the state, and an authorized employee of such entity, while in the course and scope of his or her employment for purposes that pertain to the entity's armored vehicle business;

(5) Any person, corporation or other entity that manufactures the large capacity magazine for a person mentioned in subsection (a) or for export pursuant to applicable federal regulations;

(6) Any person using the large capacity magazine solely as a prop for a motion picture, television, or video production, or entertainment event;

(7) Any holder of a special weapons permit issued pursuant to Penal Code § 33300, 32650, 32700, 31000, or 18900;

(8) Any person issued a permit pursuant to Penal Code § 32315 by the California Department of Justice upon a showing of good cause for the possession, transportation, or sale of large capacity magazines between a person licensed pursuant to Penal Code §§ 26700 to 26915 and an out-of-state client, when those activities are in accordance with the terms and conditions of that permit;

(9) Any federal, state or local historical society, museum, or institutional collection which is open to the public, provided that the large capacity magazine is properly housed secured from unauthorized handling, and unloaded;

(10) Any person who finds the large capacity magazine, if the person is not prohibited from possessing firearms or ammunition pursuant to federal or state law, and the person possesses the large capacity magazine no longer than is necessary to deliver or transport the same to a law enforcement agency for that agency's disposition according to law;

(11) A forensic laboratory or any authorized agent or employee thereof in the course and scope of his or her authorized activities;

(12) Any person in the business of selling or transferring large capacity magazines in accordance with Penal Code § 12020, who is in possession of a large capacity magazine solely for the purpose of doing so; or

(13) Any person lawfully in possession of a firearm that the person obtained prior to January 1, 2000 if no magazine that holds 10 or less rounds of ammunition is compatible with that firearm and the person possesses the large capacity magazine solely for use with that firearm.

(e) Penalty. Any person violating this chapter is guilty of a misdemeanor.

(f) Severability. If any subsection, sentence, clause, phrase, or word of this Section be for any reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining portions of this Section or any part thereof. The Board of Supervisors hereby declares that it would have adopted this Section notwithstanding the unconstitutionality, invalidity, or ineffectiveness of any one or more of its subsections, sentences, clauses, phrases, or words.

(g) No Duplication of State Law. In the event that the State of California enacts legislation prohibiting possession of large capacity magazines, this § 618 shall have no force or effect to the extent that it duplicates any such state law.

Article 13. Miscellaneous Regulations for Professions and Trades

SEC. 840. Carrying Firearms, Etc. – Regulations Governing. Any person who in the course of employment or his livelihood carries a firearm or any other deadly or dangerous weapons as defined by § 1291-A, Article 17, Chapter VIII, Part II of the San Francisco Municipal Code, concealed or unconcealed, shall register with the Chief of Police in writing by signed statement, stating the name, occupation, residence and business address of the registrant, his age, height, weight, color of eyes and hair, and reason desired to carry such weapon, and shall submit therewith two sets of fingerprints and one photograph.

SEC. 841. Carrying Firearms, Etc. – Requirements. Any person carrying a firearm or any other deadly or dangerous weapon as defined by said § 1291-A, Article 17, Chapter VIII, of the San Francisco Municipal Code, in the City and County of San Francisco, must:

- (1)** Be at least 21 years of age;
- (2)** Be a citizen of the United States;
- (3)** Be of good moral character;
- (4)** Be able to manifest a knowledge of §§ 197, 834, 835, 837 and 847 of the Penal Code of the State of California.

SEC. 842. Carrying Firearms, Etc. – Penalty for Violation. Any person who shall violate any of the provisions of § 840 to 842 of this Article shall be deemed guilty of a misdemeanor and shall be punished by a fine of not exceeding \$500, or by imprisonment in the County Jail for not exceeding 6 months, or by both such fine and imprisonment.

Article 35. Firearm Strict Liability Act

SEC. 3501. Definitions.

- (a)** "Firearm" shall have the same meaning as in San Francisco Police Code § 613.1(a).
- (b)** "Dealer" means any person engaged in the business of selling firearms at wholesale or retail and specifically includes pawnbrokers who take or receive firearms as security for the payment or repayment of money.
- (c)** "Importer" means any person engaged in the business of importing or bringing firearms into the United States for sale or distribution.
- (d)** "Manufacturer" means any person in business to manufacture or assemble a firearm or ammunition for sale or distribution.
- (e)** "Law enforcement agency" means a federal, state or local law enforcement agency, state militia or an agency of the United States government.
- (f)** "Law enforcement official" means any officer or agent of an agency defined in paragraph (e) of this section who is authorized to use a firearm in the course of his or her work.
- (g)** "Internal personalized safety feature" means any internal locking device or other mechanical or electrical device integral to the frame of the firearm that prevents any unauthorized use of the firearm. Such mechanical or electrical devices can include but are not limited to devices that use computer microchips, radio signals or user fingerprints as a means to "recognize" an authorized user. A trigger lock or other external device shall not be considered an internal personalized safety feature.

SEC. 3502. Imposition of Strict Liability.

(a) Each manufacturer, importer and/or dealer of a firearm shall be held strictly liable in tort, without regard to fault or proof of defect, for all direct and consequential damages arising from bodily injury or death where the bodily injury or death results from the discharge within the jurisdiction of the City and County of San Francisco of any firearm manufactured, imported, distributed, sold, leased or otherwise transferred by the manufacturer, importer and/or dealer, except that no liability shall be imposed pursuant to this subsection for a discharge that occurs prior to the effective date of this section.

(b) Exemptions and Limitations.

(1) No action may be commenced pursuant to this section by any person who is injured or killed by the discharge of a firearm while such person is committing or attempting to commit a crime (whether or not such crime is actually charged), or while such person is attempting to evade arrest by a law enforcement official. This exemption shall be in the nature of an affirmative defense, and shall be proven by a preponderance of the evidence.

(2) No action may be commenced pursuant to this section by any person injured or killed by the discharge of a firearm by a law enforcement official.

(3) This section shall not limit in scope any cause of action, other than that provided by this section, available to a person injured by or killed by a firearm.

(4) Nothing in this section shall prevent a manufacturer, importer or dealer from seeking whole or partial indemnity or contribution for any liability incurred under this section from any third party wholly or partially responsible for the injury or death.

(5) No action may be commenced pursuant to this section by any person for a self-inflicted injury.

(6) No action may be commenced pursuant to this section where the firearm was equipped with an internal personalized safety feature at that time of its first retail sale.

(7) If any manufacturer, importer or dealer has purchased and has in effect at the time of the injury an insurance policy that covers any and all damages, including but not limited to bodily injury or death, resulting from the discharge of the specific firearm involved in the incident, the liability imposed under this section as to that manufacturer, importer or dealer shall not exceed the total amount of coverage available under said policy provided that the total coverage available under the policy shall not be less than \$100,000 per incident.

(8) No action may be commenced pursuant to this section where the firearm involved is either (a) a shotgun without a magazine or having a fixed magazine of 4 or less rounds or (b) a rifle without a magazine or having a fixed magazine of 4 or less rounds.

SEC. 3503. Saving Clause; Invalidity of Part of Article Not to Affect Remainder. If any section, subsection, sentence, clause or phrase of this Article is for any reason held to be unconstitutional, or invalid, such decision shall not affect the validity of the remaining portions of this Article. The Board of Supervisors hereby declares that it would have passed this Article and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Article 45. Firearms and Weapons Violence Prevention Ordinance

SEC. 4501. Definitions. The following words and phrases, whenever used in this Article, shall be construed as defined in this Section:

(a) "**Firearm**" means any device, designed to be used as a weapon or modified to be used as a weapon that expels a projectile by the force of an explosion or other form of combustion.

(b) "**Projectile weapon**" means any device or instrument used as a weapon which launches or propels a projectile by means other than the force of an explosion or other form of combustion with sufficient force to cause injury to persons or property. A projectile weapon shall include, but not be limited to, air gun, air pistol, air rifle, gas operated gun, BB gun, pellet gun, flare gun, dart gun, ...wrist rocket, blow gun, paint gun, or other similar device or instrument.

SEC. 4502. Discharge of Firearms and Firing of Projectile Weapons. Subject to the exceptions in § 4506, it shall be unlawful for any person to at any time fire or discharge, or cause to be fired or discharged, any firearm or any projectile weapon within the City and County of San Francisco.

SEC. 4503. Enforcement.

(a) Except as otherwise provided in this Section, any person violating any provision of this Article shall be guilty of a misdemeanor or an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or infraction, which decision shall be that of the District Attorney. If charged as an infraction, upon conviction, the violator shall be punished by a fine of not more than \$100 for each provision violated. If charged as a misdemeanor, upon conviction, the violator shall be punished by a fine of not more than \$500 for each provision violated or by imprisonment in the County Jail for a period of not more than 6 months, or by both such fine and imprisonment.

(b) Any person violating any provision of this Article a second or subsequent time within a 10-year period shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000 for each violation, or by imprisonment in the County Jail for a period of not more than 6 months, or by both such fine and imprisonment.

(c) Any person violating any provision of this Article within 1,500 feet of a day care center, school or school yard, whether public or private, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000 for each such violation, or by imprisonment in the County Jail for a period of not more than 6 months, or by both such fine and imprisonment.

(d) A person shall be guilty of a separate offense for each and every discharge of a firearm or firing of a projectile weapon, and shall be punished accordingly.

(e) Juveniles arrested pursuant to this Section shall be subject to § 602 of the Welfare and Institutions Code.

SEC. 4504. Parental Responsibility for Minors. Any parent or legal guardian, or a person over the age of 18, is also guilty of an offense punishable in accordance with § 4503 if he or she knows or reasonably should know that a minor is likely to gain access to a firearm or a projectile weapon kept within any premises or vehicle which is under his or her custody or control, and a minor obtains and fires or discharges the firearm or projectile weapon within the City and County of San Francisco, in violation of § 4502.

SEC. 4505. Firearms and Projectile Weapons; Confiscation and Disposal of. Any firearm or projectile weapon discharged within the City and County of San Francisco in violation of the provisions of § 4502 is hereby declared to be a nuisance, and shall be surrendered to the Police Department of the City and County of San Francisco. The Chief of Police, except upon the certificate of a judge of a court of record, or of the District Attorney that the preservation thereof is necessary or proper to the ends of justice, shall destroy or cause to be destroyed such firearms and projectile weapons, provided, however, that in the event any such firearm or projectile weapon is determined to have been stolen, the same shall not be destroyed but shall be returned to the lawful owner as soon as its use as evidence has been served, upon identification of the firearm or projectile weapon and proof of ownership thereof.

SEC. 4506. Firearms and Projectile Weapons; Exceptions.

(a) The provisions of § 4502 shall not apply to or affect:

- (1) Sheriffs, constables, marshals, police officers, or other duly appointed peace officers in the performance of their official duties, or any person summoned by such officer to assist in making arrests or preserving the peace while said person so summoned is actually engaged in assisting such officer;
- (2) Persons in lawful possession of a handgun who discharge said handgun in necessary and lawful defense of self or others while in a personal residence; or
- (3) Persons in lawful possession of a firearm or projectile weapon who are expressly and specifically authorized by federal or state law to discharge said firearm or projectile weapon under the circumstances present at the time of discharge.
- (b) Use of firearms and projectile weapons may be permissible when integral to the pursuit of specific competitive and sporting events, including but not limited to events such as target and skeet shooting, upon issuance of a permit from the Chief of Police to persons conducting the event or engaged in the business of providing the location at which the event is to take place. The Chief of Police shall formulate criteria for the application, issuance, and renewal of such permits, and may require as a condition of approval the posting of any bond, or proof of adequate liability insurance.

SEC. 4507. Firearms and Projectile Weapons; Possession of by Minors.

- (a) It shall be unlawful for any person under the age of 18 to have in his or her possession within the City and County of San Francisco any firearm or projectile weapon, as defined in § 4501. Violation of this provision shall be punishable in the manner provided in § 4503.
- (b) It shall be unlawful for any parent or legal guardian, or any person over the age of 18 years, to sell, give or otherwise transfer to any minor in the City and County of San Francisco under the age of 18 years, or to allow such minor to possess, any firearm or projectile weapon, as defined in § 4501. Violation of this provision shall be punishable in the manner provided in § 4503.
- (c) Any firearm or projectile weapon, which is in possession of a minor in violation of this Article, is hereby declared to be a nuisance, and shall be surrendered to the Police Department of the City and County of San Francisco and disposed of in accordance with the provisions of § 4505 above.

SEC. 4508. Severability. This Article shall be enforced to the full extent of the authority of the City and County of San Francisco. If any subsection, sentence, clause, phrase, or word of this Article should be for any reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, that decision shall not affect the validity or the effectiveness of the remaining portions of this Article or any part thereof. The Board of Supervisors hereby declares that it would have adopted this Article notwithstanding the unconstitutionality, invalidity, or ineffectiveness of any one or more of its subsections, sentences, clauses, phrases, or words.

SEC. 4511. Findings.

7. a. The locking requirements apply only to handguns that are not being carried. Gun owners and adults over 18 may carry loaded and unlocked handguns in the home at any time. The safe storage requirements also permit owners who wish to do so to store their handguns fully loaded.

SEC. 4512. Firearms Located in Any Residence to be Kept in a Locked Container or Disabled with a Trigger Lock.

- (a) **Prohibition.** No person shall keep a firearm within any residence unless the firearm is stored in a locked container or disabled with a trigger lock.
- (b) **Definitions.** As used in this § 4512, the following terms have the following meaning:
"Firearm" means a Firearm as defined in California Penal Code, § 16520, as amended from time to time.
"Locked container" means a locked container as defined in California Penal Code, § 16850, as amended from time to time and is listed on the California Department of Justice Bureau of Firearms roster of approved firearm safety devices.
"Residence" means any structure intended or used for human habitation, including but not limited to houses, condominiums, rooms, in-law units, motels, hotels, SRO's, time shares, and recreational and other vehicles where human habitation occurs.
"Trigger lock" means a trigger lock that is listed on the California Department of Justice's roster of approved firearms safety devices and that is identified as appropriate for that firearm by reference to either the manufacturer and model of the firearm or to the physical characteristics of the firearm that match those listed on the roster for use with the device under Penal Code § 23635.
- (c) **Exceptions.** This § 4512 shall not apply in the following circumstances:
(1) The firearm is carried on the person of an individual in accordance with all applicable laws.
(2) The firearm is under the control of a person who is a peace officer under Penal Code § 830 *et seq.*
- (d) **Lost or Stolen Firearms.** In order to encourage reports to law enforcement agencies of lost or stolen firearms pursuant to Police Code § 616, a person who files a report with a law enforcement agency notifying the agency that a firearm has been lost or stolen shall not be subject to prosecution for violation of § 4512(a) above.
- (e) **Penalty.** Every violation of this § 4512 shall constitute a misdemeanor and upon conviction shall be punished by a fine not to exceed \$1,000 or by imprisonment in the county jail not to exceed 6 months, or by both.
- (f) **Severability.** If any provision, clause or word of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision, clause, word or application of this § 4512 which can be given effect without the invalid provision, clause or word, and to this end the provisions of this Section are declared to be severable.

SAN JOSE MUNICIPAL CODE
Title 10. Public Peace, Morals & Welfare
Chapter 10.32: Weapons
Part 1 – Discharging Firearms
Current through October 12, 2016

10.32.010 - Shooting of firearms prohibited - Exceptions.

A. No person shall fire or discharge, or cause to be fired or discharged within the limits of the city any cannon, anvil, gun, pistol or other firearm, except as hereinafter provided.

B. The foregoing provisions as to the use of firearms shall not apply to:

1. Peace officers or soldiers in the discharge of their official duties and while in the exercise of reasonable care;
2. City employees or contract biologists who have been trained to use and discharge firearms as necessary to implement an airport wildlife hazard management program within the perimeter of the Norman Y. Mineta San José International Airport;
3. A person using firearms in necessary self-defense;
4. Persons conducting a shooting gallery who have first procured a license therefor in accordance with the license ordinance of the city; and
5. Shooting clubs where such shooting clubs are conducted within a fixed place within the city and in such a manner that there is no danger to any person whatsoever, provided such shooting club first secured permission from the city manager to conduct the same.

C. The prohibition against the discharge of firearms within city limits shall not apply to a person conducting wild pig depredation in compliance with all of the following requirements:

1. Non-lethal or less-lethal measures were taken to prevent property damage caused by 1 or more wild pigs prior to requesting the issuance of a wild pig depredation permit from the California Department of Fish and Wildlife, or the department of fish and wildlife has determined that non-lethal or less lethal measures were not feasible;
2. Possession of and compliance with the requirements of a wild pig depredation permit duly issued and approved by the California Department of Fish and Wildlife pursuant to California Fish and Game Code § 4181 et seq., and § 401 of Title 14 of the California Code of Regulations, as may be amended;
3. Notice of the intent to discharge a firearm, and the location within the city limits is provided to the San José Police Department at 1 hour before discharge of the firearm; and
4. The discharge of the firearm in connection with the depredation of a wild pig occurs while the wild pig is contained in a trap.

Part 2 – Weapons and Minors

10.32.020 - Restrictions on weapons for persons under the age of 18 years. No person shall sell, dispose of or give to any minor under the age of 18 years, any pistol, airgun or other weapon capable of receiving and discharging any charge, cartridge or explosive, without the written request of his parent or guardian; and no minor under the age of 18 years shall have in his possession any such pistol or weapon unless by the written consent of his parent or guardian.

Part 3 – Concealable Firearms Dealers

10.32.030 - License required. No person shall engage in the business of selling or transferring, or shall advertise for sale, or offer or expose for sale, any pistol, revolver or other firearm capable of being concealed upon a person without first obtaining and keeping in current effect the requisite license as provided under this part. A license shall be required for each location where selling or transferring of such firearms takes place.

10.32.040 - Application for license. Each person applying for a license under this part shall submit an application and a questionnaire response in support of such application to the chief of police. Such application shall be accompanied by a fee (in the form of a check or cash) as set forth in the schedule of fees established by resolution of council, said fee to defray the cost of processing such application. This fee shall be in addition to fees for processing noncriminal fingerprint cards. Each application shall specify only one location where the sale or transfer of concealable firearms should take place. If a licensee changes his or her place or business, an application for the new location shall be submitted, accompanied by a fee (in the form of a check or cash) as set forth in the schedule of fees established by resolution of council, said fee to defray the cost of processing such application. Such application shall be considered an initial application and not an application for renewal.

10.32.050 - Approval by chief of police. The chief of police shall have the authority to approve or not approve applications under this part. For the purposes of considering applications for licenses under this part, the chief of police shall apply the minimum written standards herein below set forth in § 10.32.060. If an applicant meets all such standards, the chief of police shall issue a license.

10.32.060 - Procedural requirements. Applicant must comply with the following requirements:

- A.** Possess valid and current federal firearms permit;
- B.** Pay permit fee to police department;

- C. Pay fingerprinting fee to police department;
- D. Complete personal history questionnaire on form provided by the San José police department;
- E. Be fingerprinted at police department;
- F. Be photographed at police department;
- G. Be interviewed at police department by officer assigned to concealable firearms unit;
- H. Sign authorization for release of pertinent records.

10.32.065 - Business site standards.

- A. Business location must be in compliance with City of San José zoning codes and regulations.
- B. Business site must be a permanent building having four solid walls and a roof; constructed of wood, metal, cement or like materials and resting on a foundation of cement, stone, brick or metal or similar materials commonly used in the construction of foundations for permanent buildings.
- C. Building doors and windows must be alarmed with a system of any manufacture which will cause an audible alarm to sound on the exterior of the building or a silent alarm to a centralized monitored facility signaling unauthorized entry during nonbusiness hours.
- D. Business inventory of an explosive or flammable nature must be stored in compliance with federal, state of California and City of San José fire codes.
- E. Inventory of firearms must conform to the type of federal firearms permit issued to the permittee.
- F. Business must conform to Penal Code § 12071, state of California, i.e.:
 - 1. The business shall be carried on only in the building designated in the license.
 - 2. The license or a copy thereof (when issued), certified by the issuing authority, shall be displayed on the premises where it can easily be seen.
 - 3. No pistol or revolver shall be delivered:
 - a. Within fifteen days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor
 - b. Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.
 - 4. No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of the premises where it can readily be seen from the outside.
(Ord. 19500.)

10.32.066 - Approval of application - Fitness standards. Any application submitted under § 10.32.060 shall be approved if the applicant:

- A. Fulfills all requirements of § 10.32.060 of this part; and
- B. Is not under indictment for, nor has ever been convicted of a crime involving fraud, dishonesty, deceit or violence; and
- C. Has not done any unlawful act involving firearms with the intent to injure seriously another person; and
- D. Has not done any act involving dishonesty, fraud or deceit with the intent substantially to benefit him or herself or another, or substantially to injure another; and
- E. Is not a fugitive from justice; and
- F. Is not an unlawful user of or addicted to marijuana or any depressant or stimulant drug, narcotic drug, or excessive use of alcohol, to the extent that such use would impair his or her fitness to deal in concealable firearms; and
- G. Has not been adjudicated as a mental defective, has not been committed to a mental institution, or does not suffer from any severe psychological disturbance which would seriously impair his or her fitness to deal in concealable firearms; and
- H. Has not wilfully violated any provisions of this chapter; and
- I. Has not wilfully made false statements as to any material fact in application for this license; and
- J. Has not done any act which if done by a licensee would be grounds for suspension or revocation of license; and
- K. Meets all business site standards under § 10.32.065.

10.32.067 - Maintenance and submission of records. Each licensed dealer shall maintain records of importation, shipment, receipt, sale or other disposition of firearms and ammunition, and shall make such records available at all reasonable times, and shall submit to the licensing authority such reports and information upon reasonable request. The licensing authority may enter during business hours the premises (including places of storage) of any firearms or ammunitions dealer for the purpose of inspecting or examining (1) any records or documents required to be kept; (2) any firearms or ammunition kept or stored at such premises.

10.32.070 - Denial of application. If the applicant does not meet all of the written standards hereinabove set forth, the chief of police shall not issue a license to such applicant. It shall be the duty of the chief of police to notify an applicant that his or her application has been denied by serving such person, either personally or by first class United States mail, with a letter setting forth the reason or reasons which provided cause for such denial. The notice, if served by mail, shall be deemed to have been served on the date of its deposit in the United States mail, postage prepaid, to the applicant's address of record. The notice shall also inform the applicant of his or her right to a hearing before the administrative appeals commission at which time the applicant may appear with counsel if so desired and be heard on the matter. The applicant shall also be given notice that any request for a hearing before the administrative appeals

commission must be made in writing to such commission within 10 days after the date on which such notice is served on the applicant.

10.32.080 - Appeal from denial. An applicant whose application has been denied by the chief of police shall have the right to appeal such decision to the code enforcement appeals commission in the manner set forth at § 6.02.190 of this Code. Said commission shall hold a hearing thereon in the manner set forth at § 6.02.190 of this Code.

10.32.090 - License renewal. Every license issued under this chapter shall expire 1 year from the date of its issuance. Licensees shall submit an application for renewal in person at least 90 days before the expiration of the license. If renewal is not timely, the application will be deemed an application for license pursuant to § 10.32.040. Licensees who apply for renewal shall be required to meet the standards specified in this chapter. The application for renewal of a license issued hereunder shall be accompanied by a fee (in the form of a check or cash) as set forth in the schedule of fees established by resolution of council, said fee to defray the cost of processing such application.

10.32.100 - Licenses nonassignable. Except as otherwise hereinafter provided, no license issued under this part may be sold, transferred or assigned by the licensee or by operation of law, to any other person or persons; and any such sale, transfer or assignment, or attempted sale, transfer or assignment, be deemed to constitute a voluntary surrender of such license and such license shall thereafter be deemed terminated and void.

10.32.110 - Display of license. Every license issued under this part shall be displayed on the premises where the concealable firearms are sold in such a fashion that it can be easily read by patrons.

10.32.120 - Suspension and revocation. Every license issued under this part shall be subject to summary suspension and revocation by the chief of police if that official determines that:

- A.** The licensee has failed to meet any of the requirements specified under this chapter;
- B.** The licensee has violated any of the conditions or provisions which appear on the license;
- C.** The licensee has violated any federal or state firearms sales laws;
- D.** The licensee's federal firearms sales license has been revoked;
- E.** The licensee has committed any act which could have resulted in denial of issuance of the license.

Notification. It shall be the duty of the chief of police to notify any licensee charged with any violation or misconduct, as described above, by serving such person, either personally or by first class United States mail, with a letter setting forth the particular written standard or condition which has been violated, and informing such licensee of the right to a hearing before the administrative appeals commission, at which time the licensee may appear with counsel if so desired and be heard in defense of the charges. The suspension or revocation shall be effective on the date the notice is served on the licensee. Such notice, if served by United States mail, shall be deemed to have been served on the date of its deposit in the United States mail, postage prepaid, to the licensee's address of record. Failure on the part of the licensee to request in writing a hearing before the administrative appeals commission within 10 days after the notice is served, personally or by United States mail, shall result in a permanent revocation of the license.

10.32.130 - Hearing. Upon timely receipt of a written request for a hearing, the administrative appeals commission shall hold a hearing at the time and in the manner set forth in § 6.02.190 of this Code.

Title 20: Zoning

20.80.720 - Prohibited uses. The following are not permitted as home occupations:

- C.** Firearm sales and service.

SANTA ANA MUNICIPAL CODE **Chapter 10: Crimes & Miscellaneous Law Enforcement Provisions** **Article II. Minors** Current through February 26, 2016

Sec. 10-176. - Possession of firearms or ammunition by a minor.

- (a)** No minor shall possess any firearm or ammunition in a public place.
- (b)** No person shall sell, exchange, give or loan, or cause or permit to be sold, exchanged, given or loaned, any firearm or ammunition to any person under the age of 18 years.
- (c)** For the purpose of this section, the term "firearm" means any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.
- (d)** For the purpose of this section, the term ammunition means any unexpended cartridge or shell, consisting of a case which holds a charge of powder and a bullet or shot, or any device containing any explosive designed and intended for use in any firearm, or any device containing any explosive.
- (e)** Nothing in this section shall prohibit the possession of any firearm by a minor at a bona fide firing range or in an automobile vehicle while enroute to or from hunting any game animal that may be legally hunted under the provisions of the Fish and Game Code, provided said minor has the written permission of his parent or guardian to have such firearm or is accompanied by his parent or guardian while he has such firearm in his possession.

Article IX. – Licensing of Firearms Sales

Sec. 10-500. - Purpose and scope.

(b) This article applies to all sales, leases and transfers of firearms for which a license is required by § 12070 of the Penal Code of the State of California.

Sec. 10-501. - Definitions.

As used in this article the following terms shall have the following meanings:
Chief of police means the chief of police of the City of Santa Ana and any employee within the Santa Ana Police Department who is designated by the chief of police to act as his representative in the implementation of this article.

Penal Code means the Penal Code of the State of California, as it may from time to time be amended.

License and licensee mean the license required by § 12070 of the Penal Code of the State of California and the person holding such a license, unless the context shows that a different type of license is meant. Other terms used in this article shall have the same meanings as set forth in the Penal Code.

Sec. 10-502. - Chief of police as licensing authority. The chief of police is the duly authorized licensing authority for licenses granted pursuant to §§ 12070 and 12071 of the Penal Code.

Sec. 10-503. - Fixed place of business required. Each licensee must have a fixed place of business and possess all permits, licenses, certificates, variances or other instruments of approval or evidences that any conditions exist for the sale of firearms as required by any other section of this Code or by any statute or code provisions of the state. Except as may otherwise be provided by the Penal Code, all sales of firearms may only be made at said fixed location.

Sec. 10-504. - Branch establishments; multiple places of business; separate licenses required. A separate firearm seller's license fee must be paid and a separate firearm seller's license obtained for each branch establishment of the business transacted and carried on within the city.

Sec. 10-505. - Overlapping business. If in addition to the business of selling firearms any person shall engage in, conduct, manage, or carry on at the same time and on the same premises any other business requiring any permit, license, certificate, variance or other instrument of approval or evidence that any conditions exist as required by any other section of this Code or by statute or code provisions of the state, such person shall comply with all of the provisions affecting each business.

Sec. 10-506. - Licensee responsible for the conduct of the business. It shall be the duty of the licensee to see that no firearms are sold or offered for sale in violation of this article or the Penal Code.

Sec. 10-507. - Retention and maintenance of sales information and sales records; inspection.

(a) All firearm and ammunition sales information and sales records shall be retained for a period of 3 years and shall be maintained and stored within the licensed location during normal business hours. All such records shall be maintained in an orderly manner, consistent with federal, state and local laws and shall be located so that all records are immediately and readily accessible for inspection in a specific space allocated for record retention.

(b) All sales information and records relating to sales of firearms and/or ammunition shall be made available to any police officer or other duly authorized representative of the chief of police upon request. Stock in trade shall likewise be made available for inspection as appropriate to allow for comparison of such stock with business records. No licensee shall attempt to dissuade or impair said officers' or duly authorized representative's inspection.

Sec. 10-508. - Evidence of doing business as a seller of firearms. When any person shall by the use of signs, circulars, cards, telephone books, newspapers, or trade publications, advertise, holdout, or represent that he or she is a seller of firearms, or when any person holds an active license, certificate, or permit issued by a governmental agency indicating that he or she is a seller of firearms within the city and such person fails to deny in a sworn statement given to the chief of police that he or she is not a seller of firearms within the city, after being requested to do so by the chief of police, then these facts shall be considered prima facie evidence that such person is a seller of firearms within the city.

Sec. 10-509. - Rules and regulations. The chief of police shall adopt and enforce, by rules and regulations, security requirements for the protection from theft of firearms and ammunition sold and maintained by the licensee. Such rules may require that licensee provide burglar alarm systems, separate storage areas for ammunition and other measures designed to prevent the theft of such merchandise from the premises of licensee. The chief of police shall also have the power to adopt other rules and regulations not inconsistent with the provisions of this article as may be necessary or desirable to aid in the enforcement of the provisions of this article.

Sec. 10-510. - Term and renewal of licenses. Licenses issued pursuant to the provisions of this article, unless sooner revoked, suspended or canceled, shall be effective for a period of 1 year from the date of issuance; and may be thereafter renewed annually. Applications for renewal shall be treated as applications for an initial license and shall be subject to all applicable provisions of this article. Applications for renewal shall be filed with the chief of police not later than 30 days before the expiration of the current license.

Sec. 10-511. - Application for license.

(a) An application for a license shall be filed with the chief of police on forms furnished by the chief of police. Such application shall be accompanied by a fee in an amount established by resolution of the city council, and shall contain the following information:

(1) The name, date of birth, driver's license number, social security number, fictitious business name or names under which the applicant is registered to operate, business and residence address of the applicant, if a natural person, or if a corporation, its name, date and place of incorporation, federal employer identification number, address of its principal officers, together with their respective residence addresses; or if a partnership, association or unincorporated company, the fictitious name or names under which the partnership is registered to operate, the names of the partners, driver's license numbers, social security numbers, of the persons comprising such association or company, and the business and residence of each partner or person;

(2) The business, occupation, or employment history of the applicant for 3 years immediately preceding the date of the application; including, if applicable, the applicant's business license and police permit history;

(3) All criminal convictions or proceedings in which a plea of guilty or nolo contendere was entered;

(4) Such other identification and information as the chief of police deems necessary to carry out the purposes of this article.

(b) The application submitted shall be accompanied by copies of the following licenses, permits, and certificates:

(1) A valid federal firearms license issued in the name of applicant.

(2) A valid seller's permit issued by the State Board of Equalization in the name of applicant issued for the city.

(3) A valid certificate of eligibility issued by the California Department of Justice.

(4) A valid city business license issued for the retail sale of firearms.

(5) A statement of zoning code compliance in accordance with subsection (c) of this section.

(c) Any person who desires to obtain a license pursuant to this article may request a statement of zoning code compliance from the planning manager. Any such request shall be in writing and shall specify the location as to which the license will pertain and the nature of the activities to be conducted at that location by the licensee if the license is granted. The planning manager or his or her designated representative may require such additional information as may be necessary to determine whether the conduct of such activities at such location complies with the requirements of Chapter 41 of this code. If the planning manager or his or her designated representative determined either (i) that such activities at such location will comply with said Chapter 41 without the necessity of any permit, variance or other entitlement of use pursuant to that chapter, or (ii) that any such necessary permit, variance or other entitlement of use has been granted, the planning manager or his or her designated representative shall sign and deliver to the chief of police, with a copy to the person requesting it, a statement of zoning code compliance.

Sec. 10-512. - Denial of license application. The chief of police, within 30 days from the date a completed application is filed or longer upon a showing of good cause, shall cause an investigation of the applicant, and the application for a license may be denied within such period of time on any of the following grounds:

(1) The applicant is a person under the age of 18 years;

(2) The applicant is unable to provide any of the items required by subsection (b) of § 10-511.

(3) The applicant, his agent or employee, or any person connected or associated with the applicant as partner, director, officer, stockholder, associate or manager has committed or aided or abetted in the commission of any act or act of omission which if committed by a permittee would be grounds for suspension or revocation of a license; or

(4) The applicant, his agent or employee, or any person connected or associated with the applicant as partner, director, officer, stockholder, associate or manager has been refused a license or had a license revoked or has been an officer, director, member, partner or manager of any corporation or partnership which has been refused a license or had a license revoked.

Sec. 10-513. - Notice of denial of license. The chief of police, within the period of time specified in § 10-512, shall notify the applicant of his intention to deny an application for a license. Service of such notice shall be made personally or by United States mail. The notice shall include the reasons for denial and be accompanied by a statement that the applicant may request a hearing in accordance with § 10-516 within 10 days of the date of the notice. In the absence of any such request for hearing the denial shall become final upon the expiration of the 10-day period.

Sec. 10-514. - Suspension or revocation of license—Generally. The chief of police may, in his discretion or upon the verified complaint in writing of any person, investigate the actions of any licensee and may temporarily suspend for a period not to exceed 90 days or revoke the license of any licensee who commits any 1 or more of the acts or omissions specified in § 10-515. The chief of police shall notify the applicant of his intention to suspend or revoke the license. Service of such notice shall be made personally or by United States mail. The notice shall include the reasons for suspension or revocation and be accompanied by a statement that the applicant may request a hearing in accordance with § 10-516 within 10 days of the date of the notice. In the absence of any such request for hearing the decision to suspend or revoke the license shall become final upon the expiration of the 10-day period.

Sec. 10-515. - Same—Grounds. It shall be grounds for suspension or revocation of a license if any licensee, or his or her agent or employee, or any person connected or associated with the licensee as partner, director, officer, stockholder, general manager, or person who is exercising managerial authority of or on behalf of the licensee does any of the following:

- (1) Knowingly makes any false, misleading or fraudulent statement of a material fact in an application for a firearm license, or in any report or record required to be filed with the police department.
- (2) Commits any act or omission which is grounds for forfeiture of a license under § 12071 of the Penal Code.
- (3) Violates any statute pertaining to the sale, lease or transfer of firearms.
- (4) Fails to maintain in effect the licenses, permits, certificates and zoning code compliance required by subsection (b) of § 10-511.

Sec. 10-516. - Hearing by the chief of police; appeal.

(a) Upon receipt of a request for hearing as provided in this article, the chief of police shall notify licensee by United States mail of the time and place of such hearing. Such hearing shall be held within 30 days after the chief of police's receipt of request for hearing, unless the licensee waives this time period in which case the hearing may be held on a later date. Any hearing, once commenced, may be continued by the chief of police or at the request of the licensee. At the conclusion of such hearing, the chief of police may render a decision which shall become effective immediately; or in the alternative, the chief of police may elect to render a written decision which shall be furnished the licensee by United States mail not less than 10 days following the conclusion of the hearing. Such written decision shall become effective 5 days after the date of mailing of the notice.

(b) The decision of the chief of police may be appealed in accordance with the provisions of Chapter 3 of this Code, and the licensee shall have the burden of proving that the decision rendered by the chief of police was unreasonable, erroneous or a clear abuse of discretion.

Sec. 10-517. - New application after denial or revocation of firearm seller's license. When the firearm seller's license of any person is revoked for cause, no new or other application for a firearm seller's license from the same person shall be accepted within 1 year after such revocation. When an application for a firearm seller's license is denied for cause, no new or other application for a firearm seller's license from the same person shall be accepted within 1 year after denial unless the applicant can show a material change in his or her situation which would justify the issuance of such firearm seller's license.

Sec. 10-518. - Contents of license. All licenses shall be prepared and issued by the chief of police upon the approval of the applicant's application and payment to the city of the required fee. Each license so issued shall state upon the face thereof the following:

- (1) The license number of the firearm seller's license.
- (2) The date of expiration of such license.
- (3) The persons to whom such license is issued, and where such persons are doing business under a fictitious name; both the actual and fictitious names to whom such license is issued.
- (4) The situs address at which licensee is approved to conduct business.
- (5) The State Board of Equalization seller's permit number issued to licensee.
- (6) The federal firearms license number issued to licensee.
- (7) The Department of Justice certificate of eligibility number issued to licensee.
- (8) Any additional statement the chief of police may deem necessary or which the state may require.

Sec. 10-519. - Use of license by unlicensed person. No person holding a license required by this article shall permit any other person to use the license, the licensed premises or the licensee's name for the purpose of evading any provision of this article.

Sec. 10-520. - Duplicates. A duplicate license may be issued to replace any license previously issued hereunder which has been lost or destroyed upon the licensee filing a statement of such fact, and, at the time of filing such statement, paying a duplicate license fee equal to 10% percent of the original fee for the firearm seller's license.

Sec. 10-521. - Posting. Every licensee shall keep the license prominently posted in a conspicuous and public place upon the premises specified in the license where such business is carried on. All other federal, state, and city licenses, certificates, and permits relative to conducting the business of firearm sales shall likewise be posted together with the firearm seller's license.

Sec. 10-522. - Prohibition of display of suspended or revoked license. No person shall reproduce, duplicate, copy or alter an original firearm seller's license for the purpose of circumventing the requirement of this section by giving a false or misleading impression that any duplication of an original license is valid and that the appropriate fee therefor has been paid; neither shall any person exhibit a suspended or revoked license.

Sec. 10-523. - Transferability.

(a) Licenses shall not be transferable except as provided in this section.

(b) When a business for which a license has been issued is sold or transferred to 1 of the transferees listed in this section, the chief of police may endorse a change of ownership on such license upon written application by the transferee. Only the following transferees or successors shall be entitled to such transfer of permit.

- (1) Duly qualified representatives of licensees regularly appointed by courts of competent jurisdiction, assignees for the benefit of creditors, and spouses or children of deceased licensees;
- (2) The surviving partner or partners of a dissolved partnership;

(3) A new partnership consisting of the members of a predecessor partnership, plus their spouse or spouses of any such members;

(4) A new corporation organized and controlled by an individual or unincorporated licensee for the purpose of acquiring, and which has acquired the assets of the business previously owned and operated by such licensee;

(5) Upon dissolution of a closely held corporation, the stockholders to whom the assets are distributed.

(c) A transferee or successor entitled to a transfer of a license must file an application for such transfer with the chief of police within 30 days after he assumes [ownership or control] of the business. The chief of police may require such evidence of the transfer of ownership or control as he deems necessary. A fee equal to 20% of the original fee for the license shall accompany the application.

(d) The chief of police shall transfer the license to an applicant entitled to such transfer unless he finds that the transfer will adversely affect the peace, health, safety, and general welfare of the public or that the transferee does not possess the qualifications required of original applicants.

Sec. 10-524. - Change of location. Where no conflict exists with the city's zoning regulations, as evidenced by a new statement of zoning code compliance pursuant to subsection 10-511(c), a change of location may be endorsed on a firearm seller's license by the chief of police upon written application by a licensee, accompanied by a change of location fee equal to 20% of the original fee for the firearm seller's license shall accompany the application.

Sec. 10-525. - No refund upon termination of business. The license fee paid under the terms of this article is not refundable upon termination of a business or for any unused portion or term of a license period.

Sec. 10-526. - Right of entry. The chief of police or any police officer shall have the power and authority to enter the premises of any business engaging in firearms sales, leases or transfers for which a license is required during business hours, free of any charge, and at such other times as may be reasonable following due process of law, and request a display of the required license together with any other federal, state, and city licenses, certificates, and permits relative to conducting the business of firearm sales. No person having custody or control of such place of business shall fail to comply with any such request.

Sec. 10-527. - Penalty for violation. Every violation of the provisions of this article shall be deemed to be a misdemeanor, and upon conviction thereof shall be punishable as provided for in § 1-8 of this Code. Each day any violation of any said provision of this article shall constitute a separate offense.

STOCKTON MUNICIPAL CODE
Title 9. Dangerous or Deadly Weapons
Chapter 9.52

9.52.010 "Dangerous or deadly weapon," defined. "Dangerous or deadly weapon" includes, but is not limited to: ... any firearm other than:

A. Carried pursuant to a valid permit issued by a duly authorized government authority, or

B. any ordinary rifle or shotgun lawfully carried for purposes of hunting or other lawful sport.

Chapter 9.60: Licensee to Sell Firearms

9.60.010 Sale of concealed firearms. It is unlawful to sell pistols, revolvers, or other firearms capable of being concealed upon the person, at retail, within the City, without a license issued in the manner herein provided for. (Prior code § 4-045)

9.60.020 License to sell. The City Manager is hereby authorized to issue licenses to sell, at retail, within the City, pistols, revolvers, and other firearms capable of being concealed upon the person. Such licenses shall be issued in the form prescribed by the Attorney General and shall be effective for not more than 1 year from date of issue. (Prior code § 4-046)

9.60.030 License—Chief of Police to approve. The said licenses shall be issued only after a report in writing concerning said prospective licensee has been made by the Chief of Police to the City Manager. Said licenses shall not be issued to any person who:

A. Has been convicted of a felony and has served a term of imprisonment therefor in a State or Federal prison;

B. Has been convicted of any violation of the Dangerous Weapons Control Law of the State; or

C. Is not of good moral character. (Prior code § 4-046.1)

9.60.040 License—Revocation. Any of the reasons which would prevent the original issuance of said license shall also make the revocation of said license mandatory by the City Manager.