

## State Laws and Published Ordinances – California

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## Manteca Municipal Code

Codified through Ordinance Number O2022-10 and the June 2022 code supplement.

### Title 5 – Business Taxes, Licenses and Regulations Chapter 5.48 – Firearms Sales

#### Section 5.48.010. Licensing requirements.

**A.** All applications for licenses permitting the licensee to sell, at retail within the city, pistols, revolvers and other firearms capable of being concealed upon the person shall be submitted to the city clerk who shall cause the application to be set for hearing before the city council. The city council may approve, conditionally approve or deny the application. If a license is granted, it shall be in the form prescribed by the attorney general, effective for not more than one year from the date of issuance, and be subject to the following conditions, for breach of any of which the license shall be subject to revocation:

1. The business shall be carried on only in the building designated by the license.
2. The license, or a copy thereof, certified by the issuing authority shall be displayed on the premises where it can be easily seen.
3. No pistol or revolver shall be delivered:
  - a. Within fifteen days of the application for the purchase, or, after notice by the Department of Justice pursuant to Penal Code 12076(c), within fifteen days of the submission to the Department of Justice of corrected copies of the register required by Penal Code 12073 or within fifteen days of the submission to the Department of Justice of any fee required pursuant to Penal Code 12076, whichever is later;
  - b. Unless unloaded and securely wrapped;
  - c. Unless the purchaser either is personally known to the seller or shall present clear evidence of his or her identity;
  - d. Whenever the dealer is notified by the Department of Justice that a purchaser is in a prohibited class described in 12021 and 12021.1 or Welfare and Institutions Code 8100 and 8103.
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 be readily seen from the outside.

**B.** As used in this section, "clear evidence of his or her identity" includes, but is not limited to, a motor vehicle operator's license, a state identification card, an armed forces identification card, and employment identification card which contains the bearer's signature and photograph, or any similar documentation which provides the seller reasonable assurance of the identity of the purchaser.

## Marin County Code of Ordinances

Codified through Ordinance Number 461 and June 2022 code supplement.

### Title 6 – Public Peace, Safety and Morals\* Chapter 6.58 – Regulation of Firearms Dealers

#### Section 6.58.010. Definition of firearm.

**"Firearm"** 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 force of explosion or other means of combustion.

#### Section 6.58.011. Definition of firearm dealer.

**"Firearm dealer"** and "licensee," as used in this section, means any person licensed to sell, lease or transfer firearms pursuant to California Penal Code Section 12071(a)(1).

#### Section 6.58.020. Sheriff's permit required.

It is unlawful for any firearms dealer to sell, lease or transfer firearms without a permit issued by the sheriff or his/her designee.

#### Section 6.58.025. Application.

**(a)** An applicant for a permit or renewal of a permit under this chapter shall file with the sheriff an application in writing, signed under penalty of perjury, on a form prescribed by the county. The applicant shall provide all relevant information requested to demonstrate compliance with this chapter including:

- (1)** The name including any aliases or prior names, age and address of the applicant;
- (2)** The applicant's Federal Firearms License and California Firearms Dealer numbers;

(3) The address of the proposed location for which the permit is required, together with the business name, and the name of any corporation, partnership, or association that has any ownership in, or control over, the business, if any;

(4) The names, ages and addresses of:

(A) All persons who will have access to or control of workplace firearms, including but not limited to, the applicant's employees, agents and/or supervisors, if any;

(5) Proof 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;

(6) A floor plan of the proposed business, which illustrates the applicant's compliance with security provisions, as outlined in Section 6.58.040 of this chapter;

(7) Proof of compliance with county zoning requirements at the proposed location by presentation of a zoning clearance letter from the director of the community development agency of the county of Marin or his designee. The community development agency may adopt an appropriate fee to implement this requirement;

(8) Proof of compliance with all federal and state licensing laws;

(9) Information relating to every license or permit to sell, lease, transfer, purchase or possess firearms which were sought by the applicant from any jurisdiction in the United States, including, but not limited to, the date of each application and whether it resulted in the issuance of a license; and the date and circumstances of any revocation or suspension;

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

(11) Certification of satisfaction of insurance requirements; and

(12) The date, location, and nature of all criminal convictions of the applicant, if any, in any jurisdiction in the United States.

(b) The application shall be accompanied by a nonrefundable fee of twenty-five dollars for administering this chapter. The fee may be increased by resolution of the board of supervisors upon evidence of the actual cost of administering the application. This board specifically finds that the twenty-five dollar fee is reasonable and proper for administering this chapter and, in fact, represents a fraction of the cost that will be incurred by the sheriff in processing the application.

#### **Section 6.58.030. Investigation by sheriff.**

The sheriff shall conduct an appropriate investigation of the applicant to determine for the protection of the public safety whether the permit may be issued. The sheriff shall require an applicant, or any officer, agent or employee thereof, to provide fingerprints, a recent photograph, a signed authorization for the release of pertinent records, a complete personal history set forth on a questionnaire provided by the sheriff, and any other additional information which the sheriff considers necessary to complete the investigation.

#### **Section 6.58.035. Conditions of approval.**

In addition to other requirements and conditions of this chapter, a permit by the sheriff is subject to the following conditions, the breach of, any of which is sufficient cause for revocation of the permit by the sheriff:

(a) The business shall be carried on only in the building located at the street address shown on the permit. This requirement, however, does not prohibit the permittee from participating in a gun show or event that is authorized by federal, state and local law upon compliance with that law and upon compliance with any Marin County ordinance regulating the permissible locations of gun shows;

(b) The sheriff's permit or a certified copy of it shall be displayed on the premises and at gun shows where it can be easily seen;

(c) The applicant shall not permit any person under eighteen years of age to enter or remain within the premises without being accompanied by the parent, grandparent or legal guardian where the firearm sales activity is the primary business performed at the site.

#### **Section 6.58.040. Requirement of a secured facility.**

Firearms dealers must comply with California Penal Code Section 12071 (b)(14) which provides:

At any time the licensee is not open for business, the licensee shall store all firearms kept in his or her licensed place of business using one of the following methods as to each particular firearm:

(a) Store the firearm in a secure facility (as defined by Penal Code Section 12071(c)(3)) that is part of or that constitutes, the licensee's business premises;

(b) Secure the firearm with a hardened steel rod or cable of at least one-eighth inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a bolt cutter and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises;

(c) Store the firearm in a locked fireproof safe or vault on the licensee's premises.

#### **Section 6.58.045. Liability insurance.**

(a) No permit issued by the sheriff shall be issued or reissued unless there is in effect a policy of insurance in a form approved by the county and executed by an insurance company approved by the county, whereby the applicant is insured 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 offering for sale, lease or transfer of a firearm. The minimum liability limits shall not be less than one million dollars for each incident of damage to property or incident of injury or death to a person;

(b) The policy of insurance shall contain an endorsement providing that the policy shall not be canceled until notice in writing has been given to the county administrator at least thirty days prior to the time the cancellation becomes effective;

(c) Upon expiration of a policy of insurance and if no additional insurance is obtained immediately, the permit is considered canceled without further notice.

#### **Section 6.58.050. Issuance of sheriff's permit, Duration.**

(A) The sheriff's department may grant a sheriff's permit to the applicant if it finds that the applicant complies with all applicable federal, state and local laws including but not limited to, the State Penal Code, County Building Code, fire, zoning and planning codes;

(b) A permit issued by the sheriff expires one year after the date of issuance. A permit may be renewed for additional one-year periods upon the permittee's submission of an application for renewal, accompanied by a nonrefundable twenty-five dollar renewal fee. The renewal application and the renewal fee must be received by the sheriff's department no later than forty-five days before the expiration of the current permit;

(c) A decision regarding issuance or renewal of a permit may be appealed in the manner provided pursuant to Section 6.58.067.

#### **Section 6.58.060. Grounds for permit denial.**

The sheriff shall deny the issuance or renewal of a sheriff's permit when one or more of the following conditions exist:

(a) The applicant has not complied with the requirements of this chapter or, has violated the provisions of Section 6.57.060 of the Marin County Code pertaining to prohibited activity in connection with the sale, display or transfer of "Saturday Night Specials";

(b) The applicant, or any officer, employee or agent thereof who will have access to and control of firearms is under twenty-one years of age;

(c) The applicant is not licensed as required by federal and state law;

(d) The applicant or any officer, employee or agent thereof who will have access to and control of firearms has had a license or permit to sell, lease, transfer, purchase or possess firearms from any jurisdiction in the United States revoked, suspended or denied for good cause within the immediately preceding five years;

(e) The applicant or any officer, employee or agent thereof who will have access to and control over firearms has made a false or misleading statement of a material fact or omission of a material fact in the application for a police permit. If a permit is denied on this ground, the applicant is prohibited from reapplying for a permit for a period of five years;

(f) The applicant or any officer, employee or agent thereof who will have access to and control over firearms has been convicted of:

(1) An offense which disqualifies that person from owning or possessing a firearm under federal, state and local law, including, but not limited to, the offenses listed in Penal Code Section 12021,

(2) An offense relating to the manufacture, sale, possession, use or registration of a firearm or dangerous or deadly weapon,

(3) An offense involving the use of force or violence upon the person of another with a deadly weapon,

(4) Any felony, misdemeanor burglary or misdemeanor fraud,

(5) An offense involving the manufacture, sale, possession or use of a controlled substance as defined by the State Health and Safety Code, as it now reads or may hereafter be amended to read;

(g) The applicant or any officer, employee or agent thereof who has control over firearms is within a class of persons defined in Welfare and Institutions Code Sections 8100 or 8103;

(h) The applicant or any officer, employee or agent thereof who has control over firearms is currently, or has been within the past five years, an unlawful user of a controlled substance as defined by the Health and Safety Code;

(i) The operation of the business as proposed would not comply with federal, state and local law or county law regulating the sale of Saturday Night Specials, or the locations of permitted sales, if any, at gun shows.

**Section 6.58.065. Grounds for permit revocation.**

In addition to the violation of any other provisions contained in this chapter, circumstances constituting grounds for denial of a sheriff's permit also constitute grounds for revocation.

**Section 6.58.067. Hearing for permit denial or revocation.**

(a) A person whose application for a permit is denied or revoked by the sheriff has the right to a hearing before the sheriff before final denial or revocation.

(b) Within ten days of the mailing of written notice of intent to deny the application or revoke the permit, the applicant may appeal by requesting a hearing before the sheriff. The request must be made in writing, setting forth the specific grounds for appeal. If the applicant submits a timely request for an appeal, the sheriff should set a time and place for the hearing within thirty days.

(c) The decision of the sheriff shall be in writing within ten days of the hearing. An applicant may appeal the decision of the sheriff to the county administrator or his designee in the manner provided by board of supervisors' resolution addressing this appeal process.

**Section 6.58.068. Nonassignability.**

A sheriff's permit issued under this section is not assignable. An attempt to assign a sheriff's permit renders the permit void.

**Section 6.58.069. Compliance by existing dealers.**

A person engaging in firearm sales activity on the effective date of this chapter or any amendment to it shall, within sixty days after the effective date, comply with this chapter and any amendment to it.

**Section 6.58.075. Record of ammunition sales.**

Every holder of a business license to sell ammunition shall maintain records pertaining to ammunition sales prescribed by this chapter on the licensed premises and in the manner prescribed herein. The record shall show:

(a) The date of the transaction;

(b) The purchaser's name, address and date of birth;

(c) The purchaser's driver's license number or other identification and state where issued;

(d) The brand of ammunition purchased;

(e) The type and amount of ammunition purchased; and

(f) The purchaser's signature; and

(g) The purchaser's thumbprint;

(h) Log of Ammunition Sales. The information required by this Section 6.58.075 shall be completed in the logbook at the time of the purchase. Such information shall be recorded in the following format:

Ammunition Sales Registration Log Store:

Date	Name	Address	Date of Birth	License/ID & State	Ammunition Brand	Ammunition Type & Amount	Purchaser Signature
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(1) The record shall be maintained in chronological order by date of sale of the ammunition, and shall be retained on the licensed premises of the business licensee for a period of two years following the date of the purchase of the ammunition.

(2) At the direction of the sheriff or his or her designee, deputy sheriffs may enter the premises of any licensed vendor of ammunition during regular business hours for the purpose of examining or inspecting any record required by this chapter.

(i) Exception. The provisions of this section shall not apply to the sale of firearm ammunition by a firing range licensed to do business in the county when the ammunition so purchased is expended on the premises of the range and not removed for use outside the range premises.

**Section 6.58.080. Penalties.**

(a) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment. Each 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 section is committed, continued or permitted by such person.

The Marin County district attorney is designated as the prosecuting agency for violations of this section.

(b) Any person found to be in violation of this chapter shall be subject to the revocation of his or her law enforcement permit to sell, lease or transfer firearms.

(c) In addition to any other penalty or remedy, the county counsel may commence a civil action to seek enforcement of these provisions.

**Section 6.58.090.**

This chapter shall be enforced to the full extent of the authority of the county of Marin. If any section, subsection, paragraph, sentence or word of this chapter is deemed to be invalid or beyond the authority of the county, 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 section, subsections, paragraphs, sentences and words of this chapter shall be deemed severable.

**Mendocino County Code of Ordinances**

Codified through Ordinance Number 4510, adopted July 13, 2022. (Supplement Number 64)

**Title 6 – Business Licenses and Regulations**

**Chapter 6.04 – Business Licenses**

**Section 6.04.080. Special requirements.**

(i) Licensed Firearms Dealers. To lawfully engage in the business of selling, leasing, or transferring firearms, a firearms dealer must possess the following: (1) Valid federal firearms license issued by the Bureau of Alcohol, Tobacco, and Firearms (2) Valid seller's permit issued by the State Board of Equalization (3) Valid certificate of eligibility issued by the Department of Justice. Per Penal Code Section 12071, the Tax Collector must verify the firearms dealer is in compliance prior to the issuance of the business license.

**Mendota Code of Ordinances**

Codified through Ordinance Number 21-13, passed May 25, 2021. (Supp. No. 21)

**Title 17 – Zoning**

**Chapter 17.86 – Home Occupations**

**Section 17.86.040. Prohibited home occupations.**

The following uses shall not be permitted as home occupations:

E. Firearms or ammunition dealers;

**Menlo Park Municipal Code**

Codified through Ordinance Number 1089, passed May 10, 2022.

**Title 16 – Zoning**

**Chapter 16.78 – Special Uses**

**Section 16.78.010. Generally.**

All of the uses listed in this chapter, and all matters directly related thereto are declared to be uses possessing characteristics of such unique and special form as to make impractical their inclusion in any class or use set forth in the various districts herein defined, and therefore the authority for and location of the operation of any of the uses designated herein shall be subject to the issuance of a use permit in accordance with the provision of Chapter 16.82.

**Section 16.78.030. Uses designated.**

The uses referred to in this chapter are as follows:

(17) Retail sale or wholesale of firearms, cannons, guns, pistols, revolvers, rifles, air guns, BB guns or pellet guns or any instruments of any kind, character or description which throw or project bullets or missiles of any kind to any distance by

means of elastic force, air or any explosive substance; ammunition or any projectiles that can be projected or propelled; and related merchandise, except within one hundred fifty feet (150') of residential zoning districts.

### **Merced Code of Ordinances**

Codified through Ordinance Number 2538, passed April 4, 2022. (Supp. No. 74, 4-22)

## **Title 5 – Business Licenses and Regulations**

### **Chapter 5.12 – Sale of Weapons**

#### **Section 5.12.010. License, required.**

In addition to any other business license or fees required by this title, every person proposing to engage in the business of selling at retail within the city, pistols, revolvers or other firearms capable of being concealed upon the person, shall apply for a license to conduct the business, and shall pay the application fee therefor as established by ordinance or resolution. The chief of police shall investigate or cause to be investigated the suitability of the premises on which said business is to be conducted, and the character and fitness of the person proposing to conduct the business and of each partner, associate or employee of said person, if such partner, associate or employee is to be authorized to sell such firearms at retail. The chief of police may issue such license if, in his judgment, considering the suitability of the premises and the character and fitness of each person who is to be authorized to sell such firearms, the public safety and welfare will not be adversely affected.

#### **Section 5.12.020. License, application.**

The chief of police may prepare, use and modify such application forms and other documents as are reasonably necessary to provide information for such investigation. The application fee in such amount as is determined by the city council shall be paid to the chief of police and transmitted by him to the finance officer. Such application fee shall not be refundable in the event that the license is not granted.

#### **Section 5.12.030. License, form prescribed by state.**

Any license granted pursuant to this chapter shall be in the form prescribed by the Attorney General of the state, and shall conform to the requirements of Section 12071 of the Penal Code of the state, as the same may be from time to time amended.

### **Merced County Code of Ordinances**

Codified through Ordinance Number 2018 and the June 2022 code supplement.

## **Title 5 – Revenue and Finance**

### **Chapter 5.44 – Sheriff's Fees**

#### **Section 5.44.020. General fees.**

Pursuant to the authority of Government Code Sections 26720 through 26751, Government Code Section 54985, and other provisions of law specified below, the following fees will be charged at the time the service is provided:

**25.** License to sell firearms: pursuant to the provisions of Section 12071 of the California Penal Code, the sheriff may grant a license permitting the sale of firearms. The fee for such license application, renewal or modification shall be \$50.00 plus any fees required by the Department of Justice and/or state of California.

### **Millbrae Municipal Code**

Codified through Ordinance Number 796, passed June 14, 2022.

## **Title 5 – Public Welfare, Morals and Conduct**

### **Chapter 5.55 – Sale of Firearms**

#### **Section 5.55.010. License required.**

**A.** Within the city, no person shall engage in the business of selling, transferring, advertising, offering or exposing for sale any pistol, revolver or other firearm capable of being concealed upon the person, unless that person has been issued a license as provided in this chapter.

**B.** The license requirement shall apply only to persons who are engaged in the business of selling, transferring, advertising, offering or exposing for sale concealable weapons. The question as to whether the person is “engaged in business” shall be resolved in light of the facts of each particular case. It is not intended that a license shall be required of a person, such as a hunter licensed by the state or a gun collector licensed by the federal government, who infrequently transfers a concealable weapon.

**C.** This chapter shall be interpreted in accordance with Part 4, Title 2, Chapter 1, Article 4 (commencing with Section 12070) of the Penal Code of California.

**Section 5.55.020. Application for license.**

Written applications for a license under this chapter shall be filed with the chief of police upon forms to be provided.

**Section 5.55.030. Investigation.**

A. Upon receipt of an application for a license under this chapter, the chief of police shall investigate the facts connected with the application and shall not approve of the application if:

1. The applicant is not of good moral character; or
2. The sale of firearms by the applicant would constitute a violation of any state law or provision of this code.

B. The chief of police shall also submit the application to the office of the city manager, who shall not approve of the application if the proposed location of the business is not in compliance with the Millbrae zoning ordinance.

**Section 5.55.040. Issuance of license – Fee.**

If the application is approved by the chief of police and the office of the city manager, a license shall be issued in the form required by the attorney general. A fee in an amount to be established by a resolution of the city council shall be paid at the time of issuance of the license, for each place of business.

**Section 5.55.050. Conditions.**

The license shall be subject to the conditions contained in Section 12071 of the Penal Code of California, and the conditions contained in this chapter.

**Section 5.55.060. Licenses not transferable.**

A license conferred under this chapter shall not be transferable, either as to the licensee or the location of the business.

**Section 5.55.070. Expiration of license – Renewal.**

A license issued under this chapter shall expire at the end of one year, but may be renewed by the holder for the period of one year upon payment of the fee specified in MMC 5.55.040, and upon submission of a written renewal application on forms to be provided.

**Chapter 5.125 – Fireworks, Model Rockets, Firecrackers, or Similar Explosives**

**Section 5.125.020. Possession – Prohibition – Responsibility for minors.**

Except as otherwise provided in this chapter, no parent, guardian or person having the care, custody and control of any minor shall permit such minor to have in his possession within this city, or to fire or discharge, or cause to be fired or discharged within the city, any firearms, fireworks or explosives as specified in this chapter.

**Title 10 – Planning and Zoning  
Chapter 10.05 – Zoning  
Article II – Definitions**

**Section 10.05.0200. Definitions.**

Definitions of key terms are set forth in this section in alphabetical order and are applicable throughout this title. A word that is underlined indicates that the word is defined elsewhere in this section.

**“Gun shop”** means an establishment that engages in advertising, selling, transferring, or exposing for sale any weapons such as pistols, revolvers, rifles, or other firearms and is licensed in accordance with Chapter 5.55 MMC and state law as a firearms dealer.

**Article III – Zoning Districts and Map**

**Section 10.05.0300. Establishment and designation of districts.**

The city is divided into zoning districts which are designated as follows:

- |   |  |
|---|--|
| <b>A.</b> Single-family large lot or “R-1LL” district;  | <b>H.</b> Open space or “OS” district;                                   |
| <b>B.</b> Single-family residential or “R-1” district;  | <b>I.</b> Public facilities or “PF” district;                            |
| <b>C.</b> Duplex/triplex residential or “R-2” district; | <b>J.</b> Planned development or “PD” district;                          |
| <b>D.</b> Multifamily residential or “R-3” district;    | <b>K.</b> Millbrae Station Area Planned Development or “MSAPD” district; |
| <b>E.</b> Commercial or “C” district;                   | <b>L.</b> Grand Boulevard Planned Development or “GBPD” district.        |
| <b>F.</b> Downtown improvement area or “DIA” district;  |  |
| <b>G.</b> Industrial or “I” district;                   |  |



**Article IV – District Regulations**

**Section 10.05.0410. Land use table.**

The following uses listed in the land use table detail the permitted, conditional, or accessory uses allowed within each zoning district in the city.

Table 1 – Land Uses by Zoning District

Zoning Districts														
Land Use Categories	Specific Land Uses	R-1LL – Article V.	R-1 – Article VI.	R-2 – Article VII.	R-3 – Article VIII.	C – Article X.	DIA – Article XI.		I – Article XII.	PF – Article XIII.	OS – Article XIV.	PD – Article XV.	GBPD – Article XVI.	MSAPD – Article XVII.
							Primary Frontages	Secondary Frontages						
Key: P = Permitted by right; C = Conditional use permit required; PP = Permitted by other permit; * = Allowed as specified in the development plan individually approved for each project														
Other Land Use Categories														
Adult-Oriented	Gun Shops					C								*

**Mission Viejo Code of Ordinances**

Codified through Ordinance Number 22-344, enacted April 12, 2022. (Supp. No. 44)

**Title 5 – Business Regulations**

**Chapter 5.01 – General**

**Section 5.01.020. Licenses required.**

It shall be unlawful for any person to engage in, conduct, manage or carry on any of the following businesses, practices, professions or occupations within the city without first having obtained a license therefor in accordance with chapter 5.02 of this title:

- (6) Retail sale of concealable firearms.

**Chapter 5.03 – Specific Additional License Requirements and Business Regulations  
Division 12 – Retail Sale of Concealable Firearms**

**Section 5.03.1210. Licensing of retail sellers of concealable weapons.**

The chief of police is hereby designated as the licensing authority for the city and is authorized to issue licenses therefor pursuant to Penal Code 12070 et seq., as such article exists or may be amended from time to time for the sale at retail of pistols, revolvers and other firearms capable of being concealed upon the person.

**Title 9 – Land Use/Zoning/Subdivision Regulations**

**Chapter 9.10 – Residential Zones**

**Section 9.10.020. Zoning district development standards.**

- (5) Home occupations.

b. Prohibited home occupation uses. The following list presents example uses that are not incidental to or compatible with residential activities, and are therefore prohibited:

- (viii) Gun/rifle shop.

**Chapter 9.11 – Commercial/Office Zones**

**Section 9.11.005. Purpose.**

- (b) The purpose of the individual commercial zoning districts is as follows:

- (1) CN (Commercial Neighborhood) Zone. This zone is intended to provide for small-scale business activities which generally offer retailing or service-oriented uses serving the needs of neighborhood residents, while remaining compatible with adjoining residential neighborhoods.
- (2) CC (Commercial Community) Zone. This zone is intended to provide for retail, professional office, and service-oriented business uses serving a community-wide need under design standards which ensure compatibility and harmony with adjoining residential neighborhoods.
- (3) CH (Commercial Highway) Zone. This zone is primarily intended to provide for highway-oriented businesses offering goods and services to a mobile population using major transportation corridors. Additionally, a limited range of uses customarily located in the CN, CC and CR Zone Districts may be permitted.
- (5) CR (Commercial Regional) Zone. This zone is intended to provide for large-scale retail and consumer-service business uses serving a large geographic area and population.

**(6) OP (Office/Professional) Zone.** This zone is intended to provide for office, professional and/or administrative services. Limited small-scale retail/service commercial uses may be allowed when designed to meet the needs of the immediate employment population.

**Section 9.11.015. Permitted, planned development permitted, and conditionally permitted uses.**

The following list represents those primary uses in the commercial zones which are permitted (P) or subject to a planned development permit (D), conditional use permit (C) or prohibited (X):

(b)	General commercial uses:	CN	CC	CH	CR	OP
(48)	Gun shops	X	X	C	C	X

**Monrovia Code of Ordinances**

Codified through Ordinance Number 2021-02, passed January 19, 2021. (Supplement Number 34)

**Title 17 – Zoning**

**Chapter 17.04 – General Provisions**

**Section 17.04.030. Districts established.**

In order to carry out the provisions of this title, the city is hereby divided into the following zones designated as follows:

Commercial/Industrial	O/RD/LM - Office/Research and Development/Light
CRS - Commercial-Regional/Subregional	Manufacturing
RCC - Retail Corridor Commercial	M - Manufacturing

**Chapter 17.08 – Permitted Uses**

**Section 17.08.010. Uses permitted in each zone.**

**(E)** All other zones. Use types permitted in each zone shall be as shown in the following tables. Designations shall have the following meanings:

Legend:

- Blank Means the use is not permitted
- “P” Means the use is permitted
- “C” Means the use requires a major conditional use permit
- “Cm” Means the use requires a minor conditional use permit
- “LUE” See the Land Use Element of the General Plan

1. The minor conditional use permit process is not permitted when the subject property is directly adjacent to any residentially zoned property. A major conditional use permit shall be required.
2. All new construction and additions (regardless of use) over 10,000 square feet in area and/or with an occupant load of 30 persons or more shall require a conditional use permit.
3. Any business that operates between the hours of 12:00 a.m. and 6:00 p.m. shall be subject to the provisions of § 17.44.103.

Use	CRS RCC	O/RD/ LM	M
Commercial Uses			
Firearms/ammunition			
Retail	C		C
Wholesale		C	C

**Section 17.08.030. Use type explanations.**

The following are the use type explanations for the uses set out in § 17.08.010. Also, see § 17.04.080 for additional definitions.

**Firearms/Ammunition.**

**Ammunition.** Projectiles with their fuses, propelling charges, and primers fired from guns. Typical uses include retail gun shops, sporting goods stores with incidental guns sales, and wholesale gun dealers.

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

**Montclair Code of Ordinances**

Codified through Ordinance Number 22-1001, passed June 06, 2022. (Supp. No. 29 Update 1)

**Title 11 – Zoning and Development  
Division IV – Entitlements  
Chapter 11.78 – Conditional Use Permits**

**Section 11.78.030. Permitted uses.**

In addition to those uses specifically identified in Chapters 11.22 through 11.30 of this Title as requiring a conditional use permit, the Planning Commission may grant a conditional use permit for any use listed in this Section as a permitted use subject to a conditional use permit:

**D. Commercial Uses (General Merchandise).**

9. Firearms, ammunition and related products as a stand-alone use , retail (C-3, MIP, M-1);

**Monte Sereno Code of Ordinances**

Codified through Ordinance Number NS-229, enacted January 4, 2022. (Supp. No. 31)

**Title 4 – Public Safety and Welfare  
Chapter 4.14 – Assault Weapons**

**Section 4.14.010. Definitions.**

The following terms shall, for purposes of this Chapter, have the meaning ascribed to them in this section.

**A. "Assault weapon" shall mean and include:**

1. All semiautomatic action center fire rifles that accept detachable magazines with a capacity of more than five rounds, including but not limited to the following examples: Uzi semiautomatic assault rifles or carbines, Ingram Mac-II 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 Automat Kalashnikov weapons, Thompson semiautomatic carbines,
2. All semiautomatic shotguns with a magazine capacity of more than six (6) rounds;
3. Any firearm which may be readily converted to an operable assault weapon, as defined in 1. and 2. above; and
4. Any part, or combination of parts, designed or intended to convert a firearm into an assault weapon, 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 Chapter, "assault weapon" does not include any of the following:**

1. Weapons that do not use fixed ammunition, weapons that were in production prior to 1898, manually operated bolt-action weapons, lever-action weapons, slide-action weapons, single-shot weapons, multiple barrel weapons, revolving cylinder weapons with a magazine of five rounds or less, semiautomatic weapons with a fixed magazine capacity of five rounds or less, semiautomatic weapons manufactured prior to 1954, semiautomatic weapons which use exclusively Mannlicher-style clips, and rimfire weapons that employ a tubular magazine;
2. Any short-barreled shotgun, as defined in Subdivision (c) of Section 12020 of the California Penal Code;
3. Any of the above generally and specifically described weapons which is a "machine gun" prohibited by California law (as presently defined and prohibited by Section 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 Sections 12021 and 12025 of the Penal Code of the State of California.
4. Any assault weapon which is an antique or relic firearm, or other weapon, specified and subject to all the limitations and requirements in Paragraphs (5), (7), and (8) of Subdivision V of Section 12020 of the California Penal Code;
5. Any assault weapon which has been modified either to render it permanently inoperable or to make it permanently a device no longer defined as an assault weapon.

**C. "Person" means any individual, corporation, company, association, firm, partnership, club or society.**

**D. "Semiautomatic" means any weapon which fires a single projectile for each single pull of the trigger and which employs a magazine/clip.**

**E. "Rifle" means a weapon, whether or not it is intended to be fired from the shoulder, that is designed or redesigned, made or remade to fire a fixed cartridge and is not a pistol", as defined in Section 12001 et seq. of the California Penal Code.**

**F. "Shotgun"** means a weapon, whether or not it is intended to be fired from the shoulder, that is designed or redesigned, made or remade, to fire a fixed shotgun shell.

**Section 4.14.020. Possession and sale of assault weapons prohibited.**

**A.** Except as specified in subsections B, C and D herein no person, including but not limited to wholesale and retail gun dealers, shall sell, offer or display for sale, give, lend or transfer ownership of, or possess any assault weapon. Any person who sells or possesses any assault weapon in the City of Monte Sereno in violation of this Section is guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this Chapter shall be punishable by a fine of not more than five hundred dollars, or by imprisonment in the County jail for a period of not exceeding six months, or by both such fine and imprisonment.

**B.** Nothing in this Chapter shall prohibit the acquisition, possession, or disposition by police departments, sheriff's departments, marshal's offices, the California Highway Patrol, other local, state and federal law enforcement agencies, or the military forces of this state or the military and naval forces of the United States for use in the discharge of their official duties, nor shall anything in this Chapter prohibit the possession of assault weapons or magazines therefor by any regular, salaried, full-time officer, employees or agents thereof when on duty. and the use of assault weapons is within the scope of their duties.

**C.** The provisions of this Chapter shall not apply to the possession of any assault weapon when such possession is prohibited by the provisions of Section 12031 of the Penal Code of the State of California or Section 2010 of the Fish and Game Code of the State of California.

**D.** Notwithstanding the provisions of Subsection A:

1. Any person who, prior to April 21, 1989, was legally in possession of a weapon prohibited by this Section or who subsequently obtains title to an assault weapon by bequest or intestate succession shall within thirty (30) days remove said assault weapon from within the incorporated area of the City of Monte Sereno, or transfer title and possession of the weapon to a dealer licensed pursuant to Article 4 of the State of (California Penal Code commencing at Section 12250, or to the City Police;

2. An assault weapon may be possessed by any federal, state, or local historical society, museum or institutional collection which is open to the public, provided any such weapon is properly housed, secured from unauthorized handling and is unloaded;

3. An assault weapon may be maintained in the possession of an entity or establishment engaged in the business of motion picture, television or video production, but only for the purpose of being utilized as a prop during the course of motion picture, television or video 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 assault weapon from unauthorized use.

**Montebello Code of Ordinances**

Codified through Ordinance Number 2477, passed February 9, 2022. (Supp. No. 33)

**Title 17 – Zoning**

**Chapter 17.59 – Home Occupation Permits**

**Section 17.59.050. Operation standards.**

**A.** Home occupations, governed by subsection B below, are permitted, provided that:

11. Guns and ammunition shall not be sold as part of a home occupation except that a home occupation permit for a gunsmith or firearms collector licensed by the Bureau of Alcohol, Tobacco, and Firearms as a gunsmith, or firearm collector shall be allowed.

**Monterey County Code of Ordinances**

Codified through Ordinance Number 5382, passed July 26, 2022. (Supp. No. 49) Title 7 – Business Taxes, Licenses and Regulations

**Chapter 7.70 – Licensing of the Sale of Concealed Weapons**

**Section 7.70.020. Intent and purpose.**

The intent and purpose of this Chapter is to prohibit the sale of a concealed weapon capable of being concealed by any person within the unincorporated areas of the County of Monterey without a license issued by the Sheriff of Monterey County. The Board of Supervisors has found that the proper sale, registration and licensing of concealed weapons is a law enforcement function which will aid the community. In this purpose, the Sheriff of Monterey County would maintain the licensing authority for the sale and carrying of any concealed weapon.

### **Section 7.70.030. Definitions.**

As used in this Chapter, the following words, phrases, or terms shall have the meanings set forth in this Section:

**A. "Handgun Dealer."** Any person engaged in the business of: (a) selling or renting handguns at wholesale or retail; (b) manufacture of handguns; or (c) repairing handguns or making or fitting special barrels or trigger mechanisms to handguns; (d) a holder of a Federal Firearms license.

**B. "Handgun."** Any weapon which constitutes a "pistol", "revolver" or "firearm capable of being concealed on the person." Also applies to and includes any device, designed to be used as a weapon, from which is expelled a projectile by the force of any explosion or other form of combustion, and which has a barrel less than twelve (12) inches in length. The frame is the basic unit of a handgun which serves as a mounting for the barrel and operating parts of the gun. The receiver is the metal frame in which the action of a firearm is fitted and to which the breech end of the barrel is attached.

### **Section 7.70.040. License, required.**

**A.** Except as provided by this Chapter, it is unlawful in the unincorporated areas of Monterey County for any handgun dealer to sell any weapon capable of being concealed without procuring from the Sheriff a license for such purpose. The Sheriff is designated as agent of the Board of Supervisors for the purpose of issuing licenses for the sale of weapons capable of being concealed.

**B.** This Section shall not apply to:

1. Firearms owned or under the direct control or custody of any Federal, State or local governmental authority maintained in the course of its official duties, including United States Armed Forces personnel maintained in their official capacity.
2. Duty-related firearms owned and possessed by peace officers who are not residents of the County or who are the residents of incorporated cities.
3. Duty-related firearms owned or possessed by correction officers.
4. Firearms owned, manufactured or processed by licensed manufacturers of firearms, bulk transporters or licensed sellers of firearms at wholesale or retail.

### **Section 7.70.050. License, application.**

Any person or business holding a Federal firearms license who makes application for the sale of a weapon capable of being concealed shall file with the Sheriff a sworn application on a form to be furnished by the Sheriff, which shall give the following information:

**A.** Name, social security number, residential and business address and telephone number of the applicant;

**B.** The applicants age, sex, citizenship;

**C.** The applicants State firearm owners identification number;

**D.** A statement as to whether or not the applicant has been arrested and, if so, the complete record of such arrest or arrests excepting minor traffic violations, the time when, the place when, the nature of the offense, and the punishment or penalty, if any, assessed therefor;

**E.** Such other information as the Sheriff shall find reasonably necessary to effectuate the purpose of this ordinance and to arrive at a fair determination whether the terms of this ordinance have been complied with.

**F.** The Sheriff shall be the custodian of all applications for licensing of concealed weapons and the sale of concealed weapons under this ordinance.

**G.** When necessary to establish the identity of any applicant, such applicant shall be required to submit to fingerprinting in accordance with the procedures and regulations of the Sheriff's Office.

### **Section 7.70.060. License, investigation.**

**A.** Upon receipt of the application provided for in Section 7.70.050 in duplicate, the Sheriff of the County of Monterey shall cause such investigation of the applicants business and moral character to be made as he or she deems necessary for the protection of the public good.

**B.** If, as a result of the investigation, the applicants character and business responsibility is found to be unsatisfactory, the Sheriff shall endorse on the application his or her disapproval and his or her reasons for the same, and shall notify the applicant that his or her application was disapproved and that no license will be issued.

**C.** If, as a result of the investigation, the character and business responsibility of the applicant are found to be satisfactory, the Sheriff shall endorse on the application his or her approval, and return the application to the applicant, who, upon payment of license fees prescribed by this Chapter, shall issue and deliver to the applicant a serially numbered license.

The license shall contain the signature of the Sheriff or deputy thereof, the date of the issuance, and the length of time the same shall be operative. If the licensee is other than self employed, the name and address, both permanent and temporary, of the firm, person, corporation or association, by which he or she is employed, which he or she represents shall also be listed on the application. The Sheriff shall keep a record of all licenses issued.

**D.** If the Sheriff does not either approve or disapprove the application as provided in this Section within forty-five (45) days of his or her receipt of the application, he or she shall forthwith report in duplicate his or her reasons for delay to the applicant. The applicant shall thereupon have the right to appeal to the Board of Supervisors as provided in Section 7.70.090.

**E.** Any business engaged in the sale of concealed weapons and weapons capable of being concealed is not to be located within any area of the County which is wholly residential; or if the business location is adjacent to a residential area and, in the opinion of the Sheriff, the operation of this business in such location would tend to cause a public nuisance or law enforcement problem.

**F.** Any business engaged in the sale of concealed weapons and weapons capable of being concealed is not to be located within two thousand (2,000) feet of a public school, church, hospital, childrens' playground, or any other public facility where the presence of the business might tend to cause a law enforcement problem, or create a public nuisance, or where the granting of the license would be contrary to the public interest.

**G.** Any business engaged in the sale of concealed weapons and weapons capable of being concealed is not to be located in an area not zoned for such activities as determined by the appropriate planning administrator or commission.

#### **Section 7.70.070. License fee and license.**

**A.** A license fee shall be paid as set forth by resolution of the Board of Supervisors for the sale of weapons capable of being concealed.

**B.** The license fee shall be paid on a yearly fiscal basis.

**C.** The fee shall be paid to the County Treasurer in advance for each fiscal year commencing on July 1st.

**D.** The license fee shall be due and payable at least fifteen (15) days prior to the commencement of the fiscal year. A penalty equal to ten (10) percent of the current license fee shall be imposed in those cases where the fee is not paid within sixty (60) days of the due date, the license shall be revoked and the sale of the concealed weapon will be prosecuted under the provisions of Penal Code Sections 12070 and 12071.

**E.** The license for the sale of any weapon capable of being concealed shall be valid for the fiscal year or portion thereof in which issued, commencing July 1st of that year and ending June 30th.

**F.** Any application for a license or renewal shall be held in abeyance when there is a criminal proceeding for a crime of violence or any offense involving a weapon, or a proceeding to revoke a firearm registration, pending against the applicant until such proceeding has terminated. In the case of a renewal of registration of a license, the then current license shall be deemed continuing until the termination of such proceeding.

**G.** Upon receipt of a license, each applicant shall examine the same to insure that the information thereon is correct. If the license is incorrect in any respect, the applicant thereon shall return it to the Sheriff with a signed statement showing the nature of the error. The Sheriff shall correct the error, if it occurred through administrative error. In the event that the error resulted from incorrect information contained in the application, the applicant shall be required to file an amended application setting forth the correct information and a statement explaining the error in the original application.

**H.** Each license authorized to be issued by the Sheriff shall be accompanied by a statement setting forth the applicants duties under this Chapter.

#### **Section 7.70.080. Renewal of license.**

**A.** Every holder of a license for the sale of any weapon capable of being concealed shall apply for renewal of such license within forty-five (45) days prior to the expiration of the current license date.

**B.** The application for renewal shall include the payment of a renewal fee as set forth by resolution of the Board of Supervisors.

**C.** For the purposes of clarification, the license fee set forth in this Section is for regulation purposes to reimburse the County for its costs in regulating the sale of weapons capable of being concealed and not for revenue purposes.

#### **Section 7.70.090. Appeal procedure.**

**A.** Any applicant dissatisfied with the action of the Sheriff in either failing to approve or disapprove an application within forty-five (45) days or in disapproving an application shall have the right of appeal to the Board of Supervisors.

**B.** An appeal from the action of the Sheriff in disapproving an application shall be taken by filing with the Clerk of the Board of Supervisors, within ten (10) days after notice of the disapproval has been mailed to the applicant at the address shown on the application, a written statement setting forth fully the grounds for appeal.

**C.** The appeal provided for in Subsection B of this Section shall be taken by filing with the Board of Supervisors within ten (10) days after notice of the action complained of has been mailed to the applicant at the address shown on the application, a written statement setting forth fully the grounds for the appeal. The Board of Supervisors shall set a time for hearing such appeal and written notice of the hearing shall be given to the applicant at least five days prior to the hearing. Upon failure to file the notice within a ten (10) day period, the action of the Sheriff in denying the license shall be final and conclusive.

**D.** The Board of Supervisors shall either affirm or reverse the action of the Sheriff. Should the Board of Supervisors reverse the action of the Sheriff, notice of the reversal shall be given to the Sheriff, who shall, upon payment of the required fee, issue the license.

**Section 7.70.100. Notices.**

**A.** For the purposes of this Chapter, service of any notice, finding or decision, to the applicant or licensee shall be completed by any of the following methods:

1. Personal delivery of a copy of such notice, finding or decision to the applicant or licensee; or
2. By leaving a copy of such notice, finding or decision at the address identified on the application for license renewal; or
3. By mailing a copy of the notice, finding or decision by certified mail with return receipt of the address identified on the application for license for renewal; which day service shall be complete as the date the return receipt was signed by any person.

**Section 7.70.110. License, duplicate.**

In the event any license issued under this Chapter is lost, destroyed or mutilated, the person to whom the license was issued may obtain a duplicate thereof upon the payment of a fee as established by resolution of the Board of Supervisors and by furnishing two photographs of the licensee taken within sixty (60) days immediately prior to the date of application, which photographs conform to the requirements of Section 7.70.050, and furnishing satisfactory proof of loss, destruction or mutilation to the Sheriff.

**Section 7.70.130.**

The provisions of this Chapter are severable, and if any part of this Chapter shall be found to be invalid, such invalidity shall not effect remaining provisions.

**Monterey Park Municipal Code**

Codified through Ordinance Number 2222 and the May 2022 code supplement.

**Title 9 – Peace, Safety and Morals**

**Chapter 9.84 – Weapons**

**Section 9.84.010. Possession – By minor.**

No person shall give, sell or loan to any person under the age of eighteen years, any firearm, spring gun, air rifle, sling shot or ammunition.

**Section 9.84.020. Possession – Prohibited.**

No person under the age of eighteen years, shall use or have in his possession any firearm, spring gun, air rifle, sling shot or ammunition within the city.

**Title 21 – Zoning**

**Chapter 21.04 – Definitions**

**Section 21.04.452. Gunsmith or armorer.**

“**Gunsmith**” means a person who repairs, modifies, designs, or builds firearms. A gunsmith does factory level repairs, renovation (such as applying metal finishes), and makes modifications and alterations for special uses. Gunsmiths may also apply carvings, engravings and other decorative features to an otherwise finished gun. This occupation is different from an armorer. The armorer primarily maintains (disassembly, cleaning) weapons and limited repairs involving parts replacement and possibly work involving modifications to make the weapon more accurate. For the purposes of this Zoning Code, “gunsmith” will be considered to include “armorer.”

**Chapter 21.10 – Commercial Zones**

**Section 21.10.020. Commercial Zones.**

N-S	Neighborhood Shopping Center Zone	R-S	Regional Specialty Center Zone
S-C	Shopping Center Zone	C-S	Commercial Services Zone
C-B	Central Business Zone	C-P	Commercial-Professional Zone

**Section 21.10.030. Land use regulations.**

Table 21.10(A)  
Permitted Uses in Commercial Zones

Legend:

- P Permitted
- X Expressly prohibited

Land Uses	N-S	S-C	C-B	R-S	C-S	C-P
Service Business						
Gunsmith	X	X	P	P	P	X

**Moorpark Municipal Code**

Codified through Ordinance Number 22-501 and the March 2022 code supplement.

**Title 9 – Public Peace, Morals and Welfare**  
**Chapter 9.24 – Weapons**

**Section 9.24.030. Discharge of firearms – Minors.**

**B.** No minor shall possess in any public place any gun, rifle or pistol as described in Sections 9.24.010 and 9.24.020 of this chapter, except as follows:

1. When such minor is in the immediate charge and supervision of a parent, guardian, or adult person having the responsibility for the conduct of such minor, regardless of whether the gun, rifle or pistol is capable of being immediately discharged or whether it is unloaded or in a dismantled or take-down condition or completely wrapped or in a carrying case made for the purposes of carrying such firearm;

**Moraga Code of Ordinances**

Codified through Ordinance Number 296, April 14, 2021. (Supp. No. 23)

**Title 8 – Planning and Zoning**  
**Chapter 8.50 – Planned Development-Commercial (PD-C)**

**Section 8.50.020. Definitions.**

The following definitions shall apply to this chapter:

**"Firearm store"** means a retail store or wholesale business that derives its principal income from buying and selling firearms, with or without sale of ammunition and/or firearms accessories.

**Section 8.50.060. PD-C standards.**

**B.** The PD-C plan shall include a list of prohibited uses. At a minimum, the list shall include the following uses as prohibited within any PD-C district:

6. Firearms stores

**Title 9 – Public Peace and Welfare**  
**Chapter 9.12 – Storage of Firearms**

**Section 9.12.010. Definitions.**

The following words and phrases when used in this chapter, shall have the following meanings:

**A. "Residence"** refers to any structure intended or used for human habitation including, but not limited to a house, condominium, room, accessory dwelling unit, trailer coach or house car that is parked and being used as a residence, motel, hotel, time-share, and other locations where human habitation occurs.

**B. "Locked container"** refers to a secure container that is fully enclosed and locked by a padlock, biometric lock, key lock, combination lock, or similar locking device, as defined in Penal Code Section 16850, as may be amended from time to time.



**C. "Firearm"** refers to any rifle, shotgun, revolver, pistol, or any other device designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of any explosion or other form of combustion, as defined in Penal Code section 16520(a), as may be amended from time to time.

**D. "Gun lock"** refers to a cable or trigger lock that is listed in the California Department of Justice's roster of approved firearms safety devices, as defined in California Penal Code section 16540, as may be amended from time to time, 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.

**E. "Immediate control"** means within close enough proximity and control that the owner or other lawfully authorized user of the firearm can readily retrieve and use the firearm as if carried on the person.

**Section 9.12.020. Regulation of firearm storage.**

No person shall keep any firearm within a residence owned or controlled by that person unless the firearm is stored in a locked container or disabled with a gun lock that has been approved by the California Department of Justice.

**Section 9.12.030. Exceptions to firearm storage regulation.**

The firearm storage regulations set forth in this chapter shall not apply in the following circumstances:

**A.** The firearm is carried on the person of, or is in the immediate control of, an individual, in accordance with any and all applicable local, state or federal laws.

**B.** The firearm is under the control of a person who is a peace officer, either active duty or honorably retired, pursuant to California Penal Code 830 et seq.

**Section 9.12.040. Penalty for failing to properly store firearms in residence.**

**A.** Penalty. A first violation of any provision of this chapter shall constitute an infraction. Any subsequent violation shall constitute a misdemeanor.

**B.** Fines. A first violation of this chapter shall be punishable by a fine of two hundred fifty dollars (\$250.00). A second or subsequent violation of this chapter is a misdemeanor and shall be punishable by a fine of one thousand dollars (\$1,000.00).

**C.** Other Enforcement Remedies. No provision of this chapter is intended to supersede or supplant any state law and a violation of this chapter may be subject to any other civil or criminal procedures and fines as provided by state or federal law.

**Moreno Valley Municipal Code**

Codified through Ordinance Number 981 and October 2021 code supplement.

**Title 9 – Planning and Zoning  
Chapter 9.02 – Permits and Approvals**

**Section 9.02.130. Home occupation permits.**

**E.** Prohibited Home Occupation Uses. The following uses, either by operation or nature, are not considered to be incidental to or compatible with residential activities and therefore shall not be permitted as home occupations:

3. The sale, use or manufacture of ammunition, explosives or fireworks;

**Chapter 9.07 – Special Districts  
Article I – Special Districts in General**

**Section 9.07.040. Medical use overlay district (MUO).**

**D.** Development Standards.

2. For property with underlying zoning of neighborhood commercial and community commercial, the permitted uses of the underlying zoning shall apply with the following exceptions:

n. **Gun shops;**

**Morgan Hill Code of Ordinances**

Codified through Ordinance Number 2319 N.S., passed January 20, 2021. (Supplement Number 62)

**Title 9 – Public Peace, Morals and Welfare  
Chapter 9.04 – Weapons**

**Section 9.04.020. Licensed Dealers-Posting of Regulations.**

Any person or business establishment engaged in the business of offering for sale any instrument or device described in Section 9.04.010 of this chapter shall have posted in a conspicuous place in the place of sale, a copy of this chapter and shall deliver a copy of this chapter to any purchaser of such instrument or device.

**Section 9.04.030. Duty to report theft or loss of firearms.**

Any person who owns or possesses a firearm (as defined in Penal Code Section 16520 or as amended) shall report the theft or loss of the firearm to the Morgan Hill Police Department within forty-eight hours of the time he or she knew or reasonably should have known that the firearm had been stolen or lost, whenever: (1) the person resides in the city of Morgan Hill; or (2) the theft or loss of the firearm occurs in the city of Morgan Hill.

**Section 9.04.040. Safe storage of firearms.**

No person shall leave a firearm (as defined in Penal Code Section 16520 or as amended) unattended in any residence owned or controlled by that person unless the firearm is stored in a locked container (as defined in Penal Code Section 16850 or as amended), or the firearm is disabled with a trigger lock that is listed on the California Department of Justice's list of approved firearms safety devices.

**Section 9.04.050. Possession of large-capacity ammunition magazines prohibited.**

- A. No person may possess a large-capacity magazine in the city of Morgan Hill whether assembled or disassembled. For purposes of this section, "large-capacity magazine" means any detachable ammunition feeding device with the capacity to accept more than ten 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 ten rounds; or
  - 2. A .22 caliber tubular ammunition feeding device; or
  - 3. A tubular magazine that is contained in a lever-action firearm.
- B. Any person who, prior to the effective date of this section, was legally in possession of a large-capacity magazine shall have ninety days from such effective date to do either of the following without being subject to prosecution:
  - 1. Remove the large-capacity magazine from the city of Morgan Hill; or
  - 2. Surrender the large-capacity magazine to the Morgan Hill Police Department for destruction; or
  - 3. Lawfully sell or transfer the large-capacity magazine in accordance with Penal Code Section 12020.
- C. This section shall not apply to the following:
  - 1. Any federal, state, county, or city agency that is charged with the enforcement of any law, for use by agency employees in the discharge of their official duties;
  - 2. 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 and does so while acting within the course and scope of his or her duties;
  - 3. A forensic laboratory or any authorized agent or employee thereof in the course and scope of his or her duties;
  - 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 who has been issued a license or permit by the California Department of Justice pursuant to Penal Code Sections 18900, 26500-26915, 31000, 32315, 32650, 32700-32720, or 33300, when the possession of a large-capacity magazine is in accordance with that license or permit;
  - 6. A licensed gunsmith for purposes of maintenance, repair or modification of the large-capacity magazine;
  - 7. Any person who finds a 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 reasonably necessary to deliver or transport the same to a law enforcement agency;
  - 8. Any person lawfully in possession of a firearm that the person obtained prior to January 1, 2000, if the person can show that the large capacity magazine was included with the purchase of the firearm or no magazine that holds fewer than ten rounds of ammunition is compatible with the firearm, and the person possesses the large-capacity magazine solely for use with such firearm.
  - 9. Any retired peace officer holding a valid, current Carry Concealed Weapons (CCW) permit issued pursuant to California Penal Code.

**Section 9.04.060. Confiscation—Authority—Conditions.**

Any instrument, device or article used or possessed in violation of the provisions of this chapter is declared to be a public nuisance and may be confiscated and possessed by a police officer of the city and turned over to the chief of police under the conditions set forth in this section. If no complaint for violation of this chapter is filed within seventy-two hours of the taking, the instrument or device shall be returned to the person from whom it was taken. If a complaint for violation of this chapter is filed within seventy-two hours, the chief of police may return it to the person from whose possession it was taken upon such conditions as he deems desirable for the public welfare. If the person from whom it was taken is not convicted of a violation of this chapter, then the device or instrument shall be returned to him without any conditions. If there is a conviction and sixty days have expired since the date of conviction, the same may be destroyed by the chief of police or returned to the person from whom it was taken upon such conditions as the chief deems desirable for the public welfare.

**Section 9.04.070. Violation.**

It is unlawful for any person to violate or cause or permit the violation of the provisions of any section of this chapter.

**Napa Municipal Code**

Codified through Ordinance Number O2022-005 and the March 2022 code supplement.

**Title 17 – Zoning**

**Chapter 17.10 – Commercial Districts (CL, CT, CC, DCC, DMU, DN, OBC)**

**Section 17.10.010. Specific purposes.**

The additional purposes of each commercial district follow:

- E. Local Commercial (CL).
- F. Tourist Commercial (CT).
- G. Community Commercial (CC).

**Section 17.10.020. Land use regulations.**

Table A – Commercial Districts

P=Permitted C = Conditional S = Specific Standards Apply Blank = Not Allowed

Zoning Districts	CL	CT	CC	Added Use Regulations
A. Commercial Uses				
Gun shops			P	

**Chapter 17.14 – Industrial Districts (IP, IL)**

**Section 17.14.010. Specific purposes.**

- D. Industrial Park (IP).
- E. Light Industrial (IL).

**Section 17.14.020. Land use regulations.**

P = Permitted C=Conditional Use Permit or Administrative Permit (see Chapter 17.58)  
S = Specific Standards apply Blank = Not Allowed

Zoning Districts	IL	IP-A	IP-B	IP-C	Added Use Regulations
B. Commercial Uses					
9. Retail uses					
Gun shops, gunsmiths	P				

**Chapter 17.20 – MU-G – Gateway Mixed Use District**

**Section 17.20.020. Land use regulations.**

P = Permitted C = Conditional S = Specific Standards Apply Blank = Not Allowed

Zoning Districts	North of 6th Street	South of 6th Street	Added Use Regulations
A. Commercial Uses			
8. Retail uses*			
Gun shops	C	C	

## **Chapter 17.52.0 – Site and Use Regulations**

### **Section 17.52.240. Home occupations.**

4. Traffic. The use does not generate customer or client traffic, deliveries by commercial vehicles other than pickup trucks or panel delivery trucks, or clients coming to the residence, except for the following:

c. Sale or transfer of firearms which involve no more than four customer trips per month. Each such sale or transfer shall be limited to not more than two firearms, however, the Community Development Director may authorize the sale or transfer of a larger number of firearms on up to two occasions in any 12-month period after receiving a written request not less than two weeks prior to the special sale or transfer. All firearms shall be stored in compliance with California Penal Code Section 12071(14);

### **National City Code of Ordinances**

Codified through Ordinance Number 2022-2502, passed May 3, 2022. (Supp. No. 60, Update 1)

### **Title 7 – Property Conservation and Community Appearance Code Chapter 7.21 – Garage, Yard and Rummage Sales**

#### **Section 7.21.050. Prohibited items.**

It is unlawful for any person to exchange, barter, trade or sell at a garage or rummage sale the following items: firearms, ammunition, explosives, animals and livestock, any identifiable goods, and all other items the sale or possession of which may be prohibited by ordinance or resolution duly adopted by the city council of the city or by the laws of the state or county.

### **Title 10 – Public Peace, Morals and Safety VII – Consumer Protection Chapter 10.57 – Swap Meets**

#### **Section 10.57.020. Prohibited items.**

It is unlawful for any vendor in a swap meet to exchange, barter, trade or sell, the following items of personal property: firearms, ammunition, explosives, animals and livestock, any item of personal property from which the serial number or identifying number has been removed, or any other item of personal property which is prohibited from being exchanged, bartered, traded or sold by ordinance or resolution or any laws of the city, the county, or the state.

### **Nevada County Code of Ordinances**

Codified through Ordinance Number 2508 and the June 2022 code supplement.

### **Title 2 – General Code Chapter III – Business Regulations Article 14 – Firearms Dealers**

#### **Section G-III 14.1. Gun sales or leases must be through qualified dealer.**

Except as provided in Penal Code Section 12078, no person shall sell, offer for sale, lease or transfer any firearm to another unless he or she is a dealer or the transaction is processed by a dealer pursuant to Penal Code Section 12082.

#### **Section G-III 14.2. Permit required.**

No person shall engage in the business of selling, leasing, transferring, advertising, offering, or exposing for sale, lease, or transfer of firearms unless he or she has been issued a firearms dealer's license by the Nevada County Sheriff's Office.

#### **Section G-III 14.3. License qualifications.**

Any person over the age of 21 years who desires to become a firearms dealer shall apply to the Sheriff's Office of the County as follows:

A. Applicant shall submit a completed application for a firearms dealer's license.

B. At the time an application for a firearms dealers license is submitted, the applicant must provide the following:

1. A valid federal firearms license.
2. A valid seller's permit issued by the State Board of Equalization.
3. A certificate of eligibility issued by the Department of Justice.

C. Applicant shall be fingerprinted.

D. Applicant must pay an application fee in an amount to be determined by resolution of the Board of Supervisors.

E. Applicant must not be in a class of persons prohibited from possessing firearms by State law.

**Section G-III 14.4. License is subject to approval.**

All firearms dealer's licenses shall be subject to approval by the Sheriff or his designee. All applicants who are denied a firearms dealer's license shall be informed, in writing, of the reasons for such denial.

**Section G-III 14.5. Renewal of license.**

Any license granted herein shall be valid for one year from the date of issue. Applicant shall pay a license renewal fee to the Sheriff's Department in an amount set by resolution of the Board of Supervisors, if eligible.

**Section G-III 14.6. License subject to forfeiture.**

Any license granted herein shall be subject to forfeiture for failing to comply with the following conditions as contained in Penal Code Section 12071:

**A.** Business shall be carried on in the building designated in the license, unless person is complying with Penal Code Section 12082 as it pertains to a gun show or qualified event.

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

**C.** No firearm shall be delivered:

1. Prior to a record check and clearance by the Department of Justice pursuant to Penal Code Section 12076;
2. Prior to the expiration of a 10 day waiting period pursuant to Penal Code Section 12071(a)(3)(A);
3. Unless unloaded and securely wrapped or unloaded and in a locked container;
4. Unless the purchaser, transferee, or person being loaned the firearm presents clear evidence of his or her identity and age to the dealer as prescribed by Penal Code Section 12071(c)(1).
5. Whenever the dealer is notified by the Department of Justice that the person is a prohibited class described in Penal Code Sections 12021 or 12021.1 or Welfare and Institutions Code Sections 8100 or 8103.

**D.** No pistol, revolver or other firearm, or imitation thereof, capable of being concealed upon the person, 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.

**E.** Licensee shall agree to and shall act properly in processing transfers of firearms pursuant to Section 12082 of the Penal Code.

**F.** Licensee shall comply with Sections 12073, 12076, and 12077, and subdivisions (a) and (b) of Section 12072, and subdivision (a) of Section 12316 of the Penal Code.

**G.** Licensee shall post conspicuously within the licensed premises the warning fully set forth in Government Code Section 12071(b)(7).

**H.** No pistol, revolver, or other firearm capable of being concealed upon the person shall be delivered unless the purchaser, transferee, or person being loaned the firearm presents to the dealer a basic firearms safety certificate as described in Penal Code Section 12071(c)(2).

**I.** The licenses shall offer to provide the purchaser or transferee of a firearm, or person being loaned a firearm with a copy of the pamphlet described in Penal Code Section 12080 and may add the cost of the pamphlet, if any, to the sales price of the firearm.

**J.** The licensee shall not commit an act of collusion as defined in Penal Code Section 12072.

**K.** The licensee shall post conspicuously within the licensed premises a detailed list of the charges and fees set forth in Penal Code Section 12071(b)(11). The licensee shall not misstate the amount of fees charged by a governmental agency.

**L.** The licensee shall report the loss or theft of any firearm that is merchandise of the licensee, any firearm that the licensee takes possession of pursuant to Penal Code Section 12082, or any firearm kept at the licensee's place of business within 48 hours of discovery to the appropriate law enforcement agency in the city or county where the licensee's business premises are located.

**M.** The licensee shall, upon the issuance or renewal of a license, submit a copy of the same to the Department of Justice.

**N.** The licensee shall maintain and make available for inspection during business hours to any peace officer, authorized local law enforcement employee, or Department of Justice employee designated by the Attorney General, upon the presentation of proper identification, a firearms transaction record as prescribed by Penal Code Section 12071(c)(5).

**O.** On the date of receipt, the licensee shall report to the Department of Justice the acquisition by the licenses of the ownership of a pistol, revolver, or other firearm capable of being concealed upon the person, unless such transaction qualifies under Penal Code Section 12071(b)(18)(B).

**P.** The licensee shall forward information as required by the Department of Justice, information on any firearm that is not delivered within the time period set forth in Section 178.102(c) of Title 27 of the Code of Federal Regulations.

**Section G-III 14.7. Violation.**

Any person engaging in the business of selling, leasing, transferring, advertising, offering or exposing for sale, lease or transfer of firearms, who does not come within the exceptions contained in Section 12070(b) of the Penal Code and who does not obtain a license pursuant to this Article is guilty of a misdemeanor.

**Newark Code of Ordinances**

Codified through Ordinance Number 535, passed March 24, 2022. (Supp. No. 21, Update 1 )

**Title 17 – Zoning**

**Division III – Citywide Regulations**

**Chapter 17.26 – Standards for Specific Uses**

**Section 17.26.140. Home occupations.**

**D.** Prohibited Home Occupations. The following specific businesses are not permitted as home occupations:

6. Firearm sales;

**Division V – Terms and Definitions**

**Chapter 17.46 – Definitions**

**Section 17.46.060. F.**

**Firearms.** 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.

**Newport Beach Municipal Code**

Codified through Ordinance Number 2022-15, passed June 28, 2022.

**Title 5 – Business Licenses and Regulations**

**Chapter 5.80 – Retail Sale of Firearms**

**Section 5.80.010. Duly constituted licensing authority.**

The City Manager, or his or her designated representative, is hereby designated as the City's licensing authority and is authorized to issue licenses for the sale of firearms pursuant to the California Penal Code

**Section 5.80.020. Definitions.**

**A.** The term “**City Manager**” as used herein shall include any representative designated by the City Manager of the City of Newport Beach pursuant to this chapter.

**B.** The term “**firearms**” shall mean the same as that term is defined in the California Penal Code.

**Section 5.80.030. 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 of firearms unless he or she has obtained a license from the City Manager pursuant to this Code and the California Penal Code and has paid the required licensing fee. The license shall not be transferrable and shall be valid for one year from the date of issue.

**Section 5.80.040. Fees.**

The City Council shall establish by resolution, and from time to time amend, a schedule of fees sufficient to cover the costs to the City of Newport Beach of administering this ordinance, to be paid upon issuance of a license.

**Section 5.80.050. Revocation or denial of license.**

The City Manager may refuse to issue or to renew a license or may revoke or suspend an existing license on any of the following grounds:

- A.** The applicant or license holder has failed to comply with any of the provisions of the California Penal Code.
- B.** The applicant or license holder has failed to comply with applicable provisions of the Newport Beach Municipal Code.
- C.** The applicant or license holder has failed to comply with applicable Federal firearms laws and regulations.

D. The applicant or license holder has made a material false, misleading, or fraudulent statement of fact to the City in the permit application process.

In any such case, the applicant or license holder shall have the right to appeal to the City Council or a member of the City Council may call an item for review in the time and manner set forth in this section.

When the City Manager concludes that grounds for suspension or revocation or refusal to renew a license exists, the City Manager shall serve the applicant or license holder, either personally or by certified mail addressed to the business address of the applicant or license holder, with a notice of intent to suspend or revoke or refuse to renew the license. This notice shall state the reasons for the proposed suspension, revocation, or refusal to renew, the effective date or if no appeal is filed by applicant or license holder, and the right of the applicant or license holder to appeal to the City Council and the decision of the City Manager to suspend, revoke or refuse to renew the license. A member of the City Council, in their official capacity, may call for review any action of the City Manager under this chapter for the purpose of bringing the matter in front of the entire body for review. A call for review shall be filed with the City Clerk on a form provided by the Clerk. The right to appeal to the City Council or call an item for review shall terminate upon the expiration of fifteen (15) days following the personal service or deposit of the notice of intent to suspend or revoke or refuse to renew the license in the United States mail, whichever shall occur first.

The City Council of the City of Newport Beach may preside over the hearing on appeal or, in the alternative, appoint a hearing officer to conduct the hearing, receive relevant evidence and to submit to the City Council findings and recommendations to be considered by the City Council of the City of Newport Beach. The City Council shall preside over a hearing for a call for review. The City Council shall render its decision within forty-five (45) days from the date of the hearing or, in the event that a hearing officer has been appointed, within forty-five (45) days from the date on which the City Council receives the findings and recommendations of the hearing officer. The decision of the City Council shall be final

**Section 5.80.060. Severability.**

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the chapter. The City Council hereby declares that it would have passed the ordinance codified in this chapter and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**Novato Code of Ordinances**

Codified through Ordinance Number 1685, passed May 24, 2022. (Supp. No. 20)

**Chapter XIV – Police Regulations**

**Section 14-14. Concealable firearms; sales.**

14-14.1 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.

**Chapter XIX – Zoning**

**Article 2 – Zoning Districts, Allowable Land Uses, and Zone-Specific Standards**

**Division 19.12 – Commercial/Industrial Zoning Districts**

**Section 19.12.030. Commercial/industrial district land uses and permit requirements.**

Table 2-7 identifies the uses of land allowed by this Zoning Ordinance in the commercial and industrial zoning districts, and the land use permit required to establish each use, in compliance with Section 19.06.030 (Allowable Land Uses and Permit Requirements). In addition to the land use permit required by Table 2-7, special provisions related to certain land uses may apply, and Design Review may also be required for certain uses in compliance with Section 19.42.030 (Design Review). A Building Permit shall be required prior to any construction.

Table 2-7 Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts

- P Permitted Use (2)
- UP Use Permit required (3)
- Use not allowed

Land Use (1)	Permit Required by District							Specific Use Regulations
	BPO	CN	CG	CDR	CDB	CI	LIO	
Retail Uses								
Gun sales	—	—	UP	—	—	UP	—	

Key To Zoning District Symbols

BPO	Business and Professional Office	CDB	Downtown Core Business
CN	Neighborhood Commercial	CI	Commercial/Industrial
CG	General Commercial	LIO	Light Industrial/Office
CDR	Downtown Core Retail		

**Article 3 – Site Planning and General Development Standards  
Division 19.60 Definitions/Glossary**

**Section 19.60.020. Definitions of specialized terms and phrases.**

As used in this Zoning Ordinance, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise.

**G. Definitions “G”.**

**Gun Sales.** A retail business dealing in firearms and ammunition as a regular course of trade or business.

**Oakland Code of Ordinances**

Codified through Ordinance Number 13696, passed July 5, 2022. (Supp. No. 91, 9-22)

**Title 5 – Business, Taxes & Regulations  
Chapter 5.26 – Firearms Dealers**

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.



### **Section 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.

### **Section 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).

**Section 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.

**Section 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.

**Section 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.

**Section 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.

#### **Section 5.26.130. Permit, grounds for revocation.**

In addition to any provisions constituting grounds for denial shall also constitute grounds for revocation.

#### **Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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**

**Section 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.

**Section 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.

**Section 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.

**9.20.60. Severability.**

This Chapter shall be enforced to the full extent of the authority of the City. If any section, subsection, paragraphs sentence dor word of this Chapter is deemed to be invalid or beyond the authority of the City, either on its face or as applied, the remaining sections, subsections, paragraphs, sentences, or words of this Chapter shall remain in full force and effect, and to that end the provisions of this shall be deemed severable.

**Chapter 9.36 – Weapons**  
**Article II – Firearms and Weapons Violence Prevention**

**Section 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**

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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

**Section 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.** 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.

**Section 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.

**Section 9.36.230. Effective date of roster.**

The roster shall become effective on the fifteenth day after its publication.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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**

**Section 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.

**Section 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.

**Section 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.

## Chapter 9.37 – Unsecured Firearms and Ammunition in Unattended Vehicles

### Section 9.37.030. Definitions.

The following terms are defined for use in this chapter.

**"Ammunition"** has the same meaning as defined by state law. It does not include fixed ammunition of a caliber greater than .60 caliber (California Penal Code 18735) nor "deactivated ammunition" (California Penal Code 30335).

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

**"Handgun"** means a pistol, a revolver, or a firearm capable of being concealed upon the person. A firearm capable of being concealed includes a pistol or revolver, including any device designed to be used as a weapon, from which is expelled a projectile by the force of any explosion, or other form of combustion, and that has a barrel less than sixteen (16) inches in length. It includes any device that has a barrel sixteen (16) inches or more in length which is designed to be interchanged with a barrel less than sixteen (16) inches.

**"Licensee"** is a person with a valid concealed carry weapons license issued by the appropriate law enforcement authorities, as defined in the Penal Code 26150 et seq.

**"Locked container"** means a lock box that is listed on the California Department of Justice Bureau of Firearms roster of approved firearm safety devices and that is locked and secured from entry by an unauthorized user.

**"Long gun"** means any firearm except for a handgun, a machine gun, an assault rifle or a .50 BMG rifle as those terms are defined in state law.

**"Person"** includes a natural person or a legal entity (association, corporation, etc.) with responsibility for the ownership, use, control, or direction of the vehicle.

**"Public place"** means a place that is open and accessible to the public, including but not limited to gas stations, public parking lots and garages, driveways, and carports.

**"Public right-of-way"** means a highway, street, or roadway as those terms are defined in California Vehicle Code 360, 590 and 530 et seq.

**"Trunk"** means a fully enclosed compartment that is separate from the main cabin of the motor vehicle.

**"Unattended"** means a vehicle that is parked or standing in the public right-of-way or public place within the City and which is not occupied and/or is outside the immediate control of the person responsible for the vehicle.

**"Unsecured"** means a handgun, long gun, or ammunition that is not safely stored in a vehicle in accordance with this chapter.

**"Vehicle"** means a vehicle as defined in California Vehicle Code 670, and a motor vehicle as defined in California Vehicle Code 415.

**"Vehicle owner"** means the registered owner of the vehicle, Vehicle Code 460.

### Section 9.37.040. Unsecured handguns, long guns, and ammunition in unattended vehicles unlawful and prohibited.

#### A. Handguns.

1. It is unlawful for a person to leave a handgun in an unattended vehicle within the City of Oakland in a public right-of-way or public place unless the handgun is stored in accordance with the safe storage provisions of this chapter.
2. It is unlawful for a licensee to leave a handgun in an unattended vehicle within the City of Oakland in a public right-of-way or public place unless the handgun is stored in accordance with the safe storage provisions of this chapter.

**B. Long Guns.** It is unlawful for a person to leave a long gun in an unattended vehicle within the City of Oakland in a public right-of-way or public place unless the long gun is stored in accordance with the safe storage provisions of this chapter.

**C. Ammunition.** It is unlawful for a person to leave ammunition in an unattended vehicle within the City of Oakland in a public right-of-way or public place unless the ammunition is stored in accordance with the safe storage provisions of this chapter.

**D. Safe Storage Requirements.** Unless exempted by law, firearms and ammunition inside unattended vehicles must be secured as follows:

1. In a lock box; and
2. The lock box must be stored:

(a) In the locked trunk of the vehicle; or

(b) The lock box must be stored inside the vehicle in a place where the lock box cannot be seen from the outside or the lock box must be placed in a container that is permanently attached to the inside of the vehicle; and

3. The key or other disabling device to the lock box is not left in the unattended vehicle.

**Section 9.37.050. Public nuisance.**

Unsecured firearms and ammunition in unattended vehicles in violation of this chapter constitute a public nuisance subject to abatement, penalties, and remedies provided under this chapter, other provisions of the Oakland Municipal Code, and state or federal law.

**Section 9.37.060. Exemptions.**

This chapter does not apply to persons authorized by state or federal law to carry or transport firearms or ammunition in vehicles. To the extent there is a conflict between this chapter and state or federal, the more stringent requirements shall govern.

**Section 9.37.070. Criminal penalties.**

Violations of this chapter constitute misdemeanors punishable by imprisonment in the county jail not exceeding six months, a fine not exceeding one thousand dollars (\$1,000.00), or by both. Each violation shall be deemed a distinct and separate offense in accordance with the law.

**Section 9.37.080. Civil penalties.**

The City may assess civil penalties in accordance with Oakland Municipal Code Chapter 1.08 (Civil Penalties). Alternatively or in conjunction with Chapter 1.08, the City may assess the following penalties for violations of this chapter: (a) one thousand dollars (\$1,000.00) for the first violation; (b) two thousand five hundred (\$2,500.00) for the second violation; and (c) five thousand dollars (\$5,000.00) for the third violation and for each subsequent violation committed within a calendar year.

**Section 9.37.090. Authority of City Attorney to bring a court action.**

**A.** The City Attorney may bring a civil action for damages, abatement, injunctive and/or declaratory relief, and to recover City costs as s/he deems appropriate.

**B.** The City Attorney may bring a civil action to obtain a money judgment against the defendant for any amount of damages that is not ordered or collected by a criminal court, including but not limited to costs, attorney's fees, court costs, and/or other costs incurred in connection with the civil prosecution of any claim for relief, damages or reimbursement.

**C.** The City Attorney may bring a criminal action for violations of this chapter.

**Section 9.37.100. Liability of owner or operator of vehicle.**

To the extent permitted by law, the registered owner, the driver, and any other person with control of the vehicle may be subject to civil liability, penalties, and other remedies provided by this chapter and other law, including but not limited to costs, penalties and fines based on negligence.

**Section 9.37.110. Remedies not exclusive.**

Remedies under this chapter are cumulative and not exclusive. They are in addition to any other administrative, civil, and/or criminal remedies provided by state, federal or other laws contained in the Oakland Municipal Code. The City may seek an order for award of attorney's fees.

Remedies may be recovered by all appropriate legal means including but not limited to criminal prosecution, civil action, nuisance abatement, or lien proceedings.

Concealed carry licensees also may be subject to suspension or revocation of their licenses for violations of this chapter.

**Section 9.37.120. Amendments to state laws adopted.**

In the event that any California statute adopted or referred to in this chapter is amended or succeeded by another enactment of the California Legislature, such amendments shall be automatically deemed adopted as part of this chapter as if fully set forth herein unless the City Council amends this chapter to provide otherwise.

**Section 9.37.130. City Administrator regulations.**

The City Administrator directly or through the Oakland Police Department may establish regulations to aid in the administration of this chapter, but the lack of such regulations shall not delay or otherwise impede enforcement of this law.

## **Chapter 9.39 – Safe Storage of Firearms in a Residence**

### **Section 9.39.030. Definitions.**

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

**"Residence"** means any structure intended or used for human habitation, including but not limited to, houses, condominiums, rooms, motels, and time-shares. For purposes of this chapter, it also includes a garage which is enclosed within or located adjacent to such a structure and which is not open to the public.

**"Locked container"** means a secure container that is fully enclosed and locked by a padlock, key lock, combination lock, or similar locking device as defined by California Penal Code Section 16850. It includes a lock box that is listed on the California Department of Justice Bureau of Firearms roster of approved firearm safety devices. For purposes of this chapter, it does not include a bag or other container made of fabric or other penetrable material, such as a regular purse, backpack, or gym bag.

### **Section 9.39.040. Safe storage of firearms in a residence required.**

Except when carried on his or her person, no person shall keep a firearm (as defined in Penal Code Section 16520 or as amended) in any residence unless the firearm is stored in a locked container, or the firearm is disabled with a trigger lock that is listed on the California Department of Justice's list of approved firearms safety devices.

### **Section 9.39.050. Penalty.**

A violation of this section shall be subject to enforcement through criminal prosecution and/or civil penalties, as provided herein.

**1. Violation a Misdemeanor.** A person who violates this chapter shall be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six months or by fine not exceeding one thousand dollars (\$1,000.00), or by both. Each violation shall be deemed a distinct and separate offense.

**2. Civil Penalties.** The City may assess civil penalties pursuant to Oakland Municipal Code Chapter 1.08 (Civil Penalties) in the amount of one thousand dollars (\$1,000.00) per violation.

### **Section 9.39.060. Remedies not exclusive.**

Remedies under this chapter are cumulative and not exclusive. They are in addition to and do not supersede or limit other administrative, civil, and/or criminal remedies provided under state or federal law, or other provisions of the Oakland Municipal Code. The City may seek an order for the award of attorney's fees.

### **Section 9.39.070. Amendments to state laws adopted herein.**

In the event that any California statute adopted or referred to in this chapter is amended or succeeded by another enactment of the California Legislature, such amendments shall be deemed automatically adopted as part of this chapter as if fully set forth herein unless the City Council amends this chapter to provide otherwise.

## **Oakley Municipal Code**

Codified through Ordinance Number 11-22, passed August 9, 2022.

### **Title 4 – Public Health, Safety and Welfare Regulations**

#### **Chapter 1 – Dangerous Materials**

#### **Article 2 – Weapons**

### **Section 4.1.202. Firearms possession by minors.**

No minor under the age of 16 years shall possess or use firearms of .22 caliber or greater or air guns except under the direct supervision and control of an adult.

### **Section 4.1.204. Firearms discharge restrictions; exceptions.**

**d. Firearms Ammunition Sale to Minors.** No person shall sell or give to any minor under the age of 16 years any ammunition capable of being used in any firearm, unless the minor is accompanied by a parent, legal guardian or adult authorized by the parent.

## **Title 5 – Business Regulations**

### **Chapter 11 – Firearms Sales**

### **Section 5.11.004. Conditional use permit required.**

**a.** Any person engaged in the business of selling, transferring, leasing or advertising for sale, transfer or lease, or offering or exposing for sale, transfer or lease, any firearm must obtain a conditional use permit from the City to do so subject to approval of the City Council.

b. A person shall not be deemed licensed to sell firearms until that person has obtained all Federal and State permits and licenses and a conditional use permit.

**Section 5.11.006. Conditional use permit and fee.**

The applicant shall apply for a conditional use permit pursuant to Section 9.1.1602(b) of the Oakley Municipal Code. The application shall be accompanied by the nonrefundable fee set forth in the City's master fee schedule.

**Section 5.11.008. Security and safety measures.**

In addition to the requirements stipulated in this chapter, the applicant must also furnish an outline of the security and safety measures that will be used in the operation of the business. Required measures shall include the following:

- a. The facility shall be in compliance with all of the requirements of the City's building code, fire code, and any other technical code or regulation of the City which may govern the use, occupancy, maintenance, construction or design of buildings or structures. The applicant must obtain a final inspection from the City Building Official demonstrating full code compliance before the applicant may commence business at the premises at issue;
- b. The doors, windows or other means of entry into the proposed business site shall be furnished with a system 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;
- c. The applicant must have a method of storage of inventory which is explosive or flammable at the proposed business site shall be in compliance with Federal and State law and with the City's fire code;

These measures shall be subject to review by the Chief of Police or his or her designee, the appropriate fire protection agency, and must be approved by the City Council.

**Section 5.11.010. Submittal requirements.**

In addition to any submittal requirements set forth in Oakley Municipal Code Section 9.1.1602(d), the applicant shall provide proof of any and all licenses and permits required by Federal or State law for firearms sales.

**Section 5.11.012. Review by Chief of Police.**

The Chief of Police shall review the application for the conditional use permit and shall provide his or her findings to the City Council for consideration by the City Council as part of its public hearing for the conditional use permit.

**Section 5.11.014. Requirements.**

The following requirements shall apply to any person, firm or corporation that is granted a conditional use permit for firearms sales:

- a. No firearms shall be delivered:
  - 1. Within any waiting period required by Federal or State law;
  - 2. Unless unloaded and securely wrapped or in a locked container which is fully enclosed and securely locked by a padlock or similar locking device as required by State law;
  - 3. Unless the purchaser either is personally known to the applicant or presents clear evidence of his or her identity. Such evidence of identity may include a driver's license, State identification card, an armed forces I.D. card with the purchaser's signature and photograph, or similar documentation providing reasonable assurance of the purchaser's identity. No such documentation shall be accepted, however, unless it contains the purchaser's signature and photograph;
  - 4. If the dealer is notified by the State Department of Justice that a purchaser is in a prohibited class under State law;
- b. No pistol, revolver or other firearm capable of being concealed upon the person or imitation thereof, or placard advertising their sale or other transfer, shall be displayed in any part of the premises where it can easily be seen from the outside;
- c. The applicant shall agree to properly and promptly process transfers of firearms pursuant to State law;
- d. The applicant shall keep a register of sales as required by State law;
- e. The applicant shall not sell, deliver or transfer any pistol, revolver, or other firearm capable of being concealed upon the person to any person under twenty-one (21) years of age or any other firearm to any person under eighteen (18) years of age;
- f. No pistols, revolvers or firearms capable of being concealed upon a person shall be delivered unless the purchaser or transferee presents to the applicant a basic firearms safety certificate;

- g.** The applicant shall offer to provide the purchaser or transferee of a firearm with a copy of the pamphlet described in California Penal Code Section 12080 (California Firearms Law) and may add the cost of the pamphlet to the sales price of the firearm;
- h.** The applicant shall re-apply for a permit from the City if it changes business location and such relocation shall require a new inspection to ensure compliance with Section 5.11.008;
- i.** The applicant shall maintain records of all employees, identifying them by name, address, date of birth and social security number. The applicant shall notify the City within ten (10) days of any changes in employees and submit the required identification information for each newly hired employee. Failure to comply with these requirements shall be grounds for revocation of the applicant's permit;
- j.** The applicant shall conduct business only in the building located at the street address shown on the business license. This requirement, however, shall not prohibit the applicant from participating in gun shows or events which are specifically authorized by Federal and State law upon compliance with Federal and State law;
- k.** The applicant shall comply with all Federal, State and local laws related to firearms sales;
- l.** All other requirements deemed by the City Council to be necessary and proper to protect the public interest and welfare.

**Section 5.11.016. Home occupation permit.**

A home-based holder of a valid Federal firearms license, a valid seller's permit issued by the State Board of Equalization, and a valid certificate of eligibility issued by the Department of Justice, all of which were issued prior to June 1, 2011, and who has obtained a home occupation use permit from the City, may continue his/her operation. Home-based firearms sales are prohibited if the above-mentioned licenses, certificates and permits were obtained after June 1, 2011.

**Section 5.11.018. Denial of conditional use permit.**

A conditional use permit may be denied based on one or more of the following:

- a.** The applicant, or an officer, employee or agent thereof, is under the age of twenty-one (21) years;
- b.** The applicant is not licensed as required by all applicable Federal or State laws, or the applicant's inventory does not conform to the type of Federal or State firearms permit issued to the applicant;
- c.** The applicant, or an officer, employee or agent thereof, has had similar type of permit previously revoked or denied for good cause within the immediately preceding year;
- d.** The applicant, or an officer, employee or agent thereof, has knowingly made any false or misleading statement of a material fact in the application for a permit;
- e.** The applicant, or an officer, employee or agent thereof, fails or refuses to provide clear evidence of his or her identity, or any other information required by the Chief of Police to complete his or her investigation;
- f.** 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 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 State Health and Safety Code;
- g.** The applicant, or any officer, employee or agent thereof, is currently an unlawful user of any controlled substance as defined by the State Health and Safety Code, or has been in the past two years, or is an excessive user of alcohol, to the extent that such use would impair his fitness to be a dealer in firearms;
- h.** The applicant, or any 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/her fitness to be a dealer in firearms;
- i.** The business facility is in violation of any Federal, State or local ordinances.

The statute of limitations provisions for filing a petition as set forth in Oakley Municipal Code Section 1.8.010 shall apply to any permit that is denied.

**Section 5.11.020. Possessory interest.**

No application for a conditional use permit shall be processed until the applicant provides proof satisfactory to the Community Development Director that the applicant, officer, employee or agent thereof has a possessory interest in the property at which the proposed business will be conducted.

**Section 5.11.022. Site restrictions.**

No conditional use permit may be issued for any location which is:

- a. Within any residential zoning district or within one hundred fifty (150) feet of the exterior limits of any such district except pursuant to Section 5.11.016;
- b. Within any zoning district in which retail services is not a permitted conditional use;
- c. Within five hundred (500) feet of the exterior limits of a dealer in firearms, a massage parlor or an adult entertainment establishment;
- d. Within one hundred fifty (150) feet of the exterior limits of any premises occupied by a public or private day care center or day care home, elementary school, junior high or high school, whether public or private;
- e. Within five hundred (500) feet of any other premises occupied by a firearms dealer as measured from the entry door in a straight line.

**Section 5.11.024. Authority to inspect.**

Any investigation officials of the City shall have the right to enter the premises for which the use permit was obtained from time to time to make reasonable inspections to observe compliance with Sections 5.11.008 and 5.11.014 of this chapter. A warrant shall be obtained whenever required by law.

**Section 5.11.026. Revocation of conditional use permit.**

If the Building Official, Chief of Police, or any other person has reason to believe that the applicant is not in full compliance with this chapter, a report shall be made to the City Council by such person. After an investigation of the facts contained in the report, the Community Development Director may commence proceedings to revoke the conditional use permit.

**Section 5.11.028. Expiration of conditional use permit.**

- a. Conditional use permits issued for firearms sales shall expire one year after the date of issuance. Such permits may be renewed by the Chief of Police for additional one-year periods upon the applicant's submission of an application for renewal, accompanied by a nonrefundable renewal fee as required by the City's master fee schedule. The completed renewal application and the renewal fee must be received by the Chief of Police no later than forty-five (45) days prior to the expiration of the current conditional use permit.
- b. The Community Development Director shall inform the Chief of Police when a conditional use permit expires. The Chief of Police shall inform the Community Development Director when a renewal is denied by the Chief of Police. Proceedings to revoke the conditional use permit can be initiated by the Community Development Director for either an expired conditional use permit or when a renewal is denied.
- c. A decision by the Chief of Police regarding denial of renewal of the conditional use permit may be appealed to the City Council.

**Section 5.11.030. Conditional use permits are nonassignable.**

No conditional use permit issued under this chapter shall be sold, transferred or assigned by the person to whom the conditional use permit is issued or by operation of law to any other person or entity. Any such sale, transfer or assignment shall be deemed to constitute a voluntary surrender of such conditional use permit and such conditional use permit shall thereafter be deemed terminated and void.

**Section 5.11.032. Insurance requirement.**

Each applicant shall be subject to the requirements of this chapter and shall maintain at all times while engaged in said business a policy of public liability insurance. Said policy of insurance shall provide coverage in the amount and to the limits prescribed by the Finance Director. Any such policy of insurance shall contain an endorsement naming the City of Oakley and its employees and agents as additional insureds and further providing that the policy will not be cancelled without providing immediate notice to the City. Failure to obtain and maintain the insurance required herein shall constitute grounds for revocation or suspension of the applicant's conditional use permit.

**Section 5.11.034. Violations.**

It is unlawful for any person or entity to operate a retail firearms business within the City of Oakley without valid Federal, State and local permits and licenses as set forth by this chapter.

**Section 5.11.036. Penalties.**

Any person or entity, whether as principal, agent, employee, or otherwise, violating or causing or permitting the violation of any of the provisions of this chapter, shall be guilty of an infraction or misdemeanor, as charged by the City Attorney.

**Title 9 – Land Use Regulations  
Chapter 1 – Zoning  
Article 11 – Additional Requirements for Development**

**Section 9.1.1120. Home business permits.**

c. Requirements.

ii. The Home-Based Business shall not:

15. Result in the sales of firearms and ammunition.

**Oceanside Code of Ordinances  
Codified through Ordinance Number 22-OR0062-1, enacted January 26, 2022. (Supp. No. 38)**

**Chapter 15 – Licenses  
Article III – Concealable Firearms**

**Section 15.39. Application.**

Any person desiring a state license to sell concealable firearms shall make a written application to the business license division, who shall refer the application to the appropriate city departments for investigation as to:

- (1) Security of the business premises;
- (2) Criminal record or lack thereof of applicant;
- (3) Applicant's reputation for honesty and integrity in the community.

The city departments concerned shall complete their investigation and make written recommendation to the business license division within thirty (30) days of the date of the application.

**Section 15.40. Issuance – denial.**

After considering the recommendations of the city departments, and considering the number of local concealable firearm dealers, the business license division shall issue the license or deny the application. The applicant or any other person requesting the same shall be notified in writing of the decision rendered by the business license division with reference to such application. Such notice shall be given by U.S. mail, postage prepaid, addressed to such person at his/her last known address.

**Section 15.41. Fee.**

Each application shall be accompanied by an investigation fee of fifty dollars (\$50.00), which shall not be prorated, or refunded, and shall be in addition to the city business license fee.

**Section 15.42. Revocation.**

Any state license to sell concealable firearms shall be subject to revocation by the business license division for any grounds that would warrant the denial of the issuance of such license in the first instance. Prior to the revocation of any state license to sell concealable firearms, the licensee shall be entitled to a hearing held before the department director or a hearing officer appointed by the city manager, at which time evidence will be received for the purpose of determining whether such state license will be revoked. Notice of such hearing shall be given in writing and served at least fifteen (15) days prior to the date of the hearing thereon. The notice shall state the grounds of the complaint against the holder of such license and shall designate the time and place where such hearing shall be held. Said notice shall be served upon the license holder by delivering the same personally, or by leaving such notice at the place of business or residence of the license holder in the custody of a person of suitable age and discretion. In the event the license holder cannot be found and the service of such notice cannot be otherwise made in a manner herein provided, a copy of the notice shall be sent by first class mail addressed to the license holder at his/her place of business or residence at least fifteen (15) days prior to the date of the hearing.

In the event the state license is revoked, the notification and reasons for such revocation shall be set forth in writing and sent to the licensee by means of first class mail or hand delivery.

**Section 15.43. Appeal.**

Within twenty (20) days after any action of denial or revocation has been taken by the business license division and any hearing was held as provided for in section 15.42, an aggrieved applicant or former licensee may appeal such action to the City Council of the City of Oceanside. Upon the filing of such request the city clerk shall set a time and place for



hearing and shall notify the appellant thereof. The hearing shall be set on a date which is within forty five (45) days of the filing of the request. At the hearing, any person may present evidence in opposition to or in support of the appellant's case. At the conclusion of the hearing the city council shall either grant or deny the appeal, and the decision of the city council shall be final.

**Chapter 31B – Swap Meets**

**Section 31B.15. Prohibited articles.**

It shall be unlawful for any person to exchange, barter, trade, sell, or give away firearms, explosives, goats, cows, horses, mules, burros, cats, dogs, rodents, reptiles, amphibians, birds, or any other type of animal at a swap meet, or at any adjacent parking lot under the control of the swap meet operator or any roadway under the control of the swap meet operator leading directly into a swap meet.

**Ojai Code of Ordinances**

Codified through Ordinance Number 929 and the June 2022 code supplement.

**Title 10 – Planning and Zoning**

**Zoning Districts, Allowable Land Uses An Zone Specific Standards**

**Article 5 – Commercial and Manufacturing Zoning Districts**

**Section 10.2.502. Purposes of commercial and manufacturing zoning districts.**

The commercial and manufacturing zoning districts are intended to "Maintain an adequate inventory of commercial lands for the provision of goods and services to the community that...contribute to a sound local economic base." (General Plan, Land Use Element). The purposes of the individual commercial and manufacturing zoning districts and the manner in which they are applied are as follows.

- (a) C-1 (General Commercial) District.
- (b) B-P (Business Professional Commercial) District.
- (c) VMU (Village Mixed-Use) District.
- (d) M-1 (Light Manufacturing Industrial) District.
- (e) MPD (Manufacturing Planned Development)

**Section 10.2.503. Commercial and manufacturing district land uses and permit requirements.**

Table 2-4 identifies the uses of land allowed by these Zoning Regulations in the commercial and manufacturing zoning districts, and the land use permit required to establish each use, in compliance with Section 10-2.303.

Table 2-4 Allowed Uses and Permit Requirements for Commercial and Manufacturing Zoning Districts						
P = Permitted Use MUP = Minor Conditional Use Permit Required CUP = Conditional Use Permit Required — = Use Not Allowed						
Permit Required by District						
Land Use (1), (5)	C-1	B-P	VMU	M-1	MPD	Specific Use Regulations
Retail Trade						
Gun shops	P	—	—	P	—	

**Ontario Municipal Code**

Codified through Ordinance Number 3197, passed December 7, 2021. (Supplement Number 26)

**Volume I**

**Title 5 – Public Welfare, Morals and Conduct**

**Chapter 10 – Weapons**

**Section 5-10.03. Possession of firearms by minors.**

- (a) Rifles and shotguns. It shall be unlawful and a misdemeanor for any person under the age of eighteen (18) years to have in his possession, custody, or control any rifle or shotgun within the City unless he 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, custody, or control.

**Orange Code of Ordinances**

Codified through Ordinance Number 19-21 and the May 2022 code supplement.

**Title 5 – Business Taxes and Regulations  
II – Business Permits and Regulations  
Chapter 5.42 – Concealable Firearms Sellers’ Permit**

**Section 5.42.010. Permit, required.**

The business of selling concealable firearms shall be conducted only under a permit issued by the City and shall be subject to all conditions contained in this chapter and Section 12070 et seq. of the California Penal Code.

**Section 5.42.020. Permit, application.**

Application for a permit to carry on the business of selling concealable firearms shall be made to the Chief of Police upon forms to be furnished by the Business Services Coordinator.

**Section 5.42.030. Police investigation of applicant.**

The Chief of Police shall cause each applicant to be fingerprinted and photographed, a record of which shall be kept in the office of the Chief of Police. The applicant shall pay the amount set by the State for processing the fingerprints. The Chief of Police shall cause an investigation of each applicant to be made to determine if such applicant has committed any act that if done by a permittee would be grounds for revocation or suspension of a permit, or if such applicant has been convicted of a felony or any crime that has a substantial relationship to the permitted business.

**Section 5.42.040. Standards for granting permit.**

The Chief of Police shall approve or deny the permit based upon the grounds in Section 5.32.080 and the following criteria:

- A.** Proper physical security of the business location to insure that the firearms will not be accessible to unauthorized persons;
- B.** The number of existing approved licenses and their locations;
- C.** Conforms to all zoning requirements; however, it shall not be permitted as a home occupation.

**Section 5.42.050. Issuance of permit.**

The Chief of Police shall approve or deny the permit within a reasonable time. Upon approval by the Chief of Police, the Business Services Coordinator shall issue a concealable firearms seller's permit.

**Section 5.42.060. Expiration of permit.**

The permit shall expire twelve months after date of issue and a concealable firearms seller must file for a new permit for each succeeding year, which filings will be made and acted upon in the same manner as the original application, except that if the applicant's picture and fingerprints are already on file with the Chief of Police, picture and fingerprinting requirements may be waived.

**Section 5.42.070. Fee.**

Each application shall be accompanied by a permit fee in such amount as is established from time to time by resolution of the City Council.

**Orange County Code of Ordinances**

Codified through Ordinance Number 22-001, enacted January 25, 2022. (Supp. No. 149)

**Title 5 – Business and Special Licenses, Regulations  
Division 1 – General  
Article 2 – Licenses or Permits Required**

**Section 5-1-29. Licenses or permits required.**

It shall be unlawful for any person, firm or corporation to engage in, conduct, manage or carry on any of the following businesses, practices, professions or occupations within the unincorporated area of the County of Orange without first having obtained a permit or license therefor in accordance with Divisions 2 and 3 of this title.

- (q)** Retail sale of concealable firearms;

**Division 3 – Specific Additional License or Permit Requirements and Business Regulations  
Article 16 – Retail Sale of Concealable Firearms**

**Section 5-3-240. Licensing of retail sellers of concealable weapons.**

The Sheriff of Orange County is hereby designated as the licensing authority for said County and is authorized to issue licenses therefor pursuant to article 4 of title 2 of part 4 of the California Penal Code (commencing with section 12070) as said article exists or may be amended from time to time for the sale at retail of pistols, revolvers and other firearms capable of being concealed upon the person.

**Orange Cove Code of Ordinances**

Codified through Ordinance Number 390, enacted May 11, 2022. (Supp. No. 16)

**Title 5 – Business Taxes, Licenses and Regulations  
Chapter 5.12 – Class V and VI Business Licenses**

**Section 5.12.220. Swap meets.**

**C. Exchanging, Selling, Etc. Firearms, Explosives at Swap Meets.** No person shall exchange, barter, trade or sell firearms or explosives at a swap meet.

**Oxnard Code of Ordinances**

Codified through Ordinance Number, current through March 15, 2022. (Supplement Number 42)

**Chapter 11 – Permits  
Article VIII – Permits to Sell Concealable Firearms**

**Section 11-220. Concealable firearm permit required; business tax certificate required.**

**(A)** No person shall offer for sale, sell, transfer, or advertise any firearm capable of being concealed upon the person without first obtaining a concealable firearm permit ("permit") from the police chief.

**(B)** A business tax certificate shall be obtained pursuant to Article I of Chapter 11 of this code before a permit is issued unless the person, organization, or entity applying for the permit is exempt from paying business tax fees pursuant to section 11-9 of this code.

**Section 11-221. Application.**

**(A)** The application for a permit shall be on a form approved by the police chief. An applicant for a permit shall file the application with the chief of police with payment of the appropriate fee as established by resolution of the city council.

**(B)** The fee shall not be returned whether the application is approved, conditioned or denied.

**Section 11-222. Investigation of applicant.**

**(A)** By filing an application, the applicant consents to the police chief undertaking an investigation of the applicant and a review of the information contained in the application. Thereafter, the police chief shall approve, conditionally approve or deny the permit.

**(B)** The application shall include sufficient information to facilitate the investigation by the police chief, including, but not limited to, the applicant's name and identifying information, personal references, prior business and residential address, prior law enforcement contacts, arrests, or citations.

**(C)** An application which is incomplete or contains false or misleading statements will be grounds to deny the application.

**(D)** The police chief's investigation shall include the review of the application, police sources, private sources, as well as the applicant's references to determine if the applicant has any history of poor or ineffective business practices, violence, questionable temperament, or mental health issues which would support a denial of the permit.

**(E)** If the application is approved or conditionally approved, the police chief shall issue the permit.

**(F)** If the application is denied or conditionally approved, the police chief shall promptly notify the applicant, in writing, of the denial or conditional approval by certified or registered mail. The applicant may request a hearing as provided for herein, to review the conditions or denial of a permit.

**(G)** The police chief shall include conditions upon issuance of the permit. The permit conditions shall include, but not be limited to, the times, locations, and conditions under which the permit may be used; specific operational requirements related to safety or business practices that the permittee shall follow while exercising the right under the permit; and under what circumstances the permit can be suspended or revoked.

**Section 11-223. Suspension, Revocation or modification of permit.**

**(A)** The police chief may revoke or modify a permit for failure of the permittee to comply with laws, regulations, or permit conditions.

**(B)** The police chief may suspend or revoke the permit if the applicant has been convicted of:

- (1) An offense which disqualifies that person from owning or possessing a firearm under federal or State law, including, but not limited to, the offenses listed in Cal. Penal Code, Sections 29800 through 29875 and 29900 through 29905;
- (2) An offense relating to the manufacture, sale, possession, or use of a firearm or dangerous or deadly weapon or ammunition therefore;
- (3) An offense involving the use of force of violence upon the person of another;
- (4) An offense involving theft, fraud, dishonesty, or deceit; or
- (5) An offense involving the manufacture, sale, possession, or use of a controlled substance as defined by the Cal. Health and Safety Code..

(C) The police chief may suspend or revoke the permit if the applicant is within a class of persons defined in Cal. Welfare and Institutions Code, Sections 8100 or 8103, or the applicant is currently, or has been within the last five years, an unlawful user of, or addicted to, a controlled substances as defined by Cal. Health and Safety Code.

(D) The police chief shall mail to the permittee a notice of intent that the permit is proposed for suspension, revocation or modification. The notice of intent shall state the reasons for the proposed suspension, revocation, or modification.

(E) The permittee may request a hearing, as provided herein, to review the proposed suspension, revocation or modification. If such a request for hearing is not received within ten days of mailing the notice of intent, the police chief shall mail to the permittee a notice that the proposed suspension, revocation or modification is in effect. Such notice shall constitute an exhaustion of the administrative remedies available to the permittee.

**Section 11-224. Request for hearing.**

A request for hearing shall be filed with the city clerk within 14 days of the date of the subject notice or receipt of a conditioned permit. The request shall include payment of an appropriate hearing fee established by resolution of the city council. The request shall include a copy of the notice or conditioned permit and shall state the relief sought by the person requesting the hearing.

**Section 11-225. Hearings; notice.**

On receiving a request for hearing, the city clerk shall send the request to the hearing officer. The hearing officer shall promptly set the matter for hearing. At least ten days before the hearing, the hearing officer shall mail written notice of the date, time and place of hearing to the person requesting the hearing.

**Section 11-226. Conduct of hearings.**

(A) All hearings shall be open to the public.

(B) The person requesting the hearing shall first present evidence. Thereafter, a representative of the city may present evidence.

(C) The hearing officer shall conduct the hearing in an informal fashion and shall not be bound by the technical rules of evidence.

**Section 11-227. Decision.**

Within 14 days of the conclusion of the hearing, the hearing officer shall issue and mail to all parties a written decision containing a statement of the reasons on which the decision is based.

**Section 11-228. Judicial action.**

Judicial review of a final decision of the hearing officer or police chief may be sought in accordance with Cal. Code of Civil Procedure, Sections 1094.5 and 1094.6.

**Chapter 16 – Zoning Code  
Article V – Specific Use Requirements  
Division 6 – Home Occupations**

**Section 16-404. Prohibited home occupations.**

Sale of alcohol, explosives, hazardous wastes, or firearms which involve the storage of such items within a structure are prohibited as home occupations.

**Section 11.60.010. Local licensing authority designated.**

The chief of police is designated as the "local licensing authority" as required under the provisions of Penal Code Section 12071 of the state of California, and such chief of police shall be the authority who shall exercise discretion in issuing or refusing a license for the sale at retail of pistols, revolvers and other firearms capable of being concealed upon the person under such section. Such discretion shall be exercised in accordance with application forms and procedures prescribed by the Attorney General of the state of California under Section 12071 of the Penal Code of the state of California.

**Section 11.60.020. Business license – Does not authorize sale.**

No business license issued under Chapter 7.04 PGMC by the city's finance director shall be deemed the exercise of discretion for any firm or person to sell at retail any pistol, revolver or other firearm capable of being concealed upon the person, without such firm or person having secured a current and subsisting license from the chief of police under Section 12071 of the California Penal Code.

**Pacifica Code of Ordinances**

Codified through Ordinance Number 883-C.S., effective July 27, 2022. (Supp. No. 52)

**Title 5 – Public Welfare, Morals, and Conduct  
Chapter 14 – Weapons, Hunting, and Trapping**

**Section 5-14.01. Firearms: defined.**

For the purposes of this chapter, "firearms" shall mean and include cannons, guns, pistols, revolvers, automatic pistols, rifles, shotguns, "BB" guns, air guns, pellet guns, or any other weapons of similar nature designed to discharge a projectile propelled by the expansion of a gas.

**Section 5-14.04. Firearms: possession by minors.**

(a) Unlawful. It shall be unlawful for any person under the age of eighteen (18) years to have in his possession in a public place any firearm except as provided in subsection (b) of this section.

(b) Exceptions. The provisions of subsection (a) of this section shall not apply to such persons under the age of eighteen (18) years:

- (1) When the person under the age of eighteen (18) years is in the immediate charge of a parent, guardian, or adult person having the responsibility for the conduct of such minor person; and
- (2) When the firearm is unloaded and is either in a dismantled or "take-down" condition or completely wrapped or in a carrying case made for the purpose of carrying such firearm. A gun shall be deemed to be unloaded only when no ammunition or propellant is in any part of the gun or magazine or clip thereof.

**Chapter 27 – Security of Buildings  
Article 5 – Special Security Measures for Business Premises**

**Section 5-27.502. Alarm systems: silent robbery alarms.**

Establishments listed in this section, and those businesses reasonably similar in nature, shall be protected by a silent robbery alarm. The alarm may be connected to an alarm company's office or to the Police Services Division and shall be installed pursuant to Chapter 16 of Title 5 of this Code.

(i) Gun and ammunition dealers;

**Section 5-27.503. Alarm systems: silent intrusion alarms.**

Establishments listed in this section, and those businesses reasonably similar in nature, shall be protected by a silent intrusion alarm with a locally ringing alarm accessory optional. The alarm may be directed to a central station or to the Police Services Division. The alarm may be connected to an alarm company's office or to the Police Services Division and shall be installed pursuant to Chapter 16 of Title 5 of this Code.

(j) Gun and ammunition dealers;

**Title 9 – Planning and Zoning  
Chapter 4 – Zoning  
Article 10 – C-1 Neighborhood Commercial District\***

**Section 9-4.1001. Permitted and conditional uses.**

(a) Permitted uses. The following uses shall be permitted in the C-1 District:

(1) Retail uses, including, but not limited to, food markets, drug stores, liquor stores and retail restaurants, but excluding firearms sales and any marijuana operation as defined in Article 48 of this chapter;

### **Article 11 – C-2 Community Commercial District\***

#### **Section 9-4.1001. Permitted and conditional uses.**

(b) Conditional uses. Conditional uses allowed in the C-2 District, subject to obtaining a use permit, shall be as follows:

(9) Firearms sales, subject to the provisions of Section 9-4.2316.

### **Article 23 – General Provision and Exceptions**

#### **Section 9-4.2316. Firearms sales.**

(a) Purpose. The purpose of this section is to provide for the appropriate location of firearms sales activity and to regulate such activity through the permitting process.

(b) Definitions.

(1) For the purposes of this article, "**firearm**" shall be defined as specified in Section 5-14.01 of the Pacifica Municipal Code, and shall also include 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 explosion or other means of combustion.

(2) "**Firearms sales**" shall be defined to mean the sale, transfer or lease or advertising for sale, transfer or lease of any firearm.

(c) Permit required. Except as provided in California Penal Code Section 12070(b), as may be amended from time to time, it shall be unlawful for any person to engage in firearms sales activity unless a use permit has been obtained pursuant to Article 33 of this chapter and as further specified below. Subject to the restrictions listed below, firearms sales activity may be allowed in the C-2 or C-3 zoning districts with an approved use permit. Firearms sales activity shall be prohibited in all other zoning districts.

(d) Location. A use permit for firearms sales activity shall not be approved if the proposed business premises are located within 1,000 feet of any property upon which a legally operating public or private elementary, middle or high school is located or upon which a legally operating pre-school is located, or within 500 feet of another person engaged in firearms sales activity with a current and lawful use permit.

(e) Conditions. An approved use permit shall not be effective until the applicant satisfies, in addition to any conditions imposed by the Planning Commission, the following terms and conditions:

(1) Possession of all licenses and permits required by federal, state, and local law;

(2) Compliance with the requirements of the City of Pacifica's Building Code, Fire Code, and other technical codes and regulations that govern the use, occupancy, maintenance, construction or design of the subject building or structure;

(3) Final inspection from the Chief Building Official demonstrating code compliance prior to the commencement of business at the subject location; and

(4) Possession of a valid City of Pacifica business license.

### **Article 31 – Home Occupation Permits\***

#### **Section 9-4.3101. Definitions.**

(k)

(1) A home occupation shall not involve the storage or sale of firearms, other weapons, explosives, or ammunition.

### **Palm Springs Code of Ordinances**

Codified through Ordinance Number 2063 and the June 2022 code supplement.

### **Title 8 – Buildings and Construction**

### **Chapter 8.04 – Uniform Codes**

### **Article II – Building Security Regulations**

#### **Section 8.04.180. Special commercial building provisions.**

(j) Establishments having specific-type inventories shall be protected by the following type alarm service:

(1) Silent alarm system with a central station hookup and required twenty-four-hour supervised service:

(B) Any establishment manufacturing, storing or selling firearms and ammunition,

**Title 11 – Peace, Morals and Safety**  
**Chapter 11.16 – Firearms**

**Section 11.16.005. Definitions.**

“**Concealed carry licensee**” means a person licensed or otherwise authorized to carry a concealable firearm pursuant to California Penal Code Section 26150 et seq.

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

“**Locked Container**” means a secure container that is fully enclosed and locked by a padlock, key lock, combination lock, or similar locking device as defined by California Penal Code Section 16850. For purposes of this Chapter, it also includes a lock box that is listed on the California Department of Justice Bureau of Firearms roster of approved firearm safety devices. For purposes of this Chapter, it does not include a bag or other container made of fabric or other penetrable material, such as a regular purse, backpack, or gym bag.

“**Residence**” means any structure intended or used for human habitation, including but not limited to, houses, condominiums, rooms, motels, and time-shares. For purposes of this ordinance, it also includes a garage which is enclosed within or located adjacent to such a structure and which is not open to the public.

**Section 11.16.045. Safe Storage of Firearms.**

Except when carried on his or her person, or in his or her immediate control and possession, no person shall keep a firearm (as defined in Penal Code Section 16520 or as amended) in any residence owned or controlled by that person unless the firearm is stored in a locked container or the firearm is disabled with a trigger lock that is listed on the California Department of Justice’s list of approved firearms safety devices.

**Palm Springs Zoning Code**

Codified through Ordinance Number 2063 and the June 2022 code supplement. For more recent amendments.

**Chapter 92.00 – Zoning Regulations**

**Section 92.14.01. Uses permitted.**

**C. Uses Permitted by Land Use Permit.**

1. Indoor uses:
  - j. Gun shops;

**Palmdale Municipal Code**

Codified through Ordinance Number 1587, passed May 4, 2022.

**Title 5 – Business Licenses, Taxes and Regulations**

**Chapter 5.04 – Business Regulation**

**Article II – Businesses Requiring a Business Permit**

**Section 5.04.500. Gun dealers.**

**(A) Definitions.** For purposes of this section, the following term shall have the following meaning:

“**Gun dealer**” means any person who sells or otherwise transfers to members of the public any pistol, revolver or other firearm, new or used, capable of being concealed upon the person.

**(B) Application Information.**

**(1) Permit Form.** Any permit issued to operate a gun dealer shall be on a form provided by the State Attorney General.

**(2) Application Form.** Notwithstanding any other provision of this chapter, every applicant for a gun dealer permit shall fill out the application form provided by the State Attorney General.

**(C) Permit Subject to Conditions.** All permits issued under this section are subject to the following conditions, breach of any of which subjects the business permit to forfeiture:

**(1)** The business activity shall be carried on only in the building designated in the permit.

**(2)** The permit or a copy thereof, certified by the issuing authority, shall be posted in a conspicuous manner on the premises in which the business is being conducted.

**(3)** No pistol, revolver, or other firearm capable of being concealed upon the person shall be delivered:

**(a)** Within 10 days of the application for the purchase, or, after notice by the Department of Justice (“Department”) pursuant to subdivision (c) of Section 12076 of the State Penal Code, within 10 days of the submission to the

Department of corrected copies of the register, or within 10 days of the submission to the Department of any fee required pursuant to subdivision (d) of Section 12076 of the State Penal Code, whichever is later:

- (i) Unless unloaded and securely wrapped or unloaded and in a locked container;
  - (ii) Unless the purchaser or transferee either is personally known to the dealer or presents clear evidence of his or her identity to the dealer;
  - (iii) Whenever the dealer is notified by the Department of Justice that a purchaser is in a prohibited class described in Section 12021 or 12021.1 of the Penal Code or Section 8100 or 8103 of the Welfare and Institutions Code.
- (b) 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.
- (c) The permittee shall agree to and shall act properly and promptly in processing transfers of pistols, revolvers, and other firearms capable of being concealed upon the person.
- (d) The permittee shall comply with Sections 12073 and 12077 and subdivision (b) of Section 12072 of the State Penal Code.

**Title 17 – Zoning**  
**Division 2 – Review Procedures**  
**Chapter 26 – Miscellaneous Administrative Approvals**

**Section 17.26.060. Home occupation permit.**

**D. Mandatory conditions for operation**

Home occupations may be permitted on property used for residential purposes, provided that the use is operated pursuant to the following conditions of operation:

24. No home occupation shall include the sale or storage of fire arms, ordnance, ammunition or other weapons which are regulated by the Bureau of Alcohol, Tobacco and Firearms, at the site of the home occupation.

**Division 5 – Commercial Zones**  
**Chapter 17.54 – Commercial Center (Zone C-4)**

**Section 17.54.080. Accessory uses and structures permitted.**

The following accessory uses and structures are permitted in the C-4 zone, provided that such uses are established on the same lot or parcel of land as the permitted principal use, and that such accessory uses are incidental to and do not substantially alter the character of the principal use.

- N. Firearms and related accessories, sales and service, as an accessory use to the retail sales of sporting equipment.**

**Division 9 – Special Regulations**  
**Chapter 17.92 – Commercial Uses**

**Section 17.92.080. Outdoor retail sales.**

**A. Purpose and intent**

It is the purpose of these regulations to establish specific standards for outdoor retail sales uses established as primary uses including swap meets, flea markets and other similar outdoor retail uses. The intent of these regulations is to prevent potential negative impacts relating to noise, traffic, visual appearance, health and safety.

**B. Development standards**

Primary outdoor retail sales uses shall conform to the following standards in addition to all other applicable standards and regulations:

8. Retail sales shall not include the sale of adult-oriented merchandise, firearms, or off-sale alcohol.

**Palo Alto Code of Ordinances**  
Codified through Ordinance Number 5559, passed June 21, 2022. (Supplement Number 53-12/2021)

**Title 4 – Business Licenses and Regulations\***  
**Chapter 4.57 – Firearms Dealers**

**Section 4.57.010. Definitions.**

(a) In addition to those words and phrases defined in Section 4.04.010 of this code, the following words and phrases, whenever used in this chapter, shall be construed as defined in this section:



(1) **"Chief of police"** means the chief of police or his or her designee.

(2) **"City"** means the city of Palo Alto.

(3) **"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.

(4) **"Department"** means the California Department of Justice.

(5) **"Engaged in the 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 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 the selling, transferring, or leasing of any firearms in quantity, in series or in individual transactions, or in any other manner indicative of trade.

(6) **"Person"** means natural person, association, partnership, firm, or corporation.

(7) **"Firearm"** means any revolver, rifle, shotgun or any 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. A "firearm" includes any device defined as a firearm by the California Penal Code as said definition now reads or may hereafter be amended to read.

#### **Section 4.57.020. Permit – Required.**

No person shall 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 within this city any firearm unless that person has been issued a permit pursuant to the provisions of this chapter.

#### **Section 4.57.030. Application – Form – Fees.**

(a) 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, and the applicant and officers, employees, and agents thereof shall be photographed and fingerprinted by the chief of police. 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 municipal fee schedule.

(b) Any person proposing to engage in business as a firearms dealer within this city shall secure the applicable federal license and shall have thirty calendar days after approval of such federal license to apply for a city permit in compliance with the provision of this chapter and shall not engage in the business as a firearms dealer within the city until the city permit is issued.

#### **Section 4.57.040. Application – Investigation.**

The chief of police shall conduct an appropriate investigation of the applicant 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 which he or she deems necessary to complete the investigation.

#### **Section 4.57.050. Application – Denial.**

(a) The chief of police shall issue a firearms dealer permit to an applicant unless he or she finds any of the following:

(1) The applicant, or an officer, employee, or agent thereof is under the age of twenty-one years;

(2) The applicant is not licensed as required by all applicable federal, state, and local laws;

(3) The applicant, or an officer, employee, or agent thereof has had a similar type of permit previously revoked or denied for good cause within the immediately preceding year;

(4) The applicant, or an officer, employee, or agent thereof has knowingly made any false or misleading statement of a material fact or omission of a material fact in the application for a permit;

(5) The applicant, or an officer, employee, or agent thereof has been convicted of:

(A) Any offense so as to disqualify the applicant, or an officer, employee, or agent thereof from owning or possessing a firearm under applicable federal, state, and local laws,

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

(C) Any offense involving the use of force or violence upon the person of another,

(D) Any offense involving theft, fraud, dishonesty, or deceit,

(E) 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;

(6) The applicant, or an officer, employee, or agent thereof is 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 is an excessive user of alcohol, to the extent that such use would impair his or her fitness to be a firearms dealer;

(7) 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 to be a firearms dealer;

(8) The operation of the business as proposed will not comply with all applicable federal, state, and local laws;

(9) The business as proposed will be operated in the following locations:

(A) Within a zoning district in which retail service is not a permitted or conditional use,

(B) Within a zoning district in which residential use is the principal permitted or maintained use, or within two hundred fifty feet of the exterior limits of any such district,

(C) On or within two hundred fifty feet of the exterior limits of any other premises occupied by a public or private day care center or day care home, elementary school, junior high school, or high school,

(D) On or within one thousand two-hundred feet of the exterior limits of any other premises occupied by a dealer in firearms, a cardroom, a massage establishment, and adult entertainment establishment, or a hot tub/sauna establishment. Priority between such existing establishments shall be assigned in accordance with the dates upon which such establishments commenced such lawful operation, priority being given to the establishment having the earliest of such dates. In the event any dispute arises regarding said date, the applicant shall have the obligation to establish the date on which he or she commenced lawful operation.

All distances referred to in this subsection shall be measured between the closest points on the exterior property lines or area boundaries of the parcels or areas involved, except that when a dealer in firearms subject to the provisions of this chapter occupies one unit of a multi-unit structure located on a single parcel, distances shall be measured from the exterior boundaries of the unit occupied. This subsection shall supersede any and all conflicting provisions regulating home occupations set out in Title 18 of this code;

(10) 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;

(11) The operation of the firearm dealer business as proposed in the application for the permit will violate any applicable building, fire, health or zoning requirements set forth in this code;

(12) Any ground for denial specified in Section 4.04.140 of this code.

#### **Section 4.57.060. Permit – Form.**

All permits issued pursuant to this chapter shall be in the form prescribed by the Attorney General of the State of California.

#### **Section 4.57.070. Permit – Duration – Renewal.**

All permits issued pursuant to this chapter shall expire one year after the date of issuance; provided, however, that such permits may be renewed by the chief of police for additional periods of one year upon 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 forty-five days prior to the expiration of the current permit.

#### **Section 4.57.080. 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.

#### **Section 4.57.090. Permit – Conditions.**

(a) Any permits 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:

(1) The business shall be engaged-in only in the building located at the street address designated in the permit, and only by such persons as specified in the permit; the business may also be engaged-in at such other locations or events as are authorized by federal and state law provided that such location or event conforms to the requirements of this code; any changes to the approved location or to the persons authorized to act as officers, employees, or agents of the permittee in engaging in the business during the term of the permit must be approved by the chief of police;

(2) The permit or a copy thereof, certified by the chief of police, shall be displayed on the premises where it can easily be seen;

(3) The permittee shall comply with all federal and state firearms laws.

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 purposes of this chapter.

**Section 4.57.095. Business and security regulations.**

(a) All firearm dealers and officers, employees or agents of the firearm dealer, shall comply with all provisions of California Penal Code Section 12071 regarding business regulations and 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 displayed in locked cabinets, a secured 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 or the dealer's agent or employee shall be present when a prospective buyer or seller is handling any firearm prior to sale and delivery of the firearm.

**Section 4.57.100. Permit – Grounds for revocation.**

In addition to any provisions contained in this chapter, the provisions of Section 4.04.140 of this code shall apply to revocation of permits required under this chapter. Any circumstances constituting grounds for denial shall also constitute grounds for revocation.

**Section 4.57.110. Permit – Hearing.**

(a) Any person whose application for a permit has been denied, or whose permit has been revoked pursuant to the provision of this chapter, shall have the right to a hearing before the chief of police prior to final denial or prior to revocation.

(b) The chief of police shall give the applicant or permittee written notice of his or her 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 ten-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 testimony, 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.

**Section 4.57.120. Permit – Liability insurance.**

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 and risk manager deem proper, executed by an insurance company approved by the city attorney and risk manager, 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 one million dollars for damage to or destruction of property in any one incident, and one million dollars for the death of or injury to any one person; provided, however, that additional amounts may be required by the city attorney and risk manager if deemed necessary. Such policy of insurance shall contain an endorsement providing that the policy will not be cancelled until notice in writing has been given to the city, addressed in care of the chief of police, 275 Forest Avenue, Palo Alto, California, 94301, at least thirty 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 permittee shall indemnify, defend, and hold harmless the city, its officers, agents and employees, from claims arising from the negligence of the applicant or permittee.

**Section 4.57.130. 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, or provisions of this chapter. A police investigator may conduct compliance inspections to ensure conformance with all federal, state, and local laws, and the provisions of this chapter. A warrant shall be obtained whenever required by law.

#### **Section 4.57.140. 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 on the effective date of the ordinance codified in this chapter shall have a period of sixty days after such effective date to comply with the provisions of this chapter.

#### **Section 4.57.150. Severability.**

This chapter shall be enforced to the full extent of the authority of the city of Palo Alto. If any section, subsection, paragraph, sentence or word of this chapter is deemed to be invalid or beyond the authority of the city of Palo Alto, 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 section, subsections, paragraphs, sentences and words of this chapter shall be deemed severable.

### **Paradise Code of Ordinances**

Codified through Ordinance Number 619, enacted July 12, 2022. (Supp. No. 10-22, Update 1)

## **Title 5 – Business Taxes, Licenses and Regulations Chapter 5.05 – Retail Firearms Sales Establishments**

#### **Section 5.05.010. License required.**

No person shall engage in the business of selling, leasing, transferring, advertising, offering or exposing for sale, lease or transfer, any rifle, shotgun, pistol, revolver or other firearm capable of being concealed upon the person unless he or she has been issued a license pursuant to this chapter.

As used in this chapter, engaging in the business of selling, leasing or transferring any rifle, shotgun, pistol, revolver or other firearm capable of being concealed upon the person does not include any of the following:

- A.** The sale, lease or transfer of any rifle, shotgun, pistol, revolver or other firearm capable of being concealed upon the person by a person acting pursuant to a court order under the Enforcement of Judgments Law (Title 9 (commencing with Section 680.010) of Part 2 of the Code of Civil Procedure) or by a person who liquidates a personal firearm collection to satisfy a court judgment;
- B.** The sale, lease or transfer of any rifle, shotgun, pistol, revolver or other firearm capable of being concealed upon the person by a person acting pursuant to subdivision (c) of Section 12028 of the California Penal Code;
- C.** The sale, lease or transfer of any rifle, shotgun, pistol, revolver or other firearm capable of being concealed upon the person by a person who obtains title to the firearm by the intestate succession or by bequest, provided the person disposed of the firearm within sixty days of receipt of the firearm;
- D.** The infrequent sale, lease or transfer, offering, exposing for sale, lease or transfer, or advertising for sale, lease or transfer any rifle, shotgun, pistol, revolver or other firearm capable of being concealed upon the person.

As used in this chapter "**infrequent**" means occasional without regularity; and in no event shall "infrequent" mean more than five transactions per calendar year. For these purposes, "**transaction**" means a single sale, lease or transfer of any number of rifles, shotguns, pistols, revolvers or other firearms capable of being concealed upon the person.

#### **Section 5.05.020. Application for license.**

Every person engaged in the retail sales of firearms shall obtain a license to operate in the town and pay a license fee in advance as set by council resolution, payable to the administrative services department. Upon application being made, the administrative services department shall immediately refer the applicant and the application to the police department, and the police department shall either approve or disapprove of the granting of the license within thirty days. If the application is approved by the police department, the applicant shall furnish to the police department the name, age, sex, permanent address, prior felony convictions, if any, and other pertinent information required by the police department concerning each and every person who shall be employed by applicant in such business or take part therein, in any manner whatsoever, and the applicant shall keep any and all records of such business as required by the police department and shall submit copies thereof to the police department as may be required.

#### **Section 5.05.030. Violations a misdemeanor.**

Any person violating any provision of this chapter is guilty of a misdemeanor.

**Pasadena Code of Ordinances**

Codified through Ordinance Number 7398, adopted August 8, 2022. (Supp. No. 68, Update 1)

**Title 5 – Business Taxes, Licenses and Regulations\***

**Article II – Specific Businesses**

**Chapter 5.35 – Concealable Firearms, Retail Sales**

**Section 5.35.020. Definitions.**

"Pistol," "revolver," and "firearm capable of being concealed upon the person," as used in this chapter, mean "pistol," "revolver," and "firearm capable of being concealed upon the person," as defined by the California Penal Code as said definition now reads or may hereafter be amended to read.

**Section 5.35.030. Permit, required.**

No person shall engage in the business of selling or otherwise transferring, or advertise for sale, or offer or expose for sale, or transfer any pistol, revolver or other firearm capable of being concealed upon the person, unless he has been issued a permit pursuant to the provisions of this chapter.

**Section 5.35.040. Written applications, fees.**

An application for a permit required by this chapter, or for the renewal thereof, shall be filed with the police department; shall be in writing on forms provided by the city; shall be in duplicate; and shall be accompanied by a paid receipt issued by city for payment of the application fee. The application fee for the initial permit is \$50.00, and for a renewal permit is \$25.00. The application fee is established to cover part of the cost of investigation and processing an application and permit and is not refundable. Every application shall be verified as provided by the California Code of Civil Procedure for the verification of pleadings.

**Section 5.35.050. Application, investigation.**

The police department shall fingerprint any person applying for a permit required by this chapter. The police chief shall conduct an appropriate investigation of the applicant to determine whether the permit shall be issued. The police chief may require additional information of applicants which he deems necessary to conduct his investigation. The police chief may dispense with the investigation upon being furnished with an authenticated copy of a current permit issued by another governmental agency located in the county.

**Section 5.35.060. Application, denial.**

The permit shall be denied by the police chief if:

- A.** The character or reputation of the applicant is determined to be inimical to the safety or general welfare of the community; or
- B.** The applicant has been convicted of any felony or misdemeanor involving the violation of any law or ordinance relating to the owning, carrying, sale, use or registration of any firearm or dangerous or deadly weapon; or
- C.** The applicant, his employee or agent has knowingly made any false or misleading statement of a material fact in the application for a permit; or
- D.** The applicant has had a similar type permit previously revoked for good cause within the past year unless the applicant can show a material change in circumstances since the date of revocation.

**Section 5.35.070. Appeal procedure.**

Any applicant or permittee aggrieved by a decision of the police chief with reference to his respective application or permit may appeal said decision in accordance with the procedures set forth in Chapter 5.36.

**Section 5.35.080. Permit, form.**

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

**Section 5.35.090. Permit, duration.**

All permits so issued shall expire:

- A.** One year after the date of issuance; or
- B.** Upon the cessation or change of location of business for which such permit is issued; whichever occurs sooner; provided, however, that such permits may be renewed for additional periods of one year upon the approval of the police chief.

**Section 5.35.100. 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 police chief:

- A. The business shall be carried on only in the building designated in the permit.
- B. The permit or a copy thereof, certified by the police chief, shall be displayed on the premises where it can easily be seen by anyone patronizing the premises.
- C. No pistol or revolver shall be delivered:
  - 1. To anyone other than the purchaser thereof;
  - 2. To the purchaser within 15 days of the application for the purchase;
  - 3. To the purchaser unless he is personally known to the seller or presents clear evidence of his identity to the seller;
  - 4. Unless it is unloaded and securely wrapped.
- D. 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.
- E. The permittee shall at all times have in full force and effect a policy of general liability insurance issued by an insurer authorized to write such policies in the state of California in the amount of at least one million dollars (\$1,000,000).
- F. The permittee shall not sell any firearm unless the permittee also sells or furnishes a trigger lock or other similar device with each firearm sold which will prevent the unintentional discharge of the firearm. The trigger lock or other similar device shall be external to the firearm. A safety mechanism which is part of the firearm's integral components or mechanism shall not satisfy the requirements of this subsection.

**Section 5.35.110. Permit, assigning prohibited.**

The assignment or attempt to assign any permit issued under this chapter is unlawful and any such assignment or attempt to assign a permit shall render the permit null and void.

**Section 5.35.120. Revocation for cause.**

A permit shall be revocable by the police chief for cause, which cause shall include, but shall not necessarily be limited to, violation of Section 5.35.100 or falsification of information in the permit application.

**Section 5.35.130. Surrender of permit.**

When a permit is revoked pursuant to this chapter, the permittee shall surrender the permit to the police department.

**Section 5.35.140. Confidentiality.**

The information furnished and secured pursuant to this chapter shall be confidential in character, shall not be subject to public inspection, and shall be kept so that the contents thereof shall not be known except to persons charged with the administration of this chapter.

**Section 5.35.150. Exemption of sales to government officers, Identification.**

The provisions of this chapter do not apply to sales of concealable firearms made to persons properly identified as full-time paid officers of a city police department, sheriff's department, district attorney's office, the California Highway Patrol, or the State Department of Justice, nor to sales of concealable firearms made to authorized representatives of cities, counties, or state or federal governments for use by such governmental agencies. Proper identification is defined as verifiable written certification from the head of the agency by which the purchaser is employed, identifying the purchaser and authorizing the purchase. The certification shall be delivered to the seller at the time of purchase and the purchaser shall identify himself as the person authorized in such certification.

**Section 5.35.160. Enforcement of provisions.**

The conviction of any person for violation of the provisions of this chapter shall not relieve the person from paying the permit fee due and unpaid at the time of the conviction, nor shall payment of any permit fee prevent criminal prosecution for violation of any of the provisions of this chapter. All remedies shall be cumulative and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter. The amount of any permit fee shall be deemed a debt to the city. An action may be commenced in the name of the city in any court of competent jurisdiction for the amount of any delinquent permit fee.

**Title 8 – Health and Safety\***

**Chapter 8.85 – Weapons, Sales Prohibited on City Property and in City Facilities**

**Section 8.85.010. Definitions.**

**A. "Assault weapon"** means, except as provided in subsection C of this section, the following:

1. Any semiautomatic action, center fire rifle or carbine which was designed to accept a detachable magazine with a capacity of twenty rounds or more, 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, Thompson semiautomatic carbines and any other semiautomatic carbines manufactured by Auto Ordnance;
2. Any weapon which may be readily restored to an operable assault weapon, as defined in subdivision 1 of this subsection; and
3. Any part, or combination of parts, designed or intended to convert a weapon into an assault weapon, as defined in subdivision 1 of this subsection, 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. "Semiautomatic"** means a weapon which fires a single projectile for each single pull of the trigger and which employs a magazine.

**C. "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 Section 12200 of the Penal Code of the state; any pistol, revolver or other firearm which is capable of being concealed upon one's person, as defined and regulated by the provisions of Sections 12021 and 12025 of the Penal Code of the state;
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 failing within the specifications of paragraphs (5), (7) and (8) of subsection (b) of Section 12020 of the Penal Code of the state;
4. Any short-barreled rifle or shotgun as defined in subsection (c) of Penal Code Section 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. "Pistol, revolver and firearm capable of being concealed upon the person"** means any device designed to be used as a weapon from which is expelled a projectile by the force of any explosion or other form of combustion and which has a barrel less than twelve inches in length.

**Section 8.85.020. Sale on city property or in a city facility prohibited.**

No person, except for a licensed federal firearms dealer, shall sell, offer or display for sale, lease, give, lend or transfer ownership of any assault weapon or pistol, revolver and firearm capable of being concealed upon the person on any city property or in any city facility.

**Title 17 – Zoning Code**

**Article 2 – Zoning Districts, Allowable Land Uses, and Zone-Specific Standards**

**Chapter 17.24 – Commercial and Industrial Zoning Districts**

**Section 17.24.020. Purposes of commercial zoning districts.**

**B.** Purposes of individual zoning districts.

1. Commercial Office (CO) District.
2. Commercial Limited (CL) District.
3. Commercial General (CG) District.
4. Industrial General (IG) District.

**Section 17.24.030. Commercial and industrial district land uses and permit requirements.**

A. Permit requirements. Table 2-5 identifies the uses of land allowed by this Zoning Code in the commercial zoning districts, and the land use permit required to establish each use, in compliance with Section 17.21.030 (Allowable Land Uses and Permit Requirements). The following land use permit requirements are established by Table 2-5.

Symbol	Permit Requirement	Procedure is in Section:
P	Permitted use, Code Compliance Certificate required.	17.61.020
MC	Conditional use, Minor Conditional Use Permit required.	17.61.050
C	Conditional use, Conditional Use Permit required.	17.61.050
E	Conditional use, Expressive Use Permit required.	17.61.060
TUP	Temporary use, Temporary Use Permit required.	17.61.040
—	Use not allowed. (See Section 17.21.030.A regarding uses not listed.)	

**Section 17.24.040. Commercial and industrial district general development standards.**

Table 2-5 - Allowed Uses and Permit Requirements For Commercial and Industrial Zoning Districts					
Permit Requirement By Zone					
Land Use (1)	CO	CL, CL-2	CG	IG	Specific Use Standards
Retail Sales (7, 9)					
Firearm sales	—	—	—	C (8)	

Notes:

(8) Conditional Use Permit approval required for new construction exceeding 25,000 sq. ft. See Section 17.61.050.J for additional requirements.

**Article 3 – Specific Plan Standards  
Chapter 17.32 – East Pasadena Specific Plan**

**Section 17.32.050. EPSP District land uses and permit requirements.**

A. Allowable land uses and permit requirements. Tables 3-5 and 3-6 identify the uses of land allowed by this Zoning Code in each EPSP zoning district, and the land use permit required to establish each use, in compliance with Section 17.21.030 (Allowable Land Uses and Permit Requirements). The land use permit requirements established by Tables 3-5 and 3-6 are as follows.

Symbol	Permit Requirement	Procedure is in Section:
P	Permitted use, Code Compliance Certificate required.	17.61.020
MC	Conditional use, Minor Conditional Use Permit required.	17.61.050
C	Conditional use, Conditional Use Permit required.	17.61.050
E	Conditional use, Expressive Use Permit required.	17.61.070
TUP	Temporary use, Temporary Use Permit required.	17.61.040
—	Use not allowed. (See Section 17.21.030.A regarding uses not listed.)	

B. Standards for specific land uses. Where the last column in the tables ("Specific Use Standards") includes a section number, the regulations in the referenced section apply to the use, in addition to all other applicable provisions of this Zoning Code.

Table 3-5 - Allowed Uses and Permit Requirements East Pasadena Specific Plan (EPSP) Subarea D1 Districts					
Permit Requirement by D1 Zone					
Retail Sales (3, 10, 11)	CO	CL	CG	IG	Specific Use Standards
Firearm sales	—	—	—	C (4)	

Notes:

(4) Conditional Use Permit approval required for new construction exceeding 25,000 sq. ft. See Section 17.61.050.J for additional requirements.

**Article 5 – Standards for Specific Land Uses  
Chapter 17.50 – Standards for Specific Land Uses**

**Section 17.50.110. Home occupations.**

G. Limitation on activities.



2. Guns and ammunition shall not be sold as part of a Home Occupation Permit except that a home occupation for a gunsmith or firearms collector licensed by the Bureau of Alcohol, Tobacco, and Firearms as a gunsmith or firearm collector is allowed.

**Article 8 – Glossary of Specialized Terms and Land Use Types  
Chapter 17.80 – Glossary of Specialized Terms and Land Use Types**

**Section 17.80.020. Definitions.**

As used in this Zoning Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise. Definitions of land uses are followed by the term (land use).

**F. Definitions, "F."**

Firearm Sales (land use). The retail sale of firearms or ammunition by a firearms dealer, whether it is the principal sales item or incidental to the overall sales. This use includes firearms dealers that transfer and lease any firearms.

**Patterson Code of Ordinances**

Codified through Ordinance Number 835, and legislation passed through December 4, 2018.

**Title 18 – Zoning**

**Division III – Zoning Districts**

**Chapter 18.42 – Commercial and Medical/Professional Office Districts**

**Section 18.42.030. Allowed land uses and permit requirements.**

Table 18.42.030-1 below identifies allowed uses and corresponding permit requirements for the commercial and medical/professional office districts subject to compliance with Chapter 18.34 (Land Use Classification) and all other provisions of this title. Descriptions/definitions of the land uses can be found in Division V (Definitions). The special use regulations column in the table identifies the specific chapter or section where additional regulations for that use type are located within this title.

Use regulations in the table are shown with representative symbol by use classification listing: “AR” symbolizes uses permitted through administrative review, “P” symbolizes uses allowed by right, “CUP” symbolizes uses that require approval of a conditional use permit, and “N” symbolizes uses that are not permitted.

Table 18.42.030-1 Permitted Use Matrix for Commercial and Medical/Professional Office Districts

Commercial and Medical/Professional Office Zoning Districts (See Section 18.42.020 for descriptions)						
	NC	HSC	DC	GC	MPO	Special Use Regulations
Retail, Service, and Office Uses						
Gun shops	CUP	CUP	CUP	CUP	N	

**Chapter 18.64 – Home Occupations**

**Section 8.64.040. Prohibited home occupations.**

The following uses are expressly prohibited as home occupations:

- I. Weapons and ammunition sales and service.

**Chapter 18.96 – Land Use Definitions**

**Section 18.96.060. Retail, service, and office uses.**

“Gun shop” means any retail sales business engaged in the selling, leasing, purchasing, or lending of guns, firearms, or ammunition.

**Perris Code of Ordinances**

Codified through Ordinance Number 1396, Adopted February 23, 2021. (Supplement Number 7)

**Title 5 – Business Regulations and Licenses**

**Chapter 5.46 – Swap Meets**

**Section 5.46.130. Prohibited articles.**

It is unlawful for any person to exchange, barter, trade or sell in a swap meet, the following items of personal property: firearms, ammunition, explosives, any item of personal property from which the serial number or identifying number has been removed, any and all other items of personal property which may be prohibited from being exchanged, bartered,

traded or sold by ordinance or resolution by the city council, or the laws of the state, or by any laws regulating the health and welfare of the city, the county or the state.

## **Pinole Code of Ordinances**

Codified through Ordinance Number 2022-03, passed 7-5-2022 (Supp. 25).

### **Title 17 – Zoning Code**

#### **Article IV – Standards for Specific Land Uses**

##### **Chapter 17.63 – Firearm Sales**

###### **Section 17.63.020. Permit required.**

**A.** It shall be unlawful under this chapter for any person to engage in the business of selling, transferring, or leasing, or advertising for sale, transfer or lease, or offer or expose for sale, transfer or lease, any firearm unless he or she has been issued a license as required by this chapter. "Engage in the business" means the conduct of a business by the selling, leasing, or transferring of any firearm; or the preparation for such conduct of business, as evidenced by the application for or securing of applicable state or federal licenses; or the holding of oneself out as engaged in the business of selling, transferring, or leasing of any firearms; or the selling, transferring or leasing of firearms in quantity, in series or in individual transactions, or in any other manner indicative of trade.

**B.** Such license shall consist of a permit issued by the Police Chief after a determination by the Police Chief that the applicant meets the standards for obtaining a permit based on the criteria contained herein.

**C.** A person shall not be deemed licensed to sell firearms until that person has obtained the permit from the Police Chief, a conditional use permit for the business site from the Planning Commission, and a city business license.

###### **Section 17.63.030. Application and fees.**

An applicant for a permit under this chapter shall file with the Police Chief an application in writing, under penalty of perjury, on a form to be furnished by the city or as information requested to demonstrate compliance with this chapter, including a floor plan of the proposed business which illustrates the applicant's compliance with the security provisions of Section 17.63.080D of this chapter. The application shall also include a certification by the city's Community Development Department that the business will not be located in a zoning district in which the operation of firearms business is prohibited by law. 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. The application shall be accompanied by a nonrefundable fee for administering this chapter, to be established by resolution of the City Council.

###### **Section 17.63.040. Investigation by the Police Chief.**

The Police Chief shall conduct an appropriate investigation of the applicant to determine for the protection of the public safety whether the permit may be issued. The Police Chief may require an applicant, or any officer, agent, or employee thereof, to provide fingerprints, a recent photograph, a signed authorization for the release of pertinent records, a complete personal history set forth on a questionnaire provided by the Police Chief, and any other additional information which the Police Chief deems necessary to complete the investigation.

###### **Section 17.63.050. Grounds for denial of permit.**

The Police Chief shall give the applicant written notice of the Chief's decision to deny or revoke the application. The notice shall set forth the ground or grounds for the chief's decision, and shall inform the applicant that he or she has ten (10) days from the date the notice was mailed within which to file a written request for a hearing with the Chief. The Police Chief shall issue a permit unless he finds one or more of the following:

- A.** The applicant, or an officer, employee or agent thereof, is under the age of twenty-one (21) years;
- B.** The applicant is not licensed as required by all applicable federal or state laws, or the operation of the business as proposed will not comply with all applicable federal, state, and local laws, including, but not limited to any of the following:
  - 1. The applicant has failed to provide a copy of his or her valid federal firearm's license.
  - 2. The applicant has failed to provide a valid seller's permit issued by the State Board of Equalization.
  - 3. The applicant has failed to provide a copy of his or her valid certificate of eligibility issued by the Department of Justice;
- C.** The applicant's inventory does not conform to the type of federal or state firearms permit issued to the applicant;
- D.** 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 two (2) years;
- E.** The applicant, or an officer, employee or agent thereof, has knowingly made any false or misleading statement of a material fact in the application for a permit;

**F.** The applicant, or an officer, employee or agent thereof, fails or refuses to provide clear evidence of his or her identity, or any other information required by the Police Chief to complete his investigation;

**G.** 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 under applicable federal, State and local laws.
2. Any offense relating to the manufacture, sale, possession, use of 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 State Health and Safety Code, as it may be amended from time to time;

**H.** The applicant, or any officer, employee or agent thereof, is currently or has been within the last two years, an unlawful user of any controlled substance as defined by the State Health and Safety Code, as it may be amended from time to time, or is an excessive user of alcohol, to the extent that such use would impair his fitness to be a dealer in firearms;

**I.** The applicant, or any officer, employee or agent thereof, is within the classes of person defined in California Welfare and Institutions Code Sections 8100 or 8103 as they now read, or may hereafter be amended to read.

**Section 17.63.060. Grounds for revocation.**

In addition to any provisions contained in this chapter, any circumstances constituting grounds for denial shall also constitute grounds for revocation.

**Section 17.63.070. Police Chief permit hearing.**

**A.** Any person whose application for a permit has been denied, or whose permit has been revoked by the Police Chief, shall have the right to a hearing before the Police Chief prior to the final denial or revocation of the permit.

**B.** Within ten (10) days of mailing of the written notice of intent to deny the application, or revoke the permit, the applicant may appeal by requesting a hearing before the Police Chief. Such a request must be made in writing and must set forth the specific grounds for the appeal. If the applicant files a timely request for a hearing, the Police Chief shall set a time and place for the hearing within thirty (30) days thereafter. The decision of the Police Chief to deny the application shall be in writing and shall be rendered within ten (10) days of the hearing.

**C.** An applicant may appeal the Police Chief's denial or revocation of a permit to the City Manager by filing a written appeal with the City Manager within ten (10) days of the action. Such an appeal hearing must set forth the specific grounds for appeal. If the applicant files a timely request for a hearing, the City Manager shall set a time and place for the hearing within thirty (30) days thereafter. The decision of the City Manager concerning the application shall be in writing and shall be rendered within ten (10) days of the hearing.

**Section 17.63.080. Police Chief permit conditions.**

The permit issued by the Police Chief shall be deemed to contain the following terms and conditions, unless otherwise indicated on the permit:

**A.** The permittee shall conduct business only in the premises designated in the permit. This requirement, however, shall not prohibit the permittee from participating in gun shows or events which are specifically authorized by federal and state law upon compliance with federal and state law.

**B.** The permit issued by the Police Chief, or a copy thereof, certified by the Police Chief, shall be displayed on the premises and at gun shows where it can be easily seen.

**C.** No firearms shall be delivered:

1. Within ten (10) days of the application for the purchase, or within ten (10) days after submitting corrected copies of the register or any fee required by State Penal Code Sections 28225, whichever is later, or within any timelines otherwise set forth in Penal Code Sections 27540.
2. Unless unloaded and securely wrapped or in locked container which is fully enclosed and securely locked by a padlock or similar locking device as required by state Penal Code Sections 16850 and 25610(a).
3. Unless the purchaser or transferee presents clear evidence of his or her identity and age, as required by Penal Code Section 27540(c).
4. If the permittee is notified by the State Department of Justice that a purchaser is in a prohibited class described in State Penal Code Sections 29800 through 29825 or State Welfare and Institutions Code Sections 8100 or 8103.

**D.** All firearms kept in the licensed place of business shall be stored using one of the following methods as to each particular firearm:

1. Store the firearm in a secure facility that is a part of, or that constitutes, the licensee's business premises.
2. Secure the firearm with a hardened steel rod or cable of at least one-eighth inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a bolt cutter and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises.
3. Store the firearm in a locked fireproof safe or vault in the licensee's business premises.
4. As used in this section, a "**secure facility**" means a building that meets all of the following specifications:
  - a. All perimeter doorways shall meet on the following:
    - (i) A windowless steel security door equipped with both a deadbolt and a doorknob lock.
    - (ii) A windowed metal door that is equipped with both a dead bolt and a doorknob lock. If the window has an opening of five (5) inches or more measured in any direction, the window shall be covered with steel bars of at least one-half inch diameter or metal grating of at least nine (9) gauge affixed to the exterior or interior of the door.
    - (iii) A metal grate that is padlocked and affixed to the licensee's premises independent of the door and doorframe.
  - b. All windows are covered with steel bars.
  - c. Heating, ventilating, air-conditioning, and service openings are secured with steel bars, metal grating, or an alarm system.
  - d. Any metal grates have spaces no larger than six (6) inches wide measured in any direction.
  - e. Any metal screens have spaces no larger than three (3) inches wide measured in any direction.
  - f. All steel bars shall be no further than six (6) inches apart.
5. Upon written request from a permittee, the Police Chief may grant an exemption from compliance with this subparagraph D if the permittee is unable to comply with these requirements because of local ordinances, covenants, lease conditions, or similar circumstances not under the control of the permittee.

**E.** No pistol, revolver, or other firearm capable of being concealed upon the person or imitation thereof, or placard advertising their sale or other transfer, shall be displayed in any part of the premises where it can readily be seen from the outside.

**F.** Permittee shall properly and promptly process firearms transactions pursuant to State Penal Code Sections 28050 through 28070.

**G.** Permittee shall keep a register of sales as required by State Penal Code Sections 28100 through 28180.

**H.** Permittee shall not sell, deliver or transfer any pistol, revolver or other firearm capable of being concealed upon the person to any person under twenty-one (21) years of age or any other firearm to any person under eighteen (18) years of age.

**I.** Permittee shall post conspicuously within the licensed premises, all charges and fees required by Penal Code Section 26875, and the following warning in block letters not less than one (1) inch in height:

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

**J.** No pistols, revolvers or firearms capable of being concealed upon the person shall be delivered unless the purchaser or transferee presents to the permittee a basic firearm safety certificate.

**K.** Permittee shall offer to provide the purchaser or transferee of a firearm a copy of the pamphlet described in State Penal Code Section 34205 and may add the cost of the pamphlet, if any, to the sales price of the firearm.

**L.** Permittee shall report the loss or theft of any firearm that is merchandise of the permittee, any firearm that the permittee takes possession of pursuant to Penal Code Section 26885, or any firearm kept at the permittee's place of business within forty eight (48) hours of discovery to the Pinole Police Department.

**M.** Permittee shall install an alarm system monitored by a Police Chief-approved alarm company.

**N.** Permittee shall install a surveillance camera system approved by the Police Chief.

**Section 17.63.090. Permit assignment.**

The assignment or attempt to assign any Police Chief permit issued pursuant to this chapter is unlawful and any such assignment or attempt to assign shall render the permit null and void.

**Section 17.63.100. Liability insurance.**

**A.** 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 deems proper, executed by an insurance company approved by the city whereby the applicant or permittee is insured against liability for all activities of the permittee, including damage to property and for injury to or death of any person. The minimum liability limits shall not be less than one million dollars (\$1,000,000) combined, single limit personal injury and property damage for each occurrence. The insurance shall be occurrence based insurance. 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, 880 Tennent Avenue, Pinole, CA 94564, at least thirty (30) days immediately prior to the time such cancellation becomes effective. Upon expiration of any such policy and if no additional insurance has been secured prior to the expiration thereof in the manner provided for the initial securing of a permit under this chapter, the permit shall be deemed cancelled without further notice or opportunity to be heard.

**B.** Such policy of insurance shall name the city, its officers, agents, and employees as additional insured. Additionally, applicant and permittee, as a condition of issuance of any permit under this chapter, agree to indemnify, defend and hold harmless the city, its officers, agents, and employees, from any claims arising from the negligence of the applicant or permittee.

**C.** Prior to the issuance of any permit, applicant shall furnish the city with complete copies of the above required insurance policies, including complete copies of all endorsements attached to those policies. All copies of policies and certified endorsements shall show the signature of a person authorized by that insurer to bind coverage on its behalf.

**Section 17.63.110. Expiration of Police Chief permit.**

**A.** Police Chief permits shall expire one year after the date of issuance. Such permits may be renewed by the Police Chief for additional one year periods upon the permittee's submission of an application for renewal, accompanied by a non-refundable renewal fee as established by City Council Resolution. The completed renewal application and the renewal fee must be received by the Police Chief no later than forty-five (45) days prior to the expiration of the current permit.

**B.** The Police Chief shall inform the Community Development Director or designee when a permit expires or is revoked, or when renewal is denied by the Police Chief so that proceedings to revoke the use permit can be initiated.

**C.** A decision by the Police Chief regarding renewal of the permittee's Police Chief permit may be appealed in the manner provided for in Section 17.63.070.

**Section 17.63.120. Conditional use permit application.**

When the applicant has obtained a Police Chief permit, the applicant may apply for a conditional use permit pursuant to Chapter 17.12 of this Code. The applicant shall provide all information requested by the Community Development Director or designee. No use permit application shall be deemed complete until the applicant has shown possession of a valid Police Chief permit for such use.

**Section 17.63.130. Possessory interest in the property.**

No application for a use permit shall be processed until the applicant provides proof satisfactory to the Community Development Director that the applicant, officer, employee or agent thereof is the owner of record of the real property at which the proposed business will be conducted, or has a lease, license or other entitlement to operate such business at such location and the written consent of the owner of record of such real property.

**Section 17.63.140. Site restrictions.**

No conditional use permit for firearm sales may be issued for any location which is:

**A.** Within a zoning district in which residential use is the principal permitted or maintained use. Notwithstanding anything to the contrary in this code, home occupation permits for the conduct of any business under this chapter shall be prohibited. The location of such businesses in and around homes is hereby declared a public nuisance. This section is expressly made retroactive to all such businesses operating in such residential zones.

**B.** Within any zoning district other than Regional Commercial (RC), Commercial Mixed Use (CMU), or Office Industrial Mixed Use (OIMU).

**C.** Within 500 feet of the exterior limits of any premises occupied by a public or private day care center or day care home, elementary school, junior high school or high school, whether public or private.

**D.** Within 500 feet of the limits of a public park.

**E.** All distances referred to in this section shall be measured between the closest points on the exterior property lines or area boundaries of the parcels or areas involved, except that when a permittee occupies one unit of a multi-unit structure located on a single parcel, distances shall be measured from the exterior boundaries of the unit so occupied.

**F.** Businesses governed by the provisions of paragraphs C and D of this section, which are in full compliance with all local, state and federal laws prior to the effective date of this chapter, including but not limited to zoning and business license laws, shall not be required to obtain a use permit unless such businesses lose their non-conforming use status as provided in Chapter 17.14. Such businesses shall, however, be required to comply with all other provisions of this chapter.

**Section 17.63.150. Use permit conditions.**

All use permits approved by the Planning Commission shall be deemed to contain all of the following terms and conditions, unless otherwise conditioned:

**A.** The possession of a valid Police Chief permit.

**B.** The possession of all licenses and permits required by federal or state laws.

**C.** Compliance with all of the terms and conditions contained in Section 17.63.080.

**D.** Compliance with all of the requirements of the city's Building Code, the Fire Code, and any other technical code or regulation of the city which may govern the use, occupancy, maintenance, construction or design of buildings or structures. The use permit shall also contain a condition that the applicant must obtain a final inspection from the city Building Official or designee demonstrating full code compliance before the applicant may commence business at the premises at issue.

**E.** A method of storage of inventory which is explosive or flammable at the proposed business site shall be in compliance with federal and state law and with the city's Fire Code.

**F.** All other conditions deemed by the Planning Commission to be necessary and proper to protect the public interest and welfare.

**Section 17.63.160. Authority to inspect.**

Any applicant for a Police Chief permit or a conditional use permit under this Chapter shall be deemed to expressly consent and grant to any investigation officials of the city the right to enter the premises for which the Police Chief permit and use permit was obtained, without a warrant, from time to time during regular business hours to make reasonable inspections to observe and enforce compliance with building, mechanical, fire, electrical, plumbing, and health regulations, as well as the provisions of this chapter and all applicable federal, state and local law. Such right to enter and inspect without a warrant shall be deemed a condition of approval of any permit issued under this chapter.

**Section 17.63.170. Revocation of use permit.**

If the Police Chief, Building Official, or any other person has reason to believe that the permittee is not in full compliance with any conditions imposed pursuant to this chapter, a report shall be made to the Community Development Director. After an investigation of the facts contained in the report, the Community Development Director may commence proceedings to revoke the use permit pursuant to Chapter 17.10 of this code.

**Section 17.63.180. Firearm ammunition.**

Firearm ammunition sales shall comply with those regulations and procedures required for a firearm sales Police Chief permit.

**Chapter 17.64 – Home Occupations**

**Section 17.64.045. Uses that are not allowed.**

The following uses shall not in any case qualify as a home occupation:

**A.** Firearm or firearm ammunition sales.

**Pismo Beach Municipal Code**

Codified through Ordinance Number O-2022-007, passed August 2, 2022. (Supp. 42).

**Title 17 – Zoning Ordinance (1983 Code)\***

**Chapter 17.115 – Home Occupations**

**Section 17.115.050. Types of prohibited uses.**

The following uses by the nature of the operation are deemed to be incapable of meeting the above conditions and are thereby excluded from the definition of "home occupation":

M. Mail order gun sales;

**Pittsburg Municipal Code**

Codified through Ordinance Number 22-1501, passed May 16, 2022.

**Title 5 – Business Licenses and Regulations**

**Division II – Specific Regulations**

**Chapter 5.60 – Retail Sale of Firearms**

**Section 5.60.010. Firearms sale licensing requirements.**

**A.** No person shall sell at retail any firearm within the city limits without first obtaining a retail license to sell firearms from the director of finance.

**B.** The director of finance shall administer the licensing process, including preparation of application forms and collection of fees (as set by council resolution), consistent with the authority and responsibility given to the city under Penal Code Section 12071. The director of finance may delegate authority to issue or deny a license to a designated representative.

**C.** No retail license to sell firearms shall be issued, reissued, or extended until the chief of police conducts an investigation and recommends approval in writing. The chief of police may delegate this authority to investigate and make recommendations to a designated representative.

**D.** No license shall be valid for more than one year from the date of issuance. [Ord. 1040 § 1, 1992.]

**Section 5.60.020. Licensing criteria.**

The investigation and recommendation by the chief of police on an application for a retail license to sell firearms shall be based on the following criteria:

**A.** The security of the business premises from burglary and robbery considering the structure of the building, locks, alarms and any private security surveillance;

**B.** The safety of the public and the business' employees and customers considering the level of criminal activity in the area where the business is located;

**C.** The applicant's criminal history, if any;

**D.** The applicant's history of compliance with (1) Title 2 of the Penal Code concerning the control of deadly weapons, especially the prohibitions and requirements of Article 4 of the title on licenses to sell firearms, and (2) licenses issued previously by the city or other agencies under Penal Code Section 12071;

**E.** The number of firearms dealers in the neighborhood and the city as a whole;

**F.** The proximity of the business to schools, churches and residential areas and compliance with the zoning code; and

**G.** The likelihood that the business will create or exacerbate nuisance, police or law enforcement problems in the neighborhood.

**Title 18 – Zoning**

**Division II – Base District Regulations**

**Chapter 18.50 – Residential Districts (R)**

**Article V – Home Occupations**

**Section 18.50.415. Uses not permitted as home occupations.**

The following occupations or activities and every similar use when conducted on a commercial basis and performed on the site of the applicant's dwelling may not be considered a home occupation and therefore not permitted in an R district.

**E.** Sale or servicing of firearms or ammunition;

**Placentia Municipal Code**

Codified through Ordinance Number O-2022-02 and the June 2022 code supplement.

**Title 10 – Peace, Morals and Safety**

**Chapter 10.12 – Dangerous Weapons**

**Section 10.12.030. Discharge of firearms within city – Possession by minors in public.**

**(b)** It is unlawful for any person to allow or permit a minor under eighteen years of age to have or to carry any gun or device set forth in this section upon any public thoroughfare or upon any public property or in any vehicle within the city.

**(c)** It is unlawful to sell, give away, barter, or trade, any gun, pistol, or firearms or any air gun or pistol or any spring gun or pistol or any device that shoots or propels pellets or missiles by any means, to any minor under the age of eighteen years.

**(d)** It is unlawful to sell, give away, barter, or trade any ammunition, pellets, missiles or any device used for shooting from pistols, guns or firearms, or any spring-loaded gun or pistol or device that shoots or propels or missiles by any means to any person under the age of eighteen (18) years without the written consent of the police department.

**(e)** It is unlawful for any parent, juvenile, or any person to transport or have shipped into the city any of the abovementioned items for the use of any person under the age of eighteen (18) years.

**(f)** Nothing in this section shall be deemed to prohibit any person from carrying or transporting a rifle, shotgun, spring gun, pellet gun, airgun, or other firearm to any bona fide target range or while going to or returning from a hunting trip or other lawful sport.

## **Placer County Code of Ordinances**

Codified through Ordinance Number 6159-B and the July 2022 code supplement.

### **Chapter 5 – Business Licenses and Regulations**

#### **Article 5.16 – Special Business License**

##### **Part 2 – Types of Businesses**

###### **Section 5.16.240. Firearms.**

**A.** The county, pursuant to California Penal Code Section 12071, is required to establish a procedure, as prescribed by the California Attorney General, for the licensing of firearms dealers in the unincorporated area of the county. Further, Chapter 30 of the Placer County Code provides for the operation of a firearms sales and repair business as a type of home occupation, subject to a minor use permit issued by the county planning department, prior to obtaining a county business license or other local approvals. Once all applicable fees have been paid and all associated conditions and approvals have been secured, the applicant will be issued a special business license in the form prescribed by the California Attorney General.

**B.** An applicant for such license or renewal shall provide all information requested, including proof of compliance with all applicable federal, state and local laws when required by the county, or the application will not be deemed complete. Before a business license can be issued by the tax collector, the applicant must provide a copy of:

1. A valid federal firearms license (FFL) issued by the Bureau of Alcohol, Tobacco and Firearms;
2. A valid seller's permit issued by the State Board of Equalization;
3. A valid Certificate of Eligibility (COE) issued by the US Department of Justice.

**C.** A special business license for the licensing of firearms dealers requires the approval of the county sheriff.

## **Chapter 17 – Zoning**

### **Part 1 – General Provisions**

#### **Article 17.04 – Definitions**

###### **Section 17.04.030. Definitions of land uses, specialized terms and phrases.**

**“Explosives manufacturing and storage”** (land use) means the commercial manufacturing and storage of all types of explosives, including, but not limited to, blasting powder and blasting caps, dynamite, fireworks, gunpowder, high explosives, and the manufacture of conventional explosives for weapons use (including ammunition, bombs, missile warheads, etc.). See Section 17.56.110 for specific use requirements applicable to explosives manufacturing and storage. (SIC: Groups 2892, 3482, 3483)

**“Weapons manufacturing”** (land use) means the manufacturing of nonexplosive weapons and weapons components, including but not limited to small arms, artillery, and missiles. The manufacture of conventional explosives for weapons use (including ammunition, bombs, missile warheads, etc.) is included under the definition of “Explosives manufacturing and storage.” (SIC: Group 348)

#### **Article 17.06 – Zoning Districts Established**

###### **Section 17.06.050. Land use and permit tables.**

**A.** Types of Land Uses Allowed. The uses of land allowed by this chapter in each zone and combining district established by Section 17.06.010 are identified in the following tables (subsection (D) of this section), and in Sections 17.06.060 et seq., (Zone district regulations). Land uses that are not listed on the tables in subsection (D) of this section, or are not shown in a particular zone district are not allowed, except where otherwise provided by Sections 17.06.030(B) (Exemptions from land use permit requirements), 17.56.030 (Temporary uses), or 17.02.050 (Allowable uses of land).



**B. Type of Permit Required.** When the tables in subsection (D) of this section and the zone and combining district requirements of Sections 17.06.060 et seq., show a particular land use as being allowable in a zone, the use is identified as being subject to one of the following land use permit requirements.

**5. Conditional Use Permit (CUP).** These uses are allowable subject to approval of a conditional use permit (“CUP”) (Section 17.58.130). Conditional use permit approval is required for certain land uses that may be appropriate in a zone, depending on the design of the individual project, and the characteristics of the proposed site and surroundings. Such uses can either raise major land use policy issues or could create serious problems for adjoining properties, the surrounding area, and their populations if such uses are not appropriately located and designed. The purpose of a conditional use permit is to allow planning department staff and the Placer County planning commission to evaluate a proposed use to determine if problems may occur, to provide the public with an opportunity to review the proposed project and express their concerns in a public hearing, to work with the project applicant to adjust the project through conditions of approval to solve any potential problems that are identified, or to disapprove a project if identified problems cannot be acceptably corrected.

All allowable land uses shall obtain any building permit or other permit required by this code (see Section 17.06.030(D)), in addition to the land use permit required by this section or Sections 17.06.060 et seq.

**D. Tables.** The following tables, and the lists of allowable uses in Sections 17.06.060 et seq., contain the same requirements for allowable uses and land use permit requirements. The tables in this section are for convenience, to simultaneously show all zone districts, the uses allowed within them, and the permit requirements applicable to each use.

Land Use Types	Zone Districts																					
	Residential				Commercial						Industrial				Agricultural, Resource Open Space							
	RS	RM	RA	RF	C1	C2	C3	CPD	HS	OP	RES	AP	BP	IN	INP	AE	F	FOR	O	TP	Z	W
Manufacturing and Processing Uses - Continued																						
Explosives manufacturing and storage (Section 17.56.110)																CUP	CUP	CUP				
Weapons manufacturing														CUP	CUP							

Key To Permit Requirements

Conditional Use Permit required (Section 17.06.050)	CUP
Use not allowed	

**Part 2 – Zone Districts and Allowable Uses of Land  
Division VIII – Specific Use Regulations  
Article 17.56 – Specific Use Requirements**

**Section 17.56.120. Home occupations.**

**B. Limitation on Use.** Home occupations shall be limited to activities carried on by the occupants of a dwelling as an accessory use to the principal use of the site as a dwelling, as follows:

**1. Allowed Uses.** For guidance, permitted home occupations include but are not limited to: ...; sales or repair of firearms (provided that a minor use permit has first been obtained pursuant to the provisions of Section 17.58.120 of this chapter) or any other business that meets the intent and specific requirements of this section.

**Pleasant Hill Code of Ordinances**  
Codified through Ordinance Number 956, passed April 4, 2022.

**Title 9 – Health, Safety and Welfare  
Chapter 9.35 – Firearms**

**Section 9.35.020. Definitions.**

For the purposes of this chapter, any reference to a state or federal statute includes any amendments or renumbering that may be enacted from time to time. For the purposes of this chapter, the words, terms and phrases as defined in this section shall be construed as hereinafter set forth, unless it is apparent from the context that a different meaning is intended:

**A. Antique firearm** shall have the same definition as provided in 18 U.S.C. 921(a)(16).

**B. Ammunition** shall have the same definition as provided in California Penal Code section 16150 and includes handgun ammunition as defined in Penal Code section 16650, but does not include blanks, blank cartridges or ammunition that can be used solely in an antique firearm.

**C. Chief of police** shall mean the chief of police of the city of Pleasant Hill, California.

**D. City** shall mean the city of Pleasant Hill, California.

**E. Engage in the business** shall mean the conduct of a business by the selling, leasing, or transferring of any firearm or ammunition in quantity, in series or in individual transactions, or in any other manner indicative of trade.

**F. Entity** shall mean any individual, sole proprietorship, business enterprise, corporation, limited liability company or publicly traded corporation operated for profit, or a nonprofit organization engaged in business activities, such as a cooperative.

**G. Firearm** shall have the same definition as provided in California Penal Code sections 16520 and 11460.

**H. Firearm sales** shall mean the sale, transfer, lease, or offer for sale or lease, of a firearm. For purposes of this chapter, firearm sales shall include sale of ammunition.

**I. Permit** shall mean a police issued permit to engage in the business of firearms sales in the city pursuant to the provisions of this chapter.

**J. Secure facility** shall mean a building that meets all of the following specifications:

1. All perimeter doorways shall meet one of the following requirements:
  - a. A windowless steel security door equipped with both a deadbolt and a doorknob lock.
  - b. A windowed metal door that is equipped with both a dead bolt and a doorknob lock. If the window has an opening of five inches or more measured in any direction, the window shall be covered with steel bars of at least one-half inch diameter or metal grating of at least nine gauge affixed to the exterior or interior of the door.
  - c. A metal grate or similar device that is padlocked and affixed to the premises independent of the door and doorframe.
2. All operable windows are covered with steel bars.
3. Heating, ventilating, air-conditioning, and service openings are secured with steel bars, metal grating, or an alarm system.
4. Any metal grates have spaces no larger than six inches wide measured in any direction.
5. Any metal screens have spaces no larger than three inches wide measured in any direction.
6. All steel bars shall be no further than six inches apart.
7. A deviation from the requirements of this section may be approved by the chief of police upon consultation with the city's chief building official if, in the opinion of the chief of police, the level of security provided by the alternative feature(s) is sufficient to meet the public safety objectives of this section. The chief of police's determination under this section is not appealable but must be reviewed and re-evaluated by the chief of police upon the receipt of each annual report made pursuant to PHMC § 9.35.090.

**Section 9.35.030. Police permit required for firearms sales.**

It shall be unlawful for any entity to engage in the business of firearm sales in the city unless said entity obtains and maintains a permit issued by the chief of police as required by this chapter. This requirement is in addition to the requirement for obtaining and maintaining a city-issued business license and any and all required federal and state permits and licenses.

**Section 9.35.040. Police permit – Application.**

**A.** An applicant for a permit under this chapter shall file with the chief of police an application in writing, signed under penalty of perjury, on a form prescribed by the city. The applicant shall provide all relevant information requested to demonstrate compliance with this chapter including the following:

1. The name, age, street address, telephone number and email address of the applicant.
2. The street address, business name, email address and telephone number of the proposed location for which the permit is required.
3. Reserved.
4. Evidence of compliance with applicable zoning regulations.
5. A floor plan of the proposed business which illustrates the applicant's intended security measures to comply with all applicable state and federal laws and the regulations and conditions set forth in this chapter.
6. Proof of compliance with all applicable federal and state laws and regulations relating thereto.

7. Reserved.

8. Information relating to every revocation or denial of a license or permit relating to firearms held by the applicant, including, but not limited to, date and circumstances of any revocation.

9. Reserved.

10. Proof of satisfaction of insurance requirements as provided in PHMC § 9.35.110.D.

11. Whether the applicant, each officer of the entity and any person who will be engaged in the business of firearm sales in the city, by or on behalf of the applicant, has been convicted of any of the following types of offenses:

- a. An offense which disqualifies or disqualified for a period of time the individual from owning or possessing a firearm under federal, state or local law;
- b. An offense relating to the manufacture, sale, possession, use or registration of a firearm, or dangerous or deadly weapon as defined by the California Penal Code;
- c. An offense involving the use of force or violence upon another person;
- d. An offense involving theft, fraud, dishonesty or deceit;
- e. An offense involving the manufacture, sale, possession or use of a controlled substance as defined by the California Health and Safety Code and regulations promulgated thereunder.

12. Reserved.

13. Proof of a current and valid certificate of eligibility ("COE") issued by the California Department of Justice ("DOJ") for the applicant and each person who will be engaged in the business of firearm sales in the city, by or on behalf of the applicant.

14. Affirmation by the applicant as follows:

I declare under penalty of perjury that the information contained herein is true and correct to the best of my knowledge. Further, I have read, understand, and will comply with applicable provisions of California Penal Code Part 6, Title 4 and regulations promulgated by the State of California relating to the sale, lease, or transfer of firearms; relating to recordkeeping, background checks, and fees relating to sale, lease, or transfer of firearms; and related to the sale, supply, delivery or transfer of ammunition. I understand that any false statement or omission of material information in connection with this application may be punished as provided by law, including civil and criminal sanctions, and may subject the applicant to a denial of permit, or the suspension, limitation, or revocation of any permit granted hereunder.

**B.** The application shall be accompanied by a nonrefundable fee, not to exceed \$102.00, for administering this chapter. Such fee shall be established by city council resolution.

#### **Section 9.35.050. Investigation by police – Determination time frame.**

**A.** The chief of police or his or her designee shall conduct a review of the application and an appropriate investigation of the applicant to determine compliance with the provisions of this chapter.

**B.** Within 45 days following receipt of a fully completed application, the chief of police shall mail to the applicant, by overnight mail, a written notice of intent to grant or deny the application, complete with recitation of the grounds for the intent to grant or deny the application.

**C.** The chief of police shall conduct a background check of any person who will be engaged in firearm sales in the city. Any person who will be engaged in firearm sales in the city, prior to engaging in such sales, shall first submit directly to the Pleasant Hill police department a complete set of fingerprints. Notwithstanding any other provision of this chapter, failure of a person to submit a complete set of fingerprints to the Pleasant Hill police department will not be cause for denial or revocation of a permit issued under this chapter so long as that person will not be engaged in firearm sales in the city. The chief of police may not charge a fee for any background check performed under this subsection.

#### **Section 9.35.060. Grounds for permit issuance.**

**A.** The chief of police shall grant a permit to the applicant if he or she finds:

1. The applicant is in compliance with all applicable federal and state laws relating to firearm sales and the provisions of this chapter;
2. The applicant has all required federal, state and local permits and licenses; and
3. None of the conditions for denial or revocation as set forth in this chapter are present.

**B.** Such permit shall be conditioned on the applicant's compliance with all city codes. If the permit is granted, no entity shall engage in the business of firearm sales until all applicable appeal periods have expired, unless such entity was lawfully engaged in the business of firearm sales on the effective date of this chapter.

**Section 9.35.070. Denial of permit.**

**A.** The chief of police shall deny the issuance of a permit if one or more of the following conditions exist:

1. The applicant or any officer of applicant's entity, or any person who will be engaged in the business of firearm sales by or on behalf of the applicant in the city, is under 21 years of age.
2. The applicant is not licensed as required by federal, state and local law or has failed to provide a copy of his or her valid licenses.
3. The applicant, any officer of applicant's entity, or any person who will be engaged in the business of firearm sales by or on behalf of the applicant in the city has had a firearms permit or license previously revoked or denied for good cause within the immediately preceding two years prior to the date of application.
4. The applicant has made a false or misleading statement of a material fact, or omission of a material fact, in the application for a permit under this chapter. If a permit is denied on this ground, the applicant is prohibited from reapplying for a permit for a period of two years from the date of denial.
5. The applicant has failed to fully comply with the application requirements or the applicant, any officer of applicant's entity, or any person who will be engaged in the business of firearm sales by or on behalf of the applicant in the city fails or refuses to provide clear evidence of his or her identity, or any other information required pursuant to the provisions of this chapter. If a permit is denied on this ground, the applicant is prohibited from reapplying for a permit for a period of one year from the date of denial.
6. The applicant, any officer of applicant's entity, or any person who will be engaged in the business of firearm sales by or on behalf of the applicant in the city, has been convicted of:
  - a. An offense which disqualifies or disqualified for a period of time the individual from owning or possessing a firearm under federal, state or local law;
  - b. An offense involving the use of force or violence upon the person of another;
  - c. An offense involving theft, fraud, dishonesty or deceit;
  - d. An offense involving the manufacture, sale, possession or use of a controlled substance as defined by the California Health and Safety Code and regulations promulgated thereunder;
  - e. The chief of police has the authority to deem a conviction for an offense under subsections A.6.a through A.6.d. of this section that is not permanently disqualifying under state or federal law as unlikely to adversely impact applicant's firearm sales business in the city due to factors including, but not limited to, remoteness in time. The chief of police's determination under this subsection A.6 is not appealable but must be reviewed and re-evaluated by the chief of police upon the receipt of each annual report made pursuant to PHMC § 9.35.090.
  - f. The chief of police shall not deem an arrest or detention that did not result in conviction, or information concerning a referral to, and participation in, any pretrial or posttrial diversion program, as disqualifying any person from engaging in firearm sales in the city.
7. The applicant or any person who will be engaged in the business of firearm sales by or on behalf of the applicant in the city has been convicted of an offense relating to the manufacture, sale, possession, use or registration of a firearm or dangerous or deadly weapon.
8. The applicant or any person who will be engaged in the business of firearm sales by or on behalf of the applicant in the city is prohibited from possession or sale of firearms pursuant to Part 6, Title 4 of the California Penal Code.
9. The operation of the business as proposed would not comply with federal, state and local laws, including the provisions of this chapter.
10. The operation of the firearm sales business as proposed would not be in compliance with applicable zoning regulations.

**Section 9.35.080. Process for approval – Appeals and calls for review.**

**A.** Within 45 days of receipt of a completed application, the chief of police shall issue a written notice of intent to either approve or deny the application. The notice of intent shall be delivered to the applicant, posted via link on the landing page of the city's website, communicated as an attachment to the city's weekly update, and mailed to all residents and businesses within 300 feet of the intended business location.

**B.** Within 10 business days of the mailing of the written notice of intent to either approve or deny the application, any person may appeal the chief of police's decision by requesting a hearing before the chief of police. The request must be made in writing, setting forth the specific ground(s) under this chapter for the appeal, and must be delivered to the police department by hand or by overnight mail (deposited, in the case of overnight mail, within the 10-day period). If the person appealing the notice of intent submits a timely request for an appeal, the chief of police shall, within 10 business days, set a time and place for hearing (with notice to the applicant and, if applicable, appellant parties by overnight mail), such hearing to be initiated within 45 days of the date of the request for appeal and fully concluded within 60 days of the date of the request for appeal.

**C.** Within 30 days of the conclusion of the hearing, the written decision of the chief of police shall be delivered via overnight mail to the applicant and, if applicable, appellant, at the physical address specified by the appellant/applicant. Notice shall be concurrently delivered to the city manager and the city attorney. The decision of the chief of police is final 10 days after the date of the written notice of the decision, unless an appeal is made of the decision.

**D.** An applicant may appeal the chief of police's denial of a permit to the city manager by filing a written appeal with the city manager within 10 days of the denial. The appeal filing shall be made in person at City Hall during regular business hours or by overnight mail (deposited, in the case of overnight mail, within the 10-day period). Such an appeal filing must set forth the specific grounds for appeal. If the applicant files a timely request for a hearing, the city manager shall, within 10 business days, set a time and place for hearing (with notice to the applicant by overnight mail), such hearing to be initiated within 30 days of the date of the request for appeal and fully concluded within 45 days of the date of the request for appeal. The decision of the city manager concerning the application shall be in writing and shall be delivered to the applicant via overnight mail within 30 days of the conclusion of the hearing, to the physical address specified by the applicant. Notice shall be concurrently delivered to the city attorney. The decision of the city manager is final 10 days after the date of the written notice of the decision, unless an appeal is made of the decision.

**E.** The applicant may appeal the city manager's decision to the city council by filing a written notice of appeal with the city clerk within 10 business days from the date of the city manager's written determination. The notice and hearing procedures before the city council are the same as those in subsection D of this section. The council may continue the hearing from time to time for good cause. The decision of the city council is final.

**F.** Call for review. Any decision of the chief of police pursuant to this section may be called up for review by the city manager. Any decision of the chief of police or city manager may be called up for review by a member of the city council. A call for review must be submitted in writing in the same time and manner as for an appeal.

#### **Section 9.35.090. Annual report required.**

On the annual anniversary of the effective date of their permit, each permittee shall submit to the chief of police a report describing their conformance with the provisions of this chapter during the previous year. In addition to the annual report each permittee and each person who is engaged in the business of firearm sales by or on behalf of the permittee in the city shall submit a renewed or current certificate of eligibility from the California Department of Justice.

#### **Section 9.35.100. Revocation of permit.**

**A.** In addition to a violation of any provision contained in this chapter, the following circumstances constitute grounds for revocation of the permit:

1. Circumstances constituting grounds for denial of a permit;
2. Failure to maintain a policy of insurance required by PHMC § 9.35.110.D;
3. Failure of a permittee to comply with the requirements of PHMC § 9.35.110.F.

**B.** The chief of police shall give the applicant written notice of his or her decision to revoke the permit. The notice shall be delivered by overnight mail to the permittee's address of record with the city and shall set forth the ground(s) for the decision. The notice shall also inform the applicant that he or she has 10 days from the date the notice was mailed within which to file a written request for a hearing with the chief of police. The hearing and appeal process relating to revocations shall be as set forth in PHMC § 9.35.080.

#### **Section 9.35.110. Conditions of approval for a permit.**

In addition to the other requirements and conditions of this chapter, a permit is subject to the following conditions, the breach of any of which is sufficient cause for denial or revocation of a permit:

**A.** The permittee shall comply with all applicable provisions of the Penal Code including, but not limited to, sections 16400, 26805, 26810, 26815, 26820, 26825, 26830, 26835, 26840, 26865, 26875, 26885, 27505, 27510, 28050 through 28070;

**B.** The applicant shall not permit any person under 18 years of age to enter or remain within the area of the premises where the firearms sales activity is the primary business performed without being accompanied by a parent or other adult legally responsible for the minor;

**C. Reserved.**

**D.** The permittee shall maintain at all times while engaged in the business of firearms sales in the city a policy of insurance in a form approved by the city, providing the following:

1. The applicant and permittee is insured for all activities of the permittee 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 offering for sale, lease or transfer of a firearm, such policy(ies) containing an endorsement naming the city and its officers, employees and agents as additional insureds;
2. Minimum liability limits of not less than \$1,000,000 for each occurrence (including each incident of damage to property or incident of injury or death to a person);
3. An endorsement providing that the policy shall not be canceled until notice in writing has been given to the city manager and chief of police at least 30 days before the time the cancellation becomes effective.

**E.** The permittee shall re-apply for a permit from the city if there is a change in business location. Expansion of an existing business at an existing location, including within the same shopping center or site, is not deemed a change in business location.

**F.** The permittee shall maintain records of all employees selling firearms, identifying them by name, address, date of birth and social security number. The applicant shall notify the city within 10 days of any changes in employees and submit the required identification information for each newly hired or re-assigned employee.

**G.** The permittee shall at all times comply with all of the requirements of the city's municipal code.

**H.** The permittee must obtain a final inspection from the city demonstrating compliance with the municipal code, including the provisions of this chapter, before the applicant may commence firearm sales at the premises.

**I.** Storage of inventory which is explosive or flammable at the proposed business site shall be in compliance with federal, state and local laws.

**J.** Permittee shall keep or store all firearms in the permitted premises in accordance with the provisions of Part 6, Title 4 of the California Penal Code, and, using one of the following methods as to each particular firearm:

1. Store the firearm in a secure facility that is a part of, or that constitutes, the licensee's business premises.
2. Secure the firearm with a hardened steel rod or cable of at least one-eighth inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a bolt cutter and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises.
3. Store the firearm in a locked fireproof safe or vault in the permittee's business premises.

**K.** Permittee must comply with all applicable provisions of California Penal Code Part 6, Title 4 and regulations promulgated by the state, as well as all applicable federal laws and regulations, relating to the following:

1. The sale, lease, or transfer of firearms;
2. Recordkeeping, background checks, and fees relating to sale, lease, or transfer of firearms; and
3. The sale, supply, delivery or giving of ammunition.

**L.** Permittee shall install and maintain in working order an alarm system monitored by a central station listed by Underwriters Laboratories, Inc. and covered by an active Underwriters Laboratories, Inc., alarm system certificate providing complete protection for all accessible openings and partial motion and sound detection at certain other areas of the premises (also known as a system with a Number 3 extent of protection). The chief of police may waive this requirement if, in the discretion of the chief of police, the premises is otherwise sufficiently secure to meet the public safety objectives of this chapter. The chief of police's determination under this subsection L is not appealable but must be reviewed and re-evaluated by the chief of police upon the receipt of each annual report made pursuant to PHMC § 9.35.090.

**M.** Permittee shall install a video surveillance system that meets the following requirements:

1. The system includes cameras, monitors, digital video recorders and cabling, if necessary;
2. The number and location of the cameras are subject to the approval of the chief of police. At a minimum, the cameras shall be sufficient in number and location to monitor the critical areas of the business premises, including, but not limited to, all places where firearms or ammunition are stored, handled, sold, transferred, or carried, including, but not limited to, all counters, safes, vaults, cabinets, cases, entryways, and parking lots. The video surveillance system shall operate continuously, without interruption, whenever the location is open for business. Whenever the

location is not open for business, the system shall be triggered by a motion detector. Whenever motion is detected, the system shall begin recording immediately;

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. The stored images shall be maintained on the business premises of the permittee for a period of not less than one year from the date of recordation and shall be available for inspection by federal, state or local law enforcement upon request;

5. The video surveillance system shall be maintained in proper working order at all times. The permittee shall inspect the system on a regular basis to ensure that it is operational as required by the provisions of this section;

6. The permittee 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.

7. The chief of police may waive the requirements of this subsection M if, in the discretion of the chief of police, the premises is otherwise sufficiently secure to meet the public safety objectives of this chapter. The chief of police's determination under this subsection M is not appealable but must be reviewed and re-evaluated by the chief of police upon the receipt of each annual report made pursuant to PHMC § 9.35.090.

**N.** Reserved.

**O.** Each permittee shall comply with all applicable laws regulating the sale of ammunition.

**P.** All entities engaged in the business of firearms sales in the city shall comply with the provisions of the California Penal Code related to purchase, sale and possession of firearms by persons under the age of 21.

**Section 9.35.130. Permits not assignable.**

A permit issued under this chapter is not assignable. The assignment or attempt to assign any permit issued pursuant to this chapter is unlawful; and any such assignment or attempt to assign shall render the permit null and void. Any new owner of a permitted firearm sales business is required to apply for a new permit pursuant to the provisions of this chapter.

**Section 9.35.140. Compliance by existing firearms sellers.**

An entity engaged in the business of firearm sales on the effective date of this chapter shall, by June 30, 2016, comply with the provisions of this chapter.

**Section 9.35.150. Authority to inspect.**

The Pleasant Hill police department shall have the right, without warrant, to inspect the premises for which the permit was obtained on the following conditions:

**A.** The scope of the inspection is limited to determining compliance with the recordkeeping (PHMC § 9.35.110.F) and security (PHMC §§ 9.35.110.J, L, M) requirements of this chapter;

**B.** The inspection shall be conducted not more often than once every six months;

**C.** The inspection shall be conducted during regular business hours; and

**D.** The inspection shall be conducted at a time and in a manner that will minimize business interruption. (Ord. 896 § 1, 2016; Ord. 876 § 1, 2013)

**Section 9.35.160. Violations.**

It is unlawful for any entity to engage in the business of firearm sales in the city without the local permit required by this chapter.

**Section 9.35.210. Rules and regulations.**

The chief of police is authorized to make all necessary and reasonable rules and regulations with respect to the enforcement of this chapter. All such rules and regulations shall be consistent with the provisions of this chapter.

**Section 9.35.220. Severability clause.**

If any section, subsection, sentence or clause of this chapter is for any reason declared unconstitutional or invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the constitutionality, validity or enforceability of the remaining portions of this chapter or any part thereof. The city council hereby declares that it would have adopted this chapter notwithstanding the unconstitutionality, invalidity or unenforceability of any one or more of its sections, subsections, sentences or clauses.

**Title 14 – Buildings and Construction**  
**Chapter 14.55 – Building Security**

**Section 14.55.060. Commercial security provisions.**

**E. Intrusion detection devices.**

2. Each establishment listed below shall have as a minimum either a central station alarm (supervised service) or a silent or local alarm (bell outside premises):

- a. Guns and ammunition;

**Title 18 – Planning and Land Use**  
**Part 1 – General Provisions**  
**Chapter 18.15 – Use Classifications**

**Section 18.15.040. Commercial use classifications.**

**Firearm sales.** The sale, transfer, lease, or offer for sale or lease of a firearm. For purposes of this chapter, firearm sales shall include sale of ammunition, and the terms “firearm” and “ammunition” shall have the same meanings as set forth in PHMC § 9.35.020. See also PHMC § 9.35.020 (Definitions).

**Part 2 – Base District Regulations**  
**Chapter 18.20 – R – Residential Districts**

**Section 18.20.070. Home occupations**

**D. Prohibited activities. Home occupations may not include:**

5. Activities that involve engaging in the business of firearm sales. Any entity or person engaged in the business of firearm sales pursuant to a home occupation permit in effect as of the effective date of the ordinance codified in this section shall be exempt from this subsection and the locational restrictions for firearm sales in PHMC Chapter 18.25 (except as to ammunition sales) if the home occupation use is limited solely to those activities that were both permitted by terms of the permit issued before the effective date of the ordinance codified in this section and legally engaged in by the entity or person at the home-based location before the effective date of the ordinance codified in this section. Any such entity or person may continue firearm sales at its existing home-based location pursuant to any valid permits and licenses so long as the operator remains fully licensed by all agencies (including, without limitation, obtaining and maintaining the permit required by PHMC Chapter 9.35), and has not sold, transferred or assigned operation of the business after the effective date of the ordinance codified in this section to any other entity.

**Chapter 18.25 – Commercial, Retail Business, Neighborhood Business, Office and Light Industrial Districts**

**Section 18.25.020. Land use regulations for all commercial, retail business, neighborhood business, office and light industrial districts.**

Schedule 18.25.020 establishes the uses allowed for each commercial, office and light industrial zoning district as indicated by the letter designations as follows:

“P” designates use classifications permitted in commercial, retail business, neighborhood business, office and industrial districts.

“U” designates use classifications permitted on approval of a use permit.

“T” designates use classifications allowed on approval of a temporary use permit.

“L” followed by a number designates use classifications subject to certain limitations listed by number following the schedule.

The uses listed are based on the use classifications set forth in PHMC Chapter 18.15. Use classifications not listed are prohibited unless authorized by zoning administrator resolution under PHMC § 18.15.010. The “Additional Use Regulations” column includes specific limitations applicable to the use classification or refers to regulations located elsewhere in this chapter.



Schedule 18.25.020 NB, RB, PAO, C, and LI Districts: Land Use Regulations						
P Permitted U Use Permit Required T Temporary Use Permit Required L Limited (see specific limitations listed following schedule) – Not Permitted						
	NB	RB	PAO	C	LI	Additional Use Regulations
Commercial Uses						
Firearm sales	–	L-16	L-16	L-16	L-16	This regulation also applies to firearms sales in any planned unit district (PUD).

L-16 Permitted, subject to the requirements in PHMC § 18.25.160 for firearm sales uses.

**Section 18.25.160. Firearm sales uses.**

The following regulations apply to firearm sales businesses. The findings set forth in PHMC § 9.35.010.A are hereby incorporated by reference. The purpose of this section is to advance the public health, safety, and welfare by imposing reasonable locational restrictions on any entity that establishes a firearm sales business in the city. For purposes of this section, “firearm sales” shall have the same meaning as set forth in PHMC § 18.15.040.

**A. Locational restrictions.**

1. Subject to the other limitations of this chapter and the Pleasant Hill Municipal Code, firearm sales may be located in any general commercial district, retail business district, professional and administrative office district, light industrial district, and planned unit district.
2. In those districts where a business engaged in firearm sales may otherwise be located, it shall be unlawful to establish any such firearm sales business unless the applicant provides proof that the property where the proposed firearm sales will be conducted is not:
  - a. Within 150 feet from any residence, when measured from the property line of any residence to the door of the firearm sales business that is nearest to that same property line of the residence;
  - b. Within 1,000 feet of the exterior limits of any building premises occupied by a day care that is designated as a large family day care, PHMC § 18.15.020, or general day care, PHMC § 18.15.030, when measured from the closest points on the exterior property lines or area boundaries of the parcels or properties involved, except that when an applicant occupies one unit of a multi-unit structure located on a single parcel, distances shall be measured from the exterior boundaries of the unit so occupied;
  - c. Within 1,000 feet of the property line of any elementary school, junior high school, high school, college or university, whether public or private, when measured from the closest points on the exterior property lines or area boundaries of the parcels or properties involved, except that when an applicant occupies one unit of a multi-unit structure located on a single parcel, distances shall be measured from the exterior boundaries of the unit so occupied;
  - d. Within 500 feet of the property line of a public park, when measured from the closest points on the exterior property lines or area boundaries of the parcels or properties involved, except that when an applicant occupies one unit of a multi-unit structure located on a single parcel, distances shall be measured from the exterior boundaries of the unit so occupied.
3. Notwithstanding any other provision of this section, a firearm sales business may be located on any part of a parcel in a general commercial district, retail business district or planned unit district if an applicant provides proof that any portion of said parcel is not within the locational restrictions in subsections A.2.a through d of this section.
4. Consistent with the use regulations in this chapter for any retail sales in a professional and administrative office district (L-2 in PHMC § 18.25.020), a firearm sales business may only be located in a professional and administrative office district as an accessory use if limited to the ground floor, as specified in PHMC § 18.25.060.
5. Consistent with the use regulations in this chapter for any retail sales in a light industrial district (L-4 in PHMC § 18.25.020), a firearm sales business may only be located in a light industrial district as accessory to the primary use, occupying no more than 25% of the floor area of the primary use. Retail sales by separate tenants are not allowed.

**B. Timing and nonconforming use.**

1. The locational restrictions in subsections A.2.a through d of this section shall apply as of the date the applicant submits an application for a zoning permit under PHMC Chapter 18.85 to establish a firearm sales business.
2. Subject to subsection C of this section, the establishment of any firearm sales business shall include the opening of such a business as a new business, the relocation of the business, the conversion of an existing business to any firearm sales use, or the transfer or sale of a firearm sales business to a new owner. Expansion or relocation of a

firearm sales business at an existing location, including within the same shopping center or site, is not deemed a change in business location or relocation of such a business.

3. Any firearm sales business operating as a conforming use under this chapter with all applicable licenses and permits, including the businesses that are grandfathered in pursuant to subsection C.1 of this section, shall not be rendered a legal nonconforming use as specified in PHMC § 18.65.020 by the location of a residence, day care, school, or public park.

**C. Grandfathering for existing firearm sales businesses.**

1. The locational restrictions in subsections A.2.a through d of this section shall be inapplicable to any entity engaged in the business of firearm sales in the city and who or which has all valid permits and licenses required by the city, and by state and federal law as of the effective date of the ordinance codified in this section. Any such entity may continue firearm sales at its existing location pursuant to any valid permits and licenses so long as the operator remains fully licensed by all agencies (including, without limitation, obtaining and maintaining the permit required by PHMC Chapter 9.35), and has not sold, transferred or assigned operation of the business after the effective date of this chapter to any other entity. If any such licenses or permits are revoked, the provisions of this subsection C are inapplicable and the locational restrictions in subsections A.2.a through d of this section shall apply.

2. The locational restrictions in subsections A.2.a through d of this section shall be inapplicable to the sale or transfer to a new owner of any existing firearm sales business that meets the requirements of subsection C.1 of this section if the operation of the firearm sales business by the new owner is at the same location or within the same shopping center or site as the prior owner's permitted business.

**D. Zoning permit required.** No firearm sales business may be established in the city by right. All persons wishing to establish a firearm sales business within the city must apply for and receive a zoning permit under PHMC Chapter 18.85. It is the burden of the applicant to supply evidence to justify the grant of a zoning permit.

**E. Applicability of other regulations.** The provisions in this chapter are not intended to provide exclusive regulation of firearm sales businesses. Any entity engaged in the business of firearms sales must comply with any and all applicable regulations imposed in other parts of the zoning ordinance, other city ordinances (including, without limitation, PHMC Chapter 9.35), and state and federal law.

**Pleasanton Municipal Code**

Codified through Ordinance Number 2239 and the July 2022 code supplement.

**Title 6 – Specific Business Regulations**

**Chapter 6.64 – Firearm Sales**

**Article I – General Provisions**

**Section 6.64.020. Definitions.**

For purposes of this chapter, the following words and phrases shall have meanings as provided in this section:

**A. “Firearm”** means a 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.

**B. “Firearm sales”** means the sale, transfer, lease, offer, registration, or advertising for sale, transfer, lease, offer, or registration of a firearm.

**C. “Person”** means any individual, copartnership, firm, association, joint stock company, corporation, or combination of individuals of whatever form or character.

**Section 6.64.030. Permit requirement.**

**A.** Except as provided in Penal Code Section 12070(b), it is unlawful for a person to engage in the activity of “firearm sales” without a firearm sales permit as required by this chapter.

**B.** The requirement for a firearm sales permit is in addition to the requirement for a conditional use permit for firearm sales as provided under Chapters 18.28, 18.44, 18.48, and 18.52 of this code. No person shall engage in firearm sales without a conditional use permit and a firearm sales permit.

**Section 6.64.040. Application.**

**A.** An applicant for a firearm sales permit or renewal of same under this chapter shall file with the chief of police an application in writing, signed under penalty of perjury, on a form prescribed by the city attorney. The application shall include the following:

1. Name, age and address of the applicant;
2. The address of the proposed location for which the permit is required, together with the business name, if any;

3. Proof 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;
4. A floor plan of the proposed business which illustrates the applicant's compliance with security provisions of Penal Code Section 12071(b)(14) and Chapter 20.36 of this code;
5. Proof of the issuance of a conditional use permit at the proposed location;
6. Proof of compliance with all federal and state licensing laws;
7. Information relating to licenses or permits relating to other weapons sought by the applicant from other jurisdictions, including, but not limited to, date of application and whether each application resulted in issuance of a license;
8. Information relating to every revocation of a license or permit relating to firearms, including, but not limited to, date and circumstances of the revocation;
9. Applicant's agreement 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, including attorney fees, arising in any manner out of the applicant's negligence or intentional or willful misconduct;
10. Applicant's agreement 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, electrical, plumbing, or health regulations, provisions of this code and all other applicable federal, state and local laws;
11. Certification of satisfaction of insurance requirements under Section 6.64.080 of this article; and
12. All convictions of the applicant for any offense listed in subsection 6.64.100(E) of this article.

**B.** 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 may be involved in any firearm sale.

**C.** The application shall be accompanied by a nonrefundable fee for administering this chapter established by city council resolution.

#### **Section 6.64.050. Investigation by chief of police.**

The chief of police shall conduct an appropriate investigation of the applicant to determine for the protection of the public safety whether the permit may be issued. The chief of police may require an applicant, or any officer, agent, or employee thereof, to provide fingerprints, a recent photograph, a signed authorization for the release of pertinent records, a complete personal history set forth on a questionnaire provided by the chief of police and any other additional information which the chief of police deems necessary to complete the investigation.

#### **Section 6.64.060. Conditions of approval.**

In addition to other requirements and conditions of this chapter, a firearm sales permit is subject to the following conditions, the breach of any of which is sufficient cause of revocation of the permit by the chief of police:

- A.** All prohibitions and requirements in Penal Code Section 12071(b);
- B.** The applicant shall not permit any person under 18 years of age to enter or remain within the premises without being accompanied by the parent or other adult legally responsible for the minor child where the primary business performed at the site is firearm sales;
- C.** The permittee shall not sell, lease or otherwise transfer a firearm without also selling or otherwise providing with each firearm a trigger lock or similar device that is designed to prevent the unintentional discharge of the firearm;
- D.** The permittee shall not deliver a firearm to a purchaser earlier than is allowed by applicable federal and state law.

#### **Section 6.64.070. Requirement of secured facility.**

In addition to the conditions of approval provided in Section 6.64.060 of this article, the business location as shown on the firearm sales permit shall be a secured facility meeting all of the specifications of Penal Code Section 12071(b)(14) and Chapter 20.36 of this code.

#### **Section 6.64.080. Liability insurance.**

**A.** No firearm sales permit shall be issued or reissued unless there is in effect a policy of liability insurance in a form approved by the city attorney and executed by an insurance company approved by the city, whereby the applicant is insured against liability for damage to property and for injury to or death of any person as a result of the firearm sale. The minimum liability limits shall not be less than \$1,000,000.00 for each incident of damage to property or incident of injury or death to a person.

**B.** The policy of insurance shall contain an endorsement providing that the policy shall not be canceled until notice in writing has been given to the city manager at least 30 days prior to the time the cancellation becomes effective.

**C.** Upon expiration of a policy of insurance and if no additional insurance is obtained, the permit is considered canceled without further notice.

**Section 6.64.090. Issuance of firearm sales permit; duration.**

**A.** The chief of police may grant a firearm sales permit to the applicant if the chief of police finds that the applicant complies with all applicable federal, state and local laws including, but not limited to, the state Penal Code, city building code, fire code, zoning and planning codes.

**B.** A firearm sales permit expires one year after the date of issuance. A permit may be renewed for additional one year periods upon the permittee's submission of an application for renewal, accompanied by a nonrefundable renewal fee established by city council resolution. The renewal application and the renewal fee must be received by the chief of police no later than 45 days before the expiration of the current permit.

**C.** A decision regarding issuance or renewal may be appealed in the manner provided in Section 6.64.120 of this article.

**Section 6.64.100. Grounds for permit denial.**

The chief of police shall deny the issuance or renewal of a firearm sales permit when one or more of the following conditions exist:

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

**B.** The applicant is not licensed as required by all applicable federal, state and local laws;

**C.** The applicant has had a firearm sales permit or license previously revoked or denied for good cause within the immediately preceding two 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 firearm sales permit. If a permit is denied on this ground, the applicant is prohibited from reapplying for a permit for a period of two years;

**E.** The applicant has been convicted of:

1. An offense which disqualifies the applicant from owning or possessing a firearm under federal, state and local law, including, but not limited to, the offenses listed in Penal Code Section 12021;

2. An offense relating to the manufacture, sale, possession, use or registration of a firearm or dangerous or deadly weapon;

3. An offense involving the use of force or violence upon the person of another;

4. An offense involving theft, fraud, dishonesty or deceit; or

5. An offense involving the manufacture, sale, possession or use of a controlled substance as defined by the state Health and Safety Code, as it now reads or may hereafter be amended to read;

**F.** The applicant is within a class of persons defined in the Welfare and Institutions Code Section 8100 or 8103;

**G.** The applicant is currently, or has been within the past two years, an unlawful user of a controlled substance as defined by the Health and Safety Code as that definition now reads or may hereafter be amended to read;

**H.** The operation of the business as proposed would not comply with federal, state and local law; or

**I.** The applicant has engaged in firearm sales involving any firearm listed on the roster of Saturday night specials in violation of this chapter.

**Section 6.64.110. Grounds for permit revocation.**

In addition to the violation of any other provision contained in this chapter, circumstances constituting grounds for denial of a firearm sales permit also constitute grounds for revocation.

**Section 6.64.120. Hearing for permit denial or revocation.**

**A.** A person whose application for a firearm sales permit is denied or revoked by the chief of police has the right to a hearing before the chief of police before final denial or revocation.

**B.** Within 10 days of mailing written notice of intent to deny the application or revoke the permit, the applicant may appeal by requesting a hearing before the chief of police. The request must be made in writing, setting forth the specific grounds for appeal. If the applicant submits a timely request for an appeal, the chief of police shall set a time and place for the hearing within 30 days.

C. The decision of the chief of police shall be in writing within 10 days of the hearing. An applicant may appeal the decision of the chief of police to the city manager provided written notice of said appeal and reasons therefor are filed with the city clerk 10 days after the mailing of the chief of police's decision. The city clerk shall set the matter for city manager consideration within 2 weeks of receipt of the appeal.

**Section 6.64.130. Nonassignability.**

A firearm sales permit issued under this chapter is not assignable. Any attempt to assign a firearm sales permit makes the permit void.

**Section 6.64.140. Nonconforming use.**

Notwithstanding the effective date of this chapter, any person engaged in firearm sales who is the holder of a valid seller's permit issued by the state Board of Equalization and a valid certificate of eligibility issued by the California Department of Justice, all of which were issued prior to January 1, 1998, may continue such firearm sales provided a firearm sales permit, a conditional use permit and business registration are obtained from the city within one year of the effective date hereof, and provided the operator remains fully licensed by all agencies listed above.

**Article II – Sale of Saturday Night Specials**

**Section 6.64.160. Definitions.**

Except as provided in Section 6.64.165 of this article, the term “Saturday Night Special” as used in this chapter shall mean any of the following:

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

B. A semiautomatic pistol that:

1. Is not originally equipped by the manufacturer with a locked-breech action; and
2. 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.
3. For purposes of this subsection B, “semiautomatic pistol” shall mean a firearm, as defined in California Penal Code Section 12001(b), that is designed to be held and fired with one hand, and that does the following upon discharge: (a) fires the cartridge in the chamber; (b) ejects the fired cartridge case; and c) loads a cartridge from the magazine into the chamber. “Semiautomatic pistol” shall not include any assault weapon designated in California Penal Code Section 12276.

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

1. Uses an action mechanism that is substantially identical in design to any action mechanism manufactured in or before 1898 that was originally chambered for rimfire ammunition developing maximum permissible breech pressure below 19,000 copper units of pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute; and
2. 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
3. Is not originally equipped by the manufacturer with a nondetachable safety guard surrounding the trigger; or
4. If rimfire, is equipped with a barrel of less than 20 bore diameters in overall length protruding from the frame.
5. For purposes of this subsection C, “action mechanism” shall mean the mechanism of a firearm by which it is loaded, locked, fired and unloaded, commonly known as the cycle of operation.

**Section 6.64.165. Exclusions.**

The term “Saturday Night Specials” does not include any of the following:

- A. Any pistol that 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 Section 12020;
- B. 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;
- C. Children's popguns or toys;
- D. An “unconventional pistol” as defined in California Penal Code Section 12020(c)(12); or

E. Any pistol which has been modified to render it either permanently inoperable or permanently altered such that it no longer is classified as a Saturday Night Special.

**Section 6.64.170. Roster of Saturday Night Specials adopted.**

The following roster of Saturday Night Specials is hereby adopted. The roster lists those firearms, by manufacturer and model number, that fit the definition of "Saturday Night Special" set forth in Section 6.64.160 of this article.

Roster of Firearms Prohibited From Sale Within the City of Pleasanton

Pistols

1. ACC-TEK: Models; AT-9SS, AT-40SS and AT-45SS
2. Bryco/Jennings: Models; 28, 48, 59, J-22 and J-25
3. Davis Industries: Model; P380
4. Hi Point: Models; JS-9, JS-40, JS-45, JS-9mm Compact, Iberia
5. Intratec: Models; Category 9 (CAT-9), Protec-22, Protec-25
6. Lorcin Engineering: Models; L-9mm, L-22, L-25, LT-25, L-32 and L-380
7. Phoenix Arms: Models; Raven 22, Raven 25, HP-22 and HP-25
8. Sundance Industries: Models; BOA, A-25

Revolvers

9. E.A.A. Corporation: Models; All "standard grade revolvers" except the .357 caliber magnum revolver
10. F.I.E. (Firearms Import/Export): Models; Arminius and Titan
11. Heritage: Models; Sentry Revolver
12. North American Arms: Models; Mini-Revolvers and Mini-Master, Black Widow Revolver

Derringers

13. American Derringer: Models 1 through 11 and Alaskan Survival, Lady Model, Texas Commemorative, DA 38 Model
14. Davis Industries: Models; Standard, Long-Bore and D-Series, Rimfire Derringers
15. Feather Industries: Models; Guardian Angel, Rimfire and centerfire derringers
16. HJS Arms: Models; Frontier Four and Antigua
17. New Advantage Arms: Model; 22 WMR, Double Action Derringer chambered for standard or magnum rimfire cartridges
18. Sundance Industries: Model; Point Blank Derringer
19. Texas Armory: Model; Defender Derringer

**Section 6.64.180. Notification.**

The city shall endeavor to send written notification to: (a) the manufacturer of every firearm on said roster; and (b) every dealer within the city who is licensed to sell and transfer firearms pursuant to Section 12071 of the Penal Code of the state of California and this chapter. Such notification shall do the following:

- A. Identify the model number of the firearm that has been classified as a "Saturday night special" within the meaning of Section 6.64.160 of this article;
- B. Advise the recipient that the recipient may apply for reconsideration of the classification of the firearm as a Saturday night special; and
- C. Advise the recipient that the burden of proving a firearm does not constitute a "Saturday night special" within the meaning of Section 6.64.160 of this article shall be on the recipient.

**Section 6.64.190. Reconsideration.**

- A. The city shall, prior to the effective date hereof, establish standards and procedures for the form and content of an application, conducting an administrative hearing and evaluating evidentiary testimony relating to the decision to classify the firearm in question as a "Saturday night special" as defined in Section 6.64.160 of this article.
- B. Upon timely filing of one or more complete applications for reconsideration, the city shall evaluate the evidence submitted by the applicant(s). The city may rely on persons with expertise and knowledge in making this evaluation. The

applicant(s) shall have the burden of demonstrating that the firearm does not constitute a "Saturday night special" within the meaning of Section 6.64.160 of this article.

**Section 6.64.200. Appeal of classification.**

- A.** If it is determined 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 decision to the city manager, and the applicant(s) shall have the right to a hearing before the city manager or the city manager's designee prior to inclusion of the firearm in question on the roster. The city manager may rely on persons with expertise and knowledge in conducting this hearing.
- B.** The city manager, or the city manager's 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 to classify the firearm in question as a "Saturday night special" as defined in Section 6.64.160 of this article.
- 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 Section 6.64.160 of this article.
- 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 the city manager's designee shall hear and consider all relevant evidence. Upon the conclusion of the hearing, the city manager or the city manager's designee shall, based on the evidence presented, determine whether the firearm constitutes a "Saturday night special" within the meaning of Section 6.64.160 of this article.
- F.** In all instances, the decision of the city manager or the city manager's designee whether to classify the firearm in question as a "Saturday night special" as defined in Section 6.64.160 of this article and to place said firearm on the roster is final.

**Section 6.64.210. Publication of roster.**

The city shall place on the roster those firearms which have been determined to constitute a "Saturday night special" within the meaning of Section 6.64.160 of this article. The city 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;
- B.** A copy of the roster, certified as a true and correct copy thereof, shall be filed in the office of the city clerk; 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 Section 12071 of the Penal Code of the state and this chapter.

**Section 6.64.220. Effective date of roster.**

The roster shall become effective on the 15th day after its publication.

**Section 6.64.230. Additions to roster.**

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

- A. Semiannual Determination.** On a semiannual basis, the city shall determine the need to place firearms on the roster. Upon identifying one or more firearms as a Saturday night special, the city manager or the city manager's 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 city shall endeavor to send written notification in accordance with the aforementioned provisions of Section 6.64.180 of this article.
- C. Reconsideration.** Any person notified 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 Section 6.64.190 of this article.
- 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 the city manager's designee shall hold a hearing in accordance with the provisions of Section 6.64.200 of this article.
- E. Additions of Firearms to Roster.** After all appeals have been exhausted, the city shall place on the roster those additional firearms which have been determined to constitute a "Saturday night special" within the meaning of Section 6.64.160 of this article. The city shall cause the roster, as amended to include these additional firearms, to be published in accordance with Section 6.64.210 of this article.
- 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 15th day after its publication as set forth in Section 6.64.220 of this article.

**Section 6.64.240. Sale of Saturday night specials prohibited.**

No wholesale or retail firearms dealer with a firearm sales permit issued by the city shall engage in firearm sales 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 Section 12072(d) of the California Penal Code.

**Section 6.64.250. Exemptions.**

Nothing in this chapter relative to the sale of Saturday night specials shall prohibit the disposition of any firearm by police officers, sheriffs, constables, marshals, 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 chapter prohibit the use of any firearm by the above mentioned persons in the performance of their official duties.

**Section 6.64.260. 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 punished by a fine of not more than \$1,000.00 or by imprisonment for a period not exceeding six 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 punished accordingly. In addition, any person found to be in violation of this article shall be considered in noncompliance with the requirements of this chapter, and subject to the suspension and/or revocation of a firearm sales permit under Section 6.64.100(I) of this chapter.

**Title 18 – Zoning  
Chapter 18.08 – Definitions**

**Section 18.08.175. Firearm.**

“**Firearm**” means a 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 explosion or other form of combustion.

**Section 18.08.180. Firearm sales.**

“**Firearm sales**” or “**sale of firearms**” means the sale, transfer, lease, offer, registration, or advertising for sale, transfer, lease, offer or registration of a firearm.

**Section 18.08.185. Firearm sales, antique.**

“**Antique firearm sales**” means the sale of any firearm not designed or redesigned for using rimfire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898), and also any firearm using fixed ammunition manufactured in or before 1898, for which the ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

**Chapter 18.28 – A Agricultural district**

**Section 18.28.040. Conditional uses.**

The following uses shall be permitted in the A district upon the granting of a use permit in accordance with the provisions of Chapter 18.124 of this title:

N. Firearm sales at a rifle or pistol range.

**Chapter 18.32 – R-1 One-Family Residential Districts**

**Section 18.32.050. Prohibited uses.**

The following uses shall not be permitted in the R-1 districts:

C. Gunsmiths.

D. Firearm sales.

**Chapter 18.36 – RM Multi-Family Residential Districts**

**Section 18.36.05. 0 Prohibited uses.**

The following uses shall not be permitted in the RM districts:

C. Gunsmiths.



D. Firearm sales.

**Chapter 18.40 – O Office District**

**Section 18.40.040. Prohibited uses.**

The following uses shall not be permitted in the office district:

B. Firearm sales.

**Chapter 18.44 – Commercial District**

**Section 18.44.080. Permitted and conditional uses.**

**Chapter 18.52 – Q Rock, Sand and Gravel Extraction District**

**Section 18.52.040. Conditional uses.**

The following conditional uses shall be permitted upon the granting of a use permit, in accord with the provisions of Chapter 18.124 of this title:

K. Firearm sales at a rifle or pistol range.

**Chapter 18.56 – P Public and Institutional District**

**Section 18.56.060. Prohibited uses.**

The following uses shall not be permitted in the public and institutional district:

B. Firearm sales.

**Chapter 18.104 – Home Occupations**

**Section 18.104.040. Prohibited home occupations.**

A. Gunsmiths.

B. Firearm sales, provided, however, that federally licensed firearm dealers with home occupation permits approved prior to the effective date hereof shall be given one year from the effective date hereof to comply with the ordinance codified in this chapter.

**Point Arena Municipal Code**

Codified through Ordinance Number 240 and the July 2021 code supplement.

**Title 5 – Business Licenses and Regulations**

**Chapter 5.05 – Business Excise Tax and Licenses**

**Section 5.05.160. Fixing rates.**

There is hereby imposed upon each of the following businesses, shows, exhibitions, and games the specific license fee hereinafter set forth, and every person who transacts or carries on within the corporate limits of the city any of the businesses, shows, exhibitions, or games hereinafter referred to shall pay the following annual license fee, except as otherwise specifically provided:

\$60.00

Firearms manufacture

**Pomona Code of Ordinances**

Codified through Ordinance Number 4300, adopted March 1, 2021. (Supp. No. 26)

**Subpart A – General Ordinances**

**Chapter 34 – Offenses and Miscellaneous Provisions**

**Article III – Offenses Involving Public Safety**

**Division 1 – Generally**

**Section 34-82. Records of ammunition sales.**

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

**Ammunition** means projectiles expelled by force of an explosion, for use in pistols and revolvers, as defined in Penal Code 12001, notwithstanding that the ammunition may also be used in rifles.

**Vendor** means any individual, gun store, retail or department store, gun show participant, firm or corporation engaged in the sale of ammunition.

(b) Every vendor shall maintain records pertaining to ammunition sales prescribed by this section on the premises and in the manner prescribed in this section. The record shall show the following:

- (1) The date of the transaction;
- (2) The purchaser's name, address and date of birth;
- (3) The purchaser's driver's license number or other identification and the state where issued;
- (4) The brand of ammunition purchased;
- (5) The type and amount of ammunition purchased; and
- (6) The purchaser's signature.

(c) The information required by subsection (b) of this section shall be completed in the log book at the time of the purchase.

(d) The record shall be maintained in chronological order by date of sale of the ammunition and shall be retained on the licensed premises of the licensee for a period of two years following the date of the purchase of the ammunition.

(e) At the direction of the police chief, police officers may enter the premises of any licensed vendor of ammunition during regular business hours for the purpose of examining or inspecting any record required by this section.

(f) It is unlawful for any licensed vendor or person engaged in the retail sale of ammunition knowingly to make a false entry in or fail to make appropriate entry or fail to properly maintain any such record or refuse to exhibit the ammunition sales log to a police officer immediately upon request for such inspection.

### **Port Hueneme Code of Ordinances**

Codified through Ordinance Number 785, passed June 20, 2022. (Supp. No. 30)

#### **Article III – Public Health and Safety**

##### **Chapter 8 – Miscellaneous**

##### **Part D – Lost or Stolen Firearms**

#### **Section 3914.10. Reporting lost or stolen firearms.**

Any person residing or doing business in Port Hueneme who owns, or possesses a firearm, as defined in the Penal Code, shall report the theft or loss of the firearm, if it is lost or stolen on or after September 8, 2007 to the Port Hueneme Police Department within forty-eight (48) hours after his or her discovery or knowledge of the theft or loss. Any person residing or doing business in Port Hueneme who has experienced the loss or theft of a firearm, as defined in the Penal Code, in Port Hueneme within the five (5) years prior to September 8, 2007 without the firearm having been recovered during such time, shall report the theft or loss to the Port Hueneme Police Department within ninety (90) days of September 8, 2007.

#### **Section 3914.20. Penalty, misdemeanor.**

Any person who fails to report a lost or stolen firearm pursuant to Section 3914.10, when the person knew or should have known of the theft or loss, is guilty of a misdemeanor and is punishable as provided in Section 1100 of this Code.

### **Portola Code of Ordinances**

Codified through Ordinance Number 360, enacted October 13, 2021. (Supp. No. 8)

#### **Title 17 – Zoning**

##### **Article IV – Special Area and Specific Use Requirements**

##### **Chapter 17.55 – Home Occupation**

#### **Section 17.55.030. Limitation on use.**

Only one home occupation shall be permitted in a dwelling. The following uses or activities are prohibited as home occupations:

- A. Fire arms and ammunition sales;

## **Poway Municipal Code**

Codified through Ordinance Number 856, passed May 3, 2022.

### **Title 5 – Business Licenses and Regulations Chapter 5.04 – Uniform Licensing Procedure**

#### **Section 5.04.010. License – Required.**

It is unlawful for any person, firm, or corporation to engage in, conduct, manage, or carry on any of the following businesses, practices, professions, or occupations within the City without first having obtained a license therefor in accordance with the uniform licensing procedure:

G. Firearms, sale of;

### **Chapter 5.48 – Firearm Sales**

#### **Section 5.48.010. License – Generally.**

The procedure to follow, except as otherwise provided in this chapter, in obtaining a license is that set forth in the uniform licensing procedure, set out in Chapter 5.04 PMC. The applicant shall pay as a fee for said license an amount as shall be established by City Council resolution from time to time, and this fee shall be paid at the time application for the license is made. The fee for renewal shall be established by City Council resolution from time to time.

#### **Section 5.48.020. Limitation on buildings.**

The business licensed by this chapter shall be carried on only in the building designated in the license.

#### **Section 5.48.030. Records – Secondhand weapons.**

A. If a dealer, licensed by this chapter to sell firearms, has offered to him for purchase or for acceptance in trade a used or secondhand concealable weapon, he shall first obtain from the person offering such weapon the following information:

1. Name, address, and physical description of such person;
2. The description and license number of the vehicle, if any, being driven by such person;
3. The caliber, manufacturer's name, description, serial number or numbers, initials or other identifying marks of the weapon;
4. Such other information which may be required by the Chief of Police.

B. This information shall be recorded on forms furnished by the Chief of Police. At the end of each week such dealer shall file with the Chief of Police such completed form with respect to each secondhand concealable weapon purchased or taken in trade during such week by such dealer.

#### **Section 5.48.040. Delivery of firearms.**

A. No concealable weapon shall be delivered:

1. Within 15 days of the application for the purchase thereof; nor
2. Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

B. When delivered, such concealable weapon shall be unloaded and securely wrapped.

#### **Section 5.48.050. Advertising or display.**

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

#### **Section 5.48.060. Breach of conditions.**

Upon the breach of any of the above-stated conditions any license issued pursuant to this chapter shall be subject to forfeiture.

## **Title 17 – Zoning Chapter 17.10 – Commercial Zones**

#### **Section 17.10.190. Outdoor display.**

C. Outdoor Display Prohibited. The outdoor display of the following goods and merchandise is prohibited:

5. Firearms;

**Rancho Cordova Municipal Code**

Codified through Ordinance Number 12-2022, passed August 1, 2022.

**Title 4 – Business Regulations**

**Chapter 4.10 – Special Business Licenses and Employee Permits**

**Article I – Applicability and Issuance**

**Section 4.10.005. License required.**

No person shall, unless under and by authority of a valid unexpired and unrevoked special business license, conduct or operate within the city, whether singularly or in connection with another type of enterprise, the following:

- B. Antique dealers in firearms, jewelry, art objects, furniture or other valuables;
- F. Sales of concealable firearms, including gun powder;

**Title 23 – Zoning Code**

**Article 9 – Specific Use Provisions**

**Chapter 23.901 – Residential Uses**

**Section 23.901.030. Home occupations.**

F. Prohibited Home Occupations.

- 3. Ammunition reloading, including custom reloading;
- 7. Firearms sales;

**Rancho Cucamonga Municipal Code**

Current through Ordinance Number 1006, adopted June 15, 2022.

**Title 9 – Public Peace, Morals and Welfare**

**Chapter 9.04 – Weapons**

**Section 9.04.030. Possession of weapons by minors.**

It shall be unlawful for any person under the age of 18 years to have in his or her possession, custody, or control any of the weapons described in sections 9.04.010 and 9.04.020 unless he or she either possesses a valid state hunting license or is accompanied by a parent or guardian.

**Title 17 – Development Code**

**Article III – Zoning Districts, Allowed Uses, and Development Standards**

**Chapter 17.30 – Allowed land Use by Base Zoning District**

**Section 17.30.030. Allowed land uses and permit requirements.**

B. Permit requirements. Generally, a use is either allowed by right, allowed through issuance of a conditional use permit, or not permitted. In addition to the requirements for planning permits or entitlements listed herein, other permits and entitlements may be required prior to establishment of the use (e.g., building permit or permits required by other agencies). The requirements for planning permits or entitlements identified in Table 17.30.030-1 (Allowed Land Uses and Permit Requirements by Base Zoning District) include:

- 1. Permitted (P). A land use shown with a "P" indicates that the land use is permitted by right in the designated zoning district, subject to compliance with all applicable provisions of this title (e.g., development standards) as well state and federal law.
- 2. Conditionally permitted (C). A land use shown with a "C" indicates that the land use is permitted in the designated zoning district upon issuance of a conditional use permit from the designated approving authority, subject to compliance with all applicable provisions of this zoning code (e.g., development standards) as well as state and federal law.
- 3. Not permitted (N). A land use shown with an "N" is not allowed in the applicable zoning district. Additionally, uses not shown in the table are not permitted, except as otherwise provided for in this title.
- 4. Adult entertainment permit (A). A land use shown with an "A" indicates that the land use is permitted in the designated zoning district upon issuance of an adult entertainment permit from the designated approving authority, subject to compliance with all applicable provisions of this zoning code (e.g., development operational standards) as well as state and federal law.

C. Base zoning district names and symbols. Base zoning district names for the zoning district symbols used in the table are listed below. Specific Plan (SP) District and Planned Community (PC) District are not listed in the table as the allowed uses for those base zoning districts are determined in compliance with the adopted Specific Plan or Planned Community.

- Very Low Residential (VL)
- Low Residential (L)
- Low Medium Residential (LM)
- Medium Residential (M)
- Medium High Residential (MH)
- High Residential (H)
- Mixed Use (MU)
- Office Professional (OP)
- Neighborhood Commercial (NC)
- General Commercial (GC)
- Community Commercial (CC)
- Specialty Commercial (SC)
- Regional Related Commercial (RRC)
- Commercial Office (CO)
- Industrial Park (IP)
- General Industrial (GI)
- Minimum Impact/Heavy Industrial (MI/HI)
- Heavy Industrial (HI)
- Open Space (OS)
- Hillside Residential District (HR)
- Flood Control-Open Space (FC)
- Utility Corridor-Open Space (UC)

Table 17.30.030-1: Allowed Land Uses and Permit Requirements by Base Zoning District

Land Use/Zoning District	VL	L	LM	M	MH	H	MU	OP	NC	GC	CC	SC	RRC	CO	IP	GI	MI/HI	HI	OS	HR	FC	UC
Retail, Service, and Office Uses																						
Gun Sales	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N	N	N	N	N	N	N	N

**Chapter 17.38 – Overlay Zoning Districts**

**Section 17.38.050. Industrial Commercial Overlay Zoning District.**

**A. Purpose.** The purpose of the Industrial Commercial Overlay District is to establish unique allowed use provisions and project compatibility requirements for areas of the city where both industrial park and retail development are compatible.

**B. Applicability.** The Industrial Commercial Overlay Zoning District applies to property designated on the zoning map by reference letters "IC" after the reference letter(s) identifying the base zoning district.

**C. Allowed use.** Allowed uses for the Industrial Commercial Overlay Zoning District are listed below in Table 17.38.050-1 (Allowed Land Uses and Permit Requirements for Industrial Commercial Overlay Zoning District). Generally, a use is either allowed by right, allowed through issuance of a conditional use permit, or not permitted. In the table below, a land use shown with a "P" indicates that the land use is permitted by right in the designated zoning district, subject to compliance with all applicable provisions of this title (e.g., development standards) as well state and federal law. Additionally, a land use shown with a "C" indicates that the land use is permitted in the designated zoning district upon issuance of a conditional use permit from the designated approving authority, subject to compliance with all applicable provisions of this zoning code (e.g., development standards) as well as state and federal law. Uses not listed in the table are not permitted. In the event of a conflict between the allowed uses for this district and the allowed uses of the underlying base zoning district, the allowed uses for this district shall apply.

Table 17.38.050-1 Allowed Land Uses and Permit Requirements for Industrial Commercial Overlay Zoning District

Land Use/Zoning District	IC
Retail, Service, and Office Uses	
Gun Sales	C

**Rancho Palos Verdes Code of Ordinances**

Codified through Ordinance Number 691, passed September 7, 2022 (Supplement Number 69, Update 1)

**Title 9 – Public Peace, Morals and Welfare**

**Chapter 9.08 – Weapons**

**Section 9.08.030. Minor, possessing weapons.**

Except as otherwise provided in this chapter, it shall be unlawful within the boundaries of the city for any person under the age of eighteen years to have in his or her possession, care, custody or control any gun, revolver, pistol, firearm, spring gun, air gun, sling, slingshot 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 firearm.

**Section 9.08.040. Minor, parent permission.**

Nothing in this chapter shall be deemed or construed to prohibit in the city any person under the age of eighteen years from having in his or her possession, care, custody or control any article mentioned in Section 9.08.030, in the event that such possession, care, custody or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person.

**Rancho Santa Margarita Municipal Code**

Codified through Ordinance Number 21-03, enacted October 27, 2021. (Supp. No. 32)

**Title 9 – Planning and Zoning**

**Chapter 9.05 – Special Regulations**

**Section 9.05.110. Special events.**

**(j) Garage/yard/moving sales.**

**(2)** Garage sales shall be permitted as temporary accessory uses in residential zoning districts subject to the following regulations:

**d.** It is unlawful for any person to exchange, barter, trade or sell any of the following at a garage sale: firearms, ammunition, explosives, un-domesticated animals and livestock, any item of personal property from which the serial number has been removed, or any other item prohibited by City, County, State, or Federal law.

**(k) Estate sales.**

**(2)** Estate sales shall be permitted as temporary accessory uses in residential zoning districts subject to the following regulations:

**d.** It is unlawful for any person to exchange, barter, trade or sell any of the following at an estate sale: firearms, ammunition, explosives, un-domesticated animals and livestock, any item of personal property from which the serial number has been removed, or any other item prohibited by City, County, State, or Federal law.

**Redding Code of Ordinances**

Codified through Ordinance Number 2651, updated April 29, 2022. (Supplement Number 40)

**Title 10 – Public Peace, Morals and Welfare**

**Part VIII – Weapons**

**Chapter 10.60 – Sale to and Possession by Minors**

**Section 10.60.010. Sale.**

It is unlawful to expose for sale, sell, or offer for sale, barter or exchange, to or with any minor under the age of eighteen years, any pistol or other firearm, or any instrument capable of discharging any charge of powder, or other explosives, or any cartridge loaded with ball.

**Section 10.60.020. Possession.**

It is unlawful for a person under eighteen years of age to have in his possession within the city limits beyond the confines of his own home any pistol, firearm, air gun, CO 2 gun, shotgun, air rifle, pellet gun, slingshot or any other instrument which throws a missile for any distance by means of the elastic force of air or any explosive substance, except while escorted by an adult.

**Redondo Beach Municipal Code**

Codified through Ordinance Number 3228 C.S. and the February 2022 code supplement.

**Title 10 – Planning and Zoning**

**Chapter 2 – Zoning and Land Use**

**Article 1 – General Provisions**

**Section 10-2.402. Definitions.**

For the purposes of this chapter, certain words and terms used in this chapter are construed and defined as follows:

**(a) Definitions.**

**(75) “Fire arm sales” or “firearms business”** shall mean an establishment having at least twenty-five (25%) percent of its gross floor area used for the sale of fire arms, ammunition and ammunition components, and hunting or shooting equipment.

**Article 4 – Special Use Regulations**

**Section 10-2.1600. Bars and cocktail lounges, arcades, billiard parlors, thrift shops, liquor stores, and check cashing and firearms businesses.**

**(a) Purpose.** In order to prevent a blighting impact on the character of commercial zones, help insure the compatibility of these particularly sensitive land uses with surrounding land uses, and maintain a healthy and balanced mix of commercial uses, the following criteria shall be met in addition to all other applicable land use and development standards in this chapter.

**(b) Criteria.**

**(1)** The proposed use is a sufficient distance from residential uses and has been designed with adequate physical buffers to reduce potential noise impacts related to operation of the use, parking by employees and patrons, and pedestrian activities.

(2) The proposed hours of operation for the use are complimentary to the business district in which the use is located, and will not negatively impact residential uses.

(3) The addition of the proposed use to the mix of commercial uses in its vicinity will not create a blighting influence.

(5) Firearms businesses. In addition to the criteria listed above, no firearms business shall be located within 500 feet of any lot upon which there is legally located a school, public park, or religious institution.

(c) Conditional Use Permit required. No bar or cocktail lounge, arcade, billiard parlor, thrift shop, liquor store, check cashing business or business engaged in the sale of firearms shall be established unless a Conditional Use Permit is obtained pursuant to Section 10-2.2506.

## **Chapter 5 – Coastal Land Use Plan Implementing Ordinance**

### **Article 1 – General provisions**

#### **Section 10-5.402. Definitions.**

For the purposes of this chapter, certain words and terms used in this chapter are construed and defined in subsection (a) of this section. For the purpose of procedures relating to Coastal Development Permits, words and terms are defined in Section 10-5.2204 of this chapter.

(a) Definitions.

(81) “**Firearm sales**” or “**firearms business**” shall mean an establishment having at least twenty-five (25%) percent of its gross floor area used for the sale of firearms, ammunition and ammunition components, and hunting or shooting equipment.

### **Article 4 – Special Use Regulations**

#### **Section 10-5.1600. Bars and cocktail lounges, arcades, billiard parlors, thrift shops, liquor stores, and check cashing and firearms businesses.**

(a) Purpose. In order to prevent a blighting impact on the character of commercial zones, help insure the compatibility of these particularly sensitive land uses with surrounding land uses, and maintain a healthy and balanced mix of commercial uses, the following criteria shall be met in addition to all other applicable land use and development standards in this chapter.

(b) Criteria.

(1) The proposed use is a sufficient distance from residential uses and has been designed with adequate physical buffers to reduce potential noise impacts related to operation of the use, parking by employees and patrons, and pedestrian activities.

(2) The proposed hours of operation for the use are complimentary to the business district in which the use is located, and will not negatively impact residential uses.

(3) The addition of the proposed use to the mix of commercial uses in its vicinity will not create a blighting influence.

(5) Firearms businesses. In addition to the criteria listed above, no firearms business shall be located within 500 feet of any lot upon which there is legally located a school, public park, or religious institution.

(c) Conditional use permit required. No bar or cocktail lounge, arcade, billiard parlor, thrift shop, liquor store, check cashing business or business engaged in the sale of firearms shall be established unless a conditional use permit is obtained pursuant to Section 10-5.2506.

## **Redwood City Code of Ordinances**

Codified through Ordinance Number 2507, adopted May 23, 2022. (Supp. No. 53)

### **Chapter 37 – Weapons**

#### **Section 37.9. Firearms and weapons, possession by person under sixteen unlawful.**

It shall be unlawful for any person under the age of sixteen (16) years to have in his possession in a public place, any of the firearms or other instruments, devices or apparatuses mentioned in Section 37.7 hereof, except as provided in the following section.

#### **Section 37.10. Firearms and weapons, exceptions to section 37.9.**

The provisions of the preceding section hereof shall not apply to persons under the age of sixteen (16) in the following cases:

**A.** When the person under the age of sixteen (16) years is in the immediate charge of a parent, guardian or adult person having the responsibility for the conduct of the person under the age of sixteen (16) years.

**B.** When the firearm or other instrument, device or apparatus is unloaded and either in a dismantled or takedown conditions or in a carrying case made for the purpose of carrying such firearm or other instrument, device or apparatus. A firearm, or instrument, device or apparatus shall be deemed to be unloaded when no ammunition, bullet, missile or propellant is in any part thereof.

**Section 37.11. Firearms and weapons, seizure.**

Any police or peace officer shall seize any firearm or other instrument, device or apparatus, whether discharged or in the possession of a person contrary to the provisions of this Article.

**Rialto Code of Ordinances**

Codified through Ordinance Number 1665, passed February 8, 2022. (Supp. No. 32)

**Title 5 – Business Licenses and Regulations**

**Chapter 5.68 – Home Occupations\***

**Section 5.68.070. Prohibited uses.**

The following uses shall not be permitted as home occupations except to allow the business operator to provide a mailing address and telephone answering service for a business located elsewhere:

**H.** Firearms dealerships;

**Richmond Code of Ordinances**

Codified through Ordinance Number 10-22 N.S., passed July 1, 2022. (Supp. No. 63)

**Article VII – Businesses**

**Chapter 7.100 – Dealers in Firearms**

**Section 7.100.010. Definitions.**

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

**"Chief of Police"** means the Chief of Police of the City of Richmond or his or her designee.

**"City"** means the City of Richmond.

**"City Manager"** means the City Manager of the City of Richmond or his or her designee.

**"Dealer in firearms"** 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 or ammunition for any firearm.

**"Department"** means the California Department of Justice.

**"Engage in the business"** means the conduct of a business by the selling, leasing, or transferring of any firearm or ammunition for any firearm; or the preparation for such conduct of business, which may be evidenced by the application for or securing of applicable state or federal 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.

**"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 explosion or other means of combustion.

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

**Section 7.100.020. Permit, Required.**

No person shall engage in the business of a dealer in firearms or ammunition for any firearm and no person shall operate or manage any such business unless the person or business has first been issued a permit pursuant to the provisions of this chapter.

**Section 7.100.030. Conditional use permit.**

No permit shall be issued to any person pursuant to this chapter to engage in the business of a dealer in firearms or ammunition for any firearm, unless the person has first obtained a conditional use permit under Section 15.04.190 of this Code for use of the proposed business site as a dealer in firearms.

**Section 7.100.040. Application, form, fees.**

An applicant for a permit under this chapter or an applicant for renewal of 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 of \$315.00 and the renewal application shall be accompanied by a nonrefundable fee of \$250.00.



**Section 7.100.050. Application, investigation.**

(a) The Chief of Police shall conduct an appropriate investigation of the applicant to determine for the protection of the public safety whether the permit may be issued. The Chief of Police may require an applicant, or any officer, agent or employee thereof, to provide fingerprints, a recent photograph, a signed authorization for the release of pertinent records, a complete personal history set forth on a questionnaire provided by the Chief of Police, and any other additional information which the Chief of Police deems necessary to complete the investigation.

(b) The Chief of Police shall refer the application to the City Public Works Department, Planning Department and Fire Department for an investigation, including an inspection, if necessary, of whether the building and property to be used for sale of firearms is in compliance with the Municipal Code of the City of Richmond and with the requirements of this chapter. The departments shall report the results of the investigation to the Chief of Police.

**Section 7.100.060. Application, denial.**

The Chief of Police shall issue a permit unless he or she finds any one or more of the following:

(1) The applicant, or an officer, employee, or agent thereof is under the age of twenty-one years.

(2) The applicant is not licensed as required by all applicable federal, state and local laws, or the applicant's inventory does not conform to the type of federal, state or local firearms permit issued to the applicant.

(3) 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 five years.

(4) The applicant, or an officer, employee, or agent thereof has made any false or misleading statement of a material fact or omission of a material fact in the application for a permit.

(5) The applicant, or an officer, employee or agent thereof, fails or refuses to provide clear evidence of his or her identity, or any other information required by the Chief of Police to complete his or her investigation.

(6) The applicant, or an officer, employee, or agent thereof, has been convicted of:

(a) Any criminal offense so as to disqualify the applicant, or an officer, employee, or agent thereof, from owning or possessing a firearm under applicable federal, state and local laws.

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

(c) Any criminal offense involving the use of force or violence upon the person of another.

(d) Any criminal offense involving theft, fraud, dishonesty, or deceit.

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

(7) The applicant, or an officer, employee, or agent thereof is currently, or has been within the last two years, an unlawful user of any controlled substance as defined by the California Health and Safety Code as the 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 to be a dealer in firearms.

(8) The applicant, or an officer, employee or agent thereof is within the classes of persons defined in California Welfare and Institutions Code Sections 8100 or 8103, as they now read or may hereafter be amended to read.

(9) The operation of the business as proposed will not comply with all applicable federal, state and local laws.

(10) The business is not located at a fixed and certain site, at which all business activity occurs.

(11) The applicant's proposed business site is a building which does not comply with the requirements of the City of Richmond Building Code, Fire Prevention Code or any other technical code or regulation of the City of Richmond which govern the use, occupancy, maintenance, construction or design of buildings or structures.

(12) The doors, windows or other means of entry into the proposed business site are not secured with adequate locks or are not 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, or the proposed business site is not a secured facility or does not meet the requirements for such a facility as set forth in California Penal Code Section 12071, as it now reads or as it is amended in the future.

(13) The method of storage of inventory which is of an explosive or flammable nature at the proposed business site is not in compliance with federal and State of California laws and with the City of Richmond Fire Prevention Code.

(14) The firearms on the proposed business site are not stored out of reach of customers in secure, locked facilities, so that access to all firearms shall be controlled by the dealer or employees of the dealer, to the exclusion of all others, and

are stored in compliance with the provisions of California Penal Code Section 12071, as it now reads or as it may be amended in the future.

**(15)** 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.

**Section 7.100.070. Permit, form.**

All permits issued pursuant to this chapter shall be in the form prescribed by the Attorney General of the State of California.

**Section 7.100.080. Permit, duration, renewal.**

All permits issued pursuant to this chapter shall expire one year after the date of issuance; provided, however, that such permits may be renewed by the Chief of Police for additional periods of one year upon the permittee's submission of an application for renewal, accompanied by a non-refundable renewal fee, to the Chief of Police. Such renewal application, in completed form, and such fee must be received by the Chief of Police, in completed form, no later than forty-five days prior to the expiration of the current permit.

**Section 7.100.090. 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.

**Section 7.100.100. 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:

- (1)** The business shall be carried on only in the building designated in the permit;
- (2)** The permit or a copy thereof, certified by the Chief of Police, shall be displayed on the premises where it can easily be seen;
- (3)** Full compliance with each and every condition and prohibition set forth in California Penal Code Section 12071, as it now reads or as it may be amended in the future;
- (4)** Full compliance with each and every requirement imposed on dealers of firearms by State, Federal or local law;
- (5)** The permittee shall not sell, lease or otherwise transfer a firearm without also selling or otherwise providing with each such firearm a trigger lock or similar device that is designed to prevent the unintentional discharge of the firearm.

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 purposes of this chapter.

**Section 7.100.110. Permit, grounds for revocation.**

A permit may be revoked for the violation of any of the requirements contained in this chapter. Any circumstances constituting grounds for denial of an application, as set forth in Section 7.100.060, shall also constitute grounds for revocation.

**Section 7.100.120. 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 City Manager or his or her designee prior to final denial or prior to revocation.
- (b)** The Chief of Police shall give the applicant or permittee written notice of his or her decision to deny the application or to revoke the permit. The notice shall set forth the ground or grounds for the Chief of Police's decision 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, except as otherwise provided in this section.
- (c)** Within ten days of the written notice by the Chief of Police of his or her decision to deny the application or revoke the permit, the applicant or permittee may appeal by submitting a request to the Police Chief for a hearing before the City Manager. Such request must be made in writing and must set forth the specific grounds for the appeal. If the applicant or permittee files a timely hearing request, the City Manager 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 City Manager whether to deny the application or revoke the permit shall be in writing and shall be the final administrative decision.
- (d)** If no timely appeal is taken, the application may be denied or the permit revoked by decision of the Chief of Police and such decision shall be final. If a timely appeal request is made by a permittee, the permit shall remain in force and effect until a decision on appeal has been made by the City Manager, except as otherwise provided in this section.

(e) In the event that a permittee or any business to which the permit applies is found to have violated any state, federal or local law based on which the permit may be revoked and the violation of which results in the filing of criminal charges, the Chief of Police may immediately suspend the permit for a period of up to 20 days and, if no appeal is requested, such suspension shall remain in effect until final adjudication of the criminal charges. In the event an appeal hearing is timely requested by the permittee, an appeal hearing shall be held within the 20-day suspension period, in the manner and under the procedures otherwise established by this section for appeals hearings, except that the permit shall remain suspended until a decision has been made at the time of the appeal hearing by the City Manager.

**Section 7.100.130. Permit, liability insurance.**

No permit shall be issued, continued or renewed pursuant to this chapter unless there is in full force and effect a policy of insurance in such form as the City Attorney and Risk Manager deem proper, executed by an insurance company approved by the City Attorney and Risk Manager, 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 offering or exposing for sale, transfer, or lease, any firearm. The minimum liability limits shall not be less than one million dollars (\$1,000,000) for damage to or destruction of property in any one incident and for the death of or injury to any one person. 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, Hall of Justice, 401 27th Street, Richmond, California, 94804, at least thirty 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.

**Section 7.100.140. Permit, authority to inspect.**

Any and all investigation 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, or provisions of this chapter. Investigation officials of the City shall also be authorized to undertake all appropriate investigation and to enter property for the purpose of inspection and investigation whenever there is reason to believe that a violation of this chapter exists. Entry pursuant to this section shall be in accordance with all applicable laws.

**Section 7.100.150. Compliance.**

Any person engaging in the business of a dealer in firearms on the effective date of this chapter or amendment thereto shall have a period of 60 days after such effective date to comply with the provisions of this chapter or with any amendments thereto.

**Article XI – Public Safety and Welfare**  
**Chapter 11.97 – The Reporting of Lost or Stolen Firearms**

**Section 11.97.020. Duty of firearm owner to report loss or theft.**

(a) Any person who owns or possesses a firearm shall report the loss or theft of the firearm to the Richmond Police Department within 48 hours of the time he or she knew or should have known that the firearm was lost or stolen, whenever the loss or theft of the firearm occurs in the City of Richmond.

(b) A person reporting a lost or stolen firearm shall report the make, model, and serial number of the firearm, if such information is known to the person.

**Section 11.97.030. Duty of law enforcement to report to Department of Justice.**

Pursuant to California Penal Code Section 11108, the Richmond Police Chief shall submit a description of each firearm which has been reported lost, stolen or found directly into the California Department of Justice automated property system for firearms.

**Section 11.97.040. Exemptions.**

(a) Persons licensed to manufacture firearms pursuant to California Penal Code Section 12086 are exempt from this chapter if the lost or stolen firearm was business merchandise lost or stolen from their firearm-related business.

(b) Persons licensed to sell firearms pursuant to California Penal Code Section 12071 are exempt from this chapter if the lost or stolen firearm was: (1) a firearm kept at their place of business; (2) business merchandise lost or stolen from their firearm-related business; or (3) in their possession pursuant to Penal Code Section 12082.

**Section 11.97.050. Penalty.**

Any person violating this chapter is guilty of a misdemeanor.

**Section 11.97.060. Severability.**

If any section, subsection, paragraph, sentence or word of this chapter is for any reason held to be invalid, such a decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have adopted this chapter irrespective of the invalidity of any section, subsection, paragraph, sentence or word.

**Rohnert Park Code of Ordinances**  
Codified through Ordinance Number 965, passed May 10, 2022. (Supp. No. 47, Update 3)

**Title 9 – Public Peace, Morals and Welfare**  
**Article VIII – Weapons**  
**Chapter 9.92 – Retail Firearms Dealers**

**Section 9.92.010. Definitions.**

For the purpose of this chapter the following words and phrases shall have the meaning ascribed to them in this section:

**"Application"** means an application for a firearms dealer's license.

**"City"** means the city of Rohnert Park.

**"Firearm"** means any device designated to be used as a weapon from which is expelled through a barrel a projectile by the force of any explosion or other form of combustion. Firearm also means any other such device as defined in the California Penal Code.

**"Firearms dealer"** means any person engaged in the business of selling, leasing, transferring, advertising, offering, exposing for sale, lease or transfer any firearm. In the event any association, organization, corporation or other entity is eligible to receive a firearms dealer's license then that association, organization, corporation or entity is also a firearms dealer for the purpose of this chapter.

**"License"** means written permission from the Rohnert Park department of public safety in conformity with its rules and regulations and with the California Penal Code and specifically Sections 12070 et seq.

**"Purchase"** means the purchase or transfer of a firearm.

**"Purchaser"** means the purchaser or transferee of a firearm.

**Section 9.92.020. License required for firearms dealer.**

No person shall engage in the activity, business or occupation of firearms dealer without first securing a license from the Rohnert Park department of public safety and paying the appropriate fee thereof.

**Section 9.92.030. Requirements for issuance of a license to engage in the activity of firearms dealer.**

Before any person shall be considered for a license as firearms dealer an application for license shall be made to the city of Rohnert Park department of public safety on forms approved by the director of public safety which require the applicant to submit any information required under the California Penal Code as a condition precedent to the issuance of the license. In addition, the applicant shall include the following information which must be current and valid:

- A. A copy of the applicant's city business license.
- B. A copy of the applicant's use permit as issued by the city.
- C. A copy of the applicant's federal firearms license.
- D. A copy of the applicant's sellers' permit as issued the state board of equalization.
- E. A copy of the applicant's fictitious business name statement (if applicable).
- F. A copy of the applicant's proof of identity.

**Section 9.92.040. License issued only to individual.**

The license issued by the city of Rohnert Park department of public safety for a firearms dealer shall be issued only to an individual. No license shall be issued to associations, corporations, partnerships or other entities. Any business, corporation or entity which possesses a federal firearms license in the name of the business, corporation, partnership or association shall not receive a license unless a principal or owner of the business, a corporate officer or a partner of the entity who is responsible for the operation completes the application and is fingerprinted.

**Section 9.92.050. Fees and charges.**

The following fees and charges shall be paid by the applicant before any license is issued.

- A. An application fee of seventy-five dollars.

**B.** An additional fee, in the amount of the current rate for processing fingerprints, shall be payable by money order only to the department of justice.

None of the fees paid shall be refunded.

**Section 9.92.060. Grounds for denial of license.**

No license shall be issued if the city of Rohnert Park department of public safety finds or determines that:

**A.** The character of the applicant is such that licensing is not believed to be in the best interest of public safety and/or community security; or,

**B.** The applicant has made a false or misleading statement of a material fact or omission of a material fact in the application; or,

**C.** The operation of the business as proposed pursuant to the issue or renewal of a permit is not in compliance with appropriate building, electrical, plumbing, fire, health or zoning codes; or,

**D.** The applicant is under twenty-one years of age; or,

**E.** The applicant has had a similar permit previously revoked or denied for good cause within one year immediately preceding the date of filing of the application; or,

**F.** The applicant has not been licensed as required by federal law and the state of California; or,

**G.** The applicant is in a class of persons described in Penal Code Sections 8100 or 8103, e.g. the applicant:

1. Has been convicted of a felony under the laws of the United States, of the state of California, or any other state, government, or country; or

2. Has been convicted of a violation of Sections 245(a)(2), 245(a)(3), 245(c), 246, 417(a)(2), and 417(b) of the Penal Code; or

3. Is addicted to the use of any narcotic drug; or

4. Within ten years of application has been convicted of a misdemeanor violation of Sections 136.5, 140, 171(b), 171(c), 171(d), 241, 243, 244.5, 245.5, 246.3, 247, 417, 417.2, 62.9, 12034(b), 12034(d), 12100(a), 12320 or 12590 of the Penal Code; or

5. As an express condition of probation, is prohibited or restricted from owning, possessing, controlling, receiving, or purchasing a firearm; or

6. Is subject to a restraining order issued pursuant to sections 545, 545.5, 546 and 547(a)(2) of the Code of Civil Procedure; or

7. Has been convicted of a crime of violence; or

8. Has been adjudicated to be a danger to others as a result of a mental disorder or mental illness, to be a mentally disordered sex offender; has been found not guilty by reason of insanity; has been found mentally incompetent to stand trial; has been placed under conservatorship by a court.

**Section 9.92.070. Term of firearms dealer's license.**

The term of any firearms dealer's license issued pursuant to this chapter shall be one year.

**Section 9.92.080. Renewal of firearms dealer's license fee thereof.**

An application for renewal of a firearms dealer's license shall be made no less than thirty days of the date of expiration of the current firearms dealer's license. The application for renewal shall be on forms provided by the city of Rohnert Park, department of public safety and consistent with California Penal Code Section 12070, et seq. The renewal fee shall be fifty dollars which shall be paid at the time the application for renewal is submitted.

**Section 9.92.090. Revocation or suspension of firearms dealers license.**

The director of public safety or his designated representative may revoke or suspend a firearms dealer's license for any of the following reasons:

**A.** Discovery of the existence of any of the circumstances, or the licensee is convicted of any of the offenses, enumerated in Section 9.92.060 of this chapter.

**B.** If the permittee is not operating in full compliance with the provisions of state and federal law; or, if the permittee is not operating in full compliance with the provisions of this chapter.

C. If the business, corporation, partnership, or association ceases to have a principal of the business, or owner of the business, or corporate officer or partner actively associated with the business who holds a valid current firearms dealer's license.

**Section 9.92.100. Chapter statement of existing law and complementary thereto.**

This chapter is enacted to supplement and complement the provision of the California Penal Code regarding the licensing of firearms dealers and specifically California Penal Code 12070, 12083 as existing and enacted as of the date of enactment of this chapter. Existing California law and any subsequent additions or amendments are made a part of this chapter by reference.

**Section 9.92.110. Severability Clause.**

If any sentence, section or portion of this chapter is declared unconstitutional and if the remaining portions of the chapter are enforceable the city council declares that they shall remain in full force and the city council would have enacted those sections even though other sections were declared invalid or unconstitutional.

**Title 17 – Zoning  
Chapter 17.06 – Land Use Regulations  
Article II – Commercial Zoning Districts**

**Section 17.06.050. Districts.**

- A. C-O: Professional/Administrative Office District.
- B. C-N: Neighborhood Commercial District.
- C. C-R: Regional Commercial District.

**Section 17.06.060. Permitted uses.**

The following is a list of land uses and the commercial districts within which they are permitted as follows:

- |  |  |
|--|--|
| P =Permitted.                                      | Z =Certificate of zoning compliance.           |
| C =Conditionally-permitted by planning commission. | T =Temporary conditional permit.               |
| A =Administrative permit.                          | I =Uses allowed as incidental to a primary use |

Uses involving chemicals may also be subject to requirements regarding hazardous materials (footnote 11), in which case more restrictive requirements shall apply. Land uses that are not specifically listed are not permitted unless determined, by the planning and community development director, to be substantially similar to a listed use. If the listed land use is followed by a number or a section reference in parenthesis, that number or reference directs the reader to the corresponding land use footnote or special provision which follow this chapter.

Land Use Category	C-O District	C-N District	C-R District
Firearm Dealers and Firearm Ammunition Dealers (J)			C

**Chapter 17.07 – Land Use Footnotes/Special Provisions**

**Section 17.07.020. Footnotes.**

The following standards apply to the land use indicated by corresponding number in the zoning district use charts:

**J. Firearm Dealers and Firearm Ammunition Dealers.**

1. Firearm dealers and firearm ammunition dealers may be permitted in indicated districts only with approval of a conditional use permit and subject to the following provisions, except these provisions shall not apply to the following uses:
  - a. Dealers that sell five or less firearms per year.
  - b. Retail establishments where the sale of firearms is incidental to the primary business (i.e., less than five percent of the floor area is devoted to the sale, display and storage of firearms; e.g., sporting goods store or big box retailer).
2. The words and phrases "firearms" and "firearm dealer" shall be defined as set forth in Chapter 9.92, Retail Firearms Dealers, of this code. The words and phrases "firearm ammunition" and "firearm ammunition dealer" shall be defined as set forth below:
  - a. **"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 firearms, and any component thereof.
  - b. **"Firearm ammunition dealer"** means any person engaged in the business of selling, leasing, or transferring of any firearm ammunition, or the preparation for such conduct of business, as evidenced by the application for or securing of applicable state or federal licenses; or the holding of oneself out as engaged in the business of selling,

transferring, or leasing of any firearm ammunition; or the selling, transferring or leasing of firearm ammunition in quantity, in series or in individual transactions, or in any other manner indicative of trade.

3. The planning commission may approve a conditional use permit for a firearm dealer or a firearm ammunition dealer, provided that the use conforms to any and all applicable use permit or other criteria set forth in the particular zoning district regulations, and to all of the following criteria:

a. The dealer in firearms or dealer in firearm ammunition shall not be located within two hundred fifty feet of the exterior limits of:

(1) Any premises occupied by a public or private day care center, family day care home, or school;

(2) A public park, recreation center or other similar public property at which children regularly congregate; or

(3) Any premises occupied by a dealer in firearms, a business engaged in whole or in part in the retail sale of any alcoholic beverage whether for on-site or off-site consumption, massage establishments as defined in Chapter 8.36.010 of this code, or an adult business, as defined in Section 8.37.020 of this code.

All distances referred to in this subsection shall be measured between the closest points of the exterior property lines or area boundaries of the parcels or areas involved, except that when a dealer in firearms subject to the provisions of the chapter occupies one unit of a multi-unit structure located on a single parcel, distances shall be measured from the exterior boundaries of the unit so occupied;

b. Prior to the commencement of operation of a firearm dealer and at all times thereafter, the firearm dealer shall have a valid and current license from the department of public safety pursuant to Chapter 9.92 of this code and shall be in full compliance therewith;

c. Prior to the commencement of operation of a firearm dealer or a firearm ammunition dealer and at all times thereafter, compliance with all of the following requirements:

(1) Adequate security measures to secure the premises where the firearms or firearm ammunition is sold and/or stored, subject to approval of the director of public safety or designee;

(2) Storage of firearms and firearm ammunition at all times in a secured locked location so that access is controlled by the dealer or employee, representative or agent thereof to the exclusion of others, with the adequacy of such storage methods subject to the approval of the director of public safety or designee;

(3) Storage of ammunition and other firearms-related merchandise classified as hazardous materials shall be subject to the approval of the fire marshal or designee;

(4) The firearm dealer and the firearm ammunition dealer at all times shall maintain in full force and effect all required federal, state and local licenses and/or permits.

## **Rolling Hills Code of Ordinances**

Codified through Ordinance Number 375, adopted March 14, 2022. (Supp. No. 26)

### **Title 9 – Public Peace, Morals and Welfare**

#### **VII – Offenses by or Against Minors**

#### **Chapter 9.56 – Possession of Firearms by Minors**

##### **Section 9.56.010. Furnishing weapons to minors prohibited.**

Except as otherwise provided in Section 9.56.040, it is unlawful in the City for any person, firm or corporation to sell, give, loan or in any way furnish or to cause or to permit to be sold, given, loaned or in any way furnished to any person under the age of sixteen years any gun, revolver, pistol, firearm, spring gun, air gun, sling, slingshot or device designed or intended to discharge or capable of discharging any dangerous missile.

##### **Section 9.56.020. Furnishing ammunition to minors prohibited.**

Except as otherwise provided in Section 9.56.040, it is unlawful in the City for any person, firm, or corporation to sell, give, loan or in any way furnish or to cause or to permit to be sold, given, loaned or in any way furnished to any person under the age of sixteen 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 firearm.

##### **Section 9.56.040. Exceptions, parental consent.**

Nothing in this chapter shall be deemed or construed to prohibit in the City the selling, giving, loaning or furnishing to any person under the age of sixteen years upon the written consent of the parent or guardian of such person, any article mentioned in Sections 9.56.010 and 9.56.020, nor to prohibit any such person under the age of sixteen years from having in his or her possession, care, custody or control any article mentioned in Section 9.56.030 in the event that such

possession, care, custody or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person.

**Section 9.56.050. Violation, penalty.**

Any person convicted of a violation of this chapter shall be punished by imprisonment in the City or County Jail for a period not exceeding six months or by fine not exceeding five hundred dollars, or by both such fine and imprisonment.

**Rolling Hills Estates Code of Ordinances**

Codified through Ordinance Number 739, passed April 12, 2022. (Supp. No. 32)

**Title 5 – Business Licenses and Regulations  
Chapter 5.12 – Permits for Certain Businesses**

**Section 5.12.010. Required.**

No person shall operate, and no license shall be issued for any of the following businesses until a permit has first been obtained therefor upon application in writing for such permit pursuant to Chapters 5.12, 5.20 through 5.32, 5.40 through 5.48 of this code;

I. Dealers in concealable firearms;

**Rosemead Code of Ordinances**

Codified through Ordinance Number 2022-35, adopted June 14, 2022. (Supp. No. 35, 6-22)

**Title 5 – Business Licenses and Regulations  
Chapter 5.41 – Home Occupations**

**Section 5.41.100. Prohibited uses.**

The following list presents examples of commercial uses that are not incidental to or compatible with residential activities, are suitable only in nonresidential zoning districts, and are therefore prohibited as home occupations:

Wholesale and retail sales, not including cottage food operations (e.g. automobiles, merchandise, herb and/or pharmaceuticals, guns and/or ammunition, etc.);

**Roseville Municipal Code**

Current through Ordinance Number 6446 and the February 2022 code supplement.

**Title 19 – Zoning  
Article IV – Special Area and Specific Use Requirements  
Chapter 19.42 – Home Occupation**

**Section 9.42.030. Limitation on use.**

Home occupations shall be permitted in a dwelling, so long as the maximum cumulative impact of all such businesses shall not exceed the limits set forth in this section for a single home occupation. The following uses or activities are prohibited as home occupations:

A. Fire arms and ammunition sales;

**Sacramento Code of Ordinances**

Current through Ordinance 2022-0024, effective September 29, 2022.

**Title 5 – Business Licenses & Regulations  
Chapter 5.64 – Firearm and Ammunition Sales**

**Section 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)

**Section 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.

**Section 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.

**Section 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.

**Section 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)

**Section 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.

**Section 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)

**Section 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.

**Section 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.

**Section 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.

**Section 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.

#### **Section 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.

#### **Section 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.

#### **Section 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.

**Section 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.

**Section 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.

**Section 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.

**Chapter 5.66 – Firearm Ammunition Sales Logs**

**Section 5.66.010. Definitions.**

For the purpose of this chapter, the following words and phrases are defined as follows:

**“Ammunition sales log”** means the written or electronic record of a firearms ammunition sale as required under Section 5.66.020.

**“Ammunition vendor”** means any person, firm, corporation, dealer, or any other business enterprise that is engaged in the retail sale of any firearm ammunition; or that prepares for such conduct of business as evidenced by the securing of applicable federal, state or local licenses; or that holds itself out as engaged in the business of selling or otherwise transferring any firearm ammunition.

**“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.

**“Sale”** means the sale, barter, transfer or any means of providing goods to a transferee, including the provision of ammunition in conjunction with any firearm sale.

**Section 5.66.020. Ammunition sales log required.**

An ammunition vendor shall maintain an ammunition sales log which records all firearm ammunition sales as required by this chapter. The transferee shall provide, and the ammunition vendor shall record on the ammunition sales log, at the time of sale, the following information for each sale of firearms ammunition:

- A.** The name, address, and date of birth of the transferee;
- B.** The date of the sale;
- C.** The transferee’s driver’s license number, state identification card number, passport number, or other valid government-issued photographic identification;
- D.** The brand, type, and quantity of firearms ammunition transferred;
- E.** The identity of the person transferring the firearms ammunition on behalf of the ammunition vendor;
- F.** The transferee’s signature and right thumbprint.

**Section 5.66.030. Maintenance and inspection of ammunition sales log at location of sale.**

The ammunition sales log required in Section 5.66.020 shall be recorded on a form approved by the chief of police. In addition to the requirements of Section 5.66.040, all ammunition sales logs shall be kept at the location of the firearms ammunition sale for a period of not less than two years from the date of the sale. Ammunition sales logs shall be open to reasonable inspection by peace officers at all times the ammunition vendor is regularly open for business.

**Section 5.66.040. Electronic transmission of sale record to police department.**

Within five calendar days of a firearms ammunition transfer, the ammunition vendor shall electronically transmit to the Sacramento police department all of the information set forth in subsections A to F of Section 5.66.020. The electronic transmittal shall be by a method, and in a format, approved by the chief of police.

**Section 5.66.050. False information – False recordation.**

No person shall knowingly provide false, inaccurate, or incomplete information to an ammunition vendor for the purpose of purchasing firearms ammunition. No ammunition vendor shall knowingly make a false, inaccurate, or incomplete entry in any ammunition sales log, nor shall any ammunition vendor refuse any reasonable inspection of an ammunition sales log subject to inspection under Section 5.66.030.

**Section 5.66.060. Grace period.**

Any ammunition vendor lawfully engaging in the business of selling or otherwise transferring any firearm ammunition on the effective date of the ordinance codified in this chapter shall have a period of ninety (90) days after such effective date to comply with the provisions of this chapter.

**Section 5.66.070. Severability.**

This chapter shall be enforced to the full extent authorized by law. If any section, subsection, paragraph, sentence, clause, or word of this chapter is deemed invalid or beyond the authority of the city, either on its face or as applied, the remainder of this chapter shall remain in full force and effect, and to that end the provisions of this chapter shall be deemed severable.

**Section 5.66.080. Exemptions.**

**A.** The provisions of this chapter shall not apply if the firearms ammunition transferee is any person described in Section 12302 or 12322 of the Penal Code of the state of California; any off-duty peace officer who displays proper agency identification which identifies him or her as an active peace officer; any person who has been issued a permit to carry a concealed weapon under the authority of Section 12050 of the Penal Code of the state of California; or any security guard licensed under the authority of Section 12033 of the Penal Code of the state of California.

**B.** The provisions of this chapter shall not apply to shotgun ammunition containing projectiles (shot) of a diameter less than twenty-four hundredths of an inch.

**Section 5.66.090. Violation – Penalty.**

**A.** A violation of this chapter shall constitute a misdemeanor. The penalty for a first violation is a five-hundred-dollar (\$500.00) fine or imprisonment not to exceed six months, or both. The penalty for each additional violation within one year is a one-thousand-dollar (\$1,000.00) fine or imprisonment not to exceed six months, or both.

**B.** Violation of this chapter also constitutes grounds for revocation of a license issued under Chapter 5.64.

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

**Section 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)

**Section 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)

**Section 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.

### **Sacramento County Code of Ordinances**

Codified through Ordinance Number SCC 1687 and the June 2022 code supplement.

#### **Title 4 – Business Regulation**

#### **Chapter 4.10 – Special Business Licenses and Employee Permits**

#### **Article 1 – Applicability and Issuance**

#### **Section 4.10.005. License Required.**

No person shall, unless under and by authority of a valid unexpired and unrevoked Special Business License, conduct or operate within the unincorporated area of the County, whether singularly or in connection with another type of enterprise, the following:

**F. Sales of concealable firearms – including gunpowder;**

A person shall be deemed to operate or conduct an enterprise or activity and violate this section and corresponding prohibitions in Chapters 4.14 through 4.50, inclusive, if the person, without an applicable Special Business License in effect, supervises, inspects, directs, organizes, manages or controls or is in any way responsible for or in charge of the enterprise or activity for which the License is required.

### **Salinas Code of Ordinances**

Codified through Ordinance Number 2656(NCS), passed May 10, 2022. (Supp. No. 92, 7-22)

#### **Part II – The Code**

#### **Chapter 12A – Firearms**

#### **Section 12A-2. Definitions.**

The following words and phrases, whenever used in this chapter, 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, from which is expelled through a barrel a projectile by the force of an explosion or other form of combustion.

**B. "Firearm dealer"** means a person licensed pursuant to California Penal Code Section 12071 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.

**C. "To engage in the business"** means the conduct of a business of selling, transferring or leasing of any firearm; 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 the selling, transferring or leasing of firearms in quantity, in series, or in individual transactions, or in any other manner indicative of trade.

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

**E. "Safe firearm storage device" or "safe storage device"** shall mean any of the following devices, appropriate to the firearm, the proper use of which will prevent the unintentional discharge of the firearm:

(1) Any type of reusable locking device that is of adequate quality and construction to prevent children and unauthorized users from firing the firearm and that cannot be readily removed from the firearm or that the firearm cannot be readily removed from the device except by an authorized user utilizing a key, combination, or other method of access intended by the manufacturer of the device.

(2) The device shall be capable of rendering the sold, leased or transferred firearm inoperable when properly installed by keeping the trigger from releasing the sear thereby dropping the firing pin, or locking the action of the firearm open so that it will not go into battery or discharge. Any device integrated into the firearm by the manufacturer, which meets the criteria of this paragraph, shall qualify as a safe firearm device.

(3) All locks or locking devices sold, furnished or made available in order to comply with the provisions of this article shall have a unique key, or a combination with at least three tumblers.

(4) Any other firearm storage device approved by a California or federal law enforcement agency shall suffice under this section.

A firearms "safety" shall not be considered a safe storage device for purposes of this article.

### **Section 12A-3. Permit required.**

It shall be unlawful for any person 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 without first obtaining a firearms dealer permit from the chief of police of the Salinas police department.

### **Section 12A-4. 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 established by resolution, which, to the extent practicable, shall reflect the cost of enforcing the requirements of this chapter.

### **Section 12A-5. 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.

### **Section 12A-6. Application denial.**

The chief of police shall deny the issuance of a permit when any of the following conditions exist:

- (a) The applicant, or an officer, employee or agent thereof, is under the age of twenty-one 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 of permit previously revoked or denied for good cause within the immediately preceding two 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 under applicable federal, state and local laws;
  - (2) Any offense relating 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 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.
- (f) The applicant, or an officer, employee or agent thereof, is 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 is an excessive user of alcohol to the extent that such use would impair his or her fitness to be a dealer in firearms.
- (g) The applicant, or an officer, employee or agent thereof, has been adjudicated as a mental defective, or has been committed to a mental defective, or has been committed to a mental institution, or suffers from any psychological disturbance which would impair his or her fitness to be a dealer in concealable firearms.
- (h) The operation of the business as proposed will 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 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. This restriction shall not apply to a federally registered firearms dealer who meets all of the following conditions:
    - (A) Sold, transferred or leased at least one firearm within the twelve months immediately preceding July 12, 1994;
    - (B) Has no officer, employee or agent assisting the dealer in the business;
    - (C) Does not conduct any advertising or publicity regarding the firearms business;



(D) Does not sell, transfer or lease more than fifty firearms in any calendar year;

(E) Has no felony or misdemeanor conviction;

(F) Maintains all state and federal firearms licensing requirements;

(G) Fully complies with the firearm storage requirements of Penal Code Section 12071(b)(14);

(H) Requires all purchasers to take handling instruction from the dealer or to provide certification of prior gun handling experience. This requirement is not a substitution for required federal, state or local safety courses;

(I) Agrees to city inspection of the residential premises with reasonable cause and upon one hour notice, except that neither notice nor cause is required for city inspection of firearms inventory and required records. Nothing contained in this subsection shall prevent inspections or searches as otherwise allowed by law;

(J) Agrees to indemnify, defend and hold the city, its officers, agents and employees harmless from claims arising from the negligence of the residential firearms dealer; provided, however, this exemption will terminate in the event that the dealer fails to comply with all of the terms of this chapter or the dealer loses the federal firearms permit or the dealer vacates the residence in which the dealer sold, transferred or leased firearms as of July 12, 1994, whichever occurs first;

(3) Within one thousand feet of a public or private day care center or day care home, or within one thousand feet of any elementary, junior high or high school, whether public or private;

(4) Within one thousand five hundred feet of the exterior limits of any other premises occupied by a dealer in firearms.

The distance restriction in this subsection shall not apply to any firearm dealer that is operating as of June 7, 1994 in a zoning district in which general retail sales commercial activities are either permitted or conditional uses.

(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 the Salinas City Code.

#### **Section 12A-6.1. Criminal history information.**

The police department is authorized access to the state summary criminal history information maintained by the Department of Justice for applicants under this chapter for a firearms permit. The state summary criminal history information is limited to the criminal conduct specified in Section 12A-6. An applicant, or an officer, employee or agent thereof, shall be fingerprinted by the police department, and all costs for administering and processing the fingerprints shall be borne solely by the applicant, officer, employee or agent.

#### **Section 12A-7. Permit form.**

All permits issued pursuant to this chapter shall be in the form prescribed by the Attorney General of the state of California.

#### **Section 12A-8. Permit, duration, renewal.**

All permits issued pursuant to this chapter shall expire one year after the date of issuance; provided, however, that such permits may be renewed by the chief of police for additional periods of one 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 forty-five days prior to the expiration of the current permit.

#### **Section 12A-9. 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.

#### **Section 12A-10. Permit, conditions.**

Any permit issued pursuant to this chapter shall be subject to all of the following conditions, any breach 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 located at the street address shown on the license.

**B.** The permittee shall comply with Sections 12071, 12072, 12073, 12074, 12076, and 12077 and 12082 of the California Penal Code, to the extent that the provisions remain in effect.

**C.** It shall be unlawful for any firearm dealer to sell, lease or otherwise transfer ownership of any firearm without also providing with the firearm a safe firearm storage device designed to prevent the unintentional discharge of the firearm being sold, leased or transferred. Such device shall be of a type approved by the chief of police and/or his/her designee. The permittee shall advise the chief of police of the type of device at the time of application for the permit, renewal of the permit or at any time the permittee desires to change the type of device previously approved by the chief of police.

(1) The safe firearm storage device shall be locked in place, properly attached to, or properly covering, the firearm at the time it leaves the firearm dealer's premises.

(2) Nothing in this article shall prevent the firearm dealer from recovering the cost of providing a safe firearm storage device by charging a price for the safe storage device, either separately or as part of the price of the firearm.

D. In connection with any sale, lease or transfer of a firearm, the firearm dealer shall obtain from the person receiving the firearm a signed acknowledgement that the dealer has provided the seller, lessor or transferee with a safe firearm storage device as required by this section.

E. Subsections 12A-10(C) and (D) are effective until January 1, 2002. On that date, Assembly Bill 106, enacting Penal Code Section 12087 et seq., shall become effective and the two subsections shall be superceded by state law and have no further force and effect.

Any permit 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.

#### **Section 12A-11. Permit, grounds for revocation.**

In addition to any provisions contained in this chapter, any circumstances constituting grounds for denial shall also constitute grounds for revocation.

#### **Section 12A-12. 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 ten-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.

#### **Section 12A-13. Permit, liability insurance.**

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 one million dollars for damage to or destruction of property in any one incident, and one million dollars for the death or injury to any one 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 cancelled until notice in writing has been given to the city, addressed in care of the chief of police, 220 Lincoln Avenue, Salinas, California, 93901, at least thirty days immediately prior to the time such cancellation becomes effective. Further, such policy of insurance shall indemnify, defend and hold harmless the city, its officers, agents and employees, from claims arising from the negligence of the applicant or permittee.

The requirement for liability insurance shall not apply to residential gun dealers who operate pursuant to the requirements of Section 12A-6(i)(2).

#### **Section 12A-14. 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 to insure conformance to all federal, state and local law, and all provisions of this chapter.

#### **Section 12A-15. 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 on the effective date of this chapter shall have a period of sixty days after such effective date to comply with the provisions of this chapter.

**Section 12A-16. Temporary suspension of permit to sell firearms.**

A. If the dealer violates any federal, state and local county or city law, the chief of police may immediately suspend the right of the dealer to sell firearms. This temporary suspension will not exceed three days. If the violation results in a criminal charge filed in court 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.

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.

**Section 12A-17. Penalties.**

Any person who violates any provision of this chapter shall be guilty of a misdemeanor.

**Section 12A-18. Severability.**

This chapter shall be enforced to the full extent of the authority of the city of Salinas. If any section, subsection, paragraph, sentence or word of this chapter is deemed to be invalid or beyond the authority of the city of Salinas, 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 section, subsections, paragraphs, sentences and words of this chapter shall be deemed severable.

**Chapter 37 – Zoning\***  
**Article III – Base District Regulations**  
**Division 3 – Commercial (C) Districts**

**Section 37-30.200. Use classifications.**

Table 37-30.90 identifies the use classifications for properties located in the commercial (C) districts:

Table 37-30.90 Commercial (C) Districts Use Classifications					
Land Use	CO/R	CO	CR	CT	Additional Use Regulations
Commercial Uses					
Secondhand or Consignment Stores	NP	NP	SPR	NP	(35)

Notes:

NP = Not Permitted Use

SPR = Site Plan Review Required

(35) No firearm or weapon sales shall be permitted.

**Division 4 – Mixed Use (MU) Districts**

**Section 37-30.240. Use classifications.**

Table 37-30.110 identifies the use classifications for properties located in the mixed use (MU) districts:

Table 37-30.110 Mixed Use (MU) Districts Use Classifications			
Land Use	MAF	MX	Additional Use Regulations
Commercial Uses			
Secondhand or Consignment Stores	CUP	CUP	(38)

Notes:

CUP = Conditional Use Permit Required

(38) No firearm or weapon sales shall be permitted.

**San Anselmo Code of Ordinances**

Codified through Ordinance Number 1160, passed december 14, 2021. (Supp. No. 34. 3-22)

**Title 4 – Public Welfare, Morals and Conduct**  
**Chapter 18 – Regulation of Firearms**  
**Article 1 – Regulation of Firearms Dealers**

**Section 4-18.01. Definition of firearm.**

"Firearm" 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 force of explosion or other means of combustion.

**Section 4-18.02. Definition of firearm dealer.**

"Firearm dealer" and "licensee," as used in this article, mean any person licensed to sell, lease or transfer firearms pursuant to California Penal Code Section 12071(a)(1).

**Section 4-18.02.1. Definition of Police, Chief, Sheriff.**

"Police" or "Police Department" as used in this chapter shall mean the Town of San Anselmo Police Department. "Chief" as used in this chapter shall mean the Chief of Police or his designee. "Sheriff" as used in this chapter shall mean the Marin County Sheriff or his designee.

**Section 4-18.03. Permit required.**

It is unlawful for any firearms dealer to sell, lease or transfer firearms without a permit issued in accord with this Article 1.

**Section 4-18.04. Application.**

(a) An applicant for a permit or renewal of a permit under this chapter shall file with the Chief an application in writing, signed under penalty of perjury, on a form prescribed by the Town. The applicant shall provide all relevant information requested to demonstrate compliance with this chapter including:

- (1) The name, including any aliases or prior names, age and address of the applicant;
- (2) The applicant's Federal Firearms License and California Firearms Dealer numbers;
- (3) The address of the proposed location for which the permit is required, together with the business name, and the name of any corporation, partnership or association that has ownership in, or control over, the business, if any;
- (4) The names, ages and addresses of:
  - (i) All persons who will have access to or control of workplace firearms, including but not limited to, the applicant's employees, agents and/or supervisors, if any;
- (5) Proof 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;
- (6) A floor plan of the proposed business, which illustrates the applicant's compliance with security provisions as outlined in Section 4-18.07 of this chapter;
- (7) Proof of compliance with all federal and state licensing laws;
- (8) Information relating to every license or permit to sell, lease, transfer, purchase, or possess firearms sought by the applicant from any jurisdiction in the United States, including, but not limited to, the date of application; whether each application resulted in the issuance of a license and the date and circumstances of any revocation or suspension;
- (9) Information relating to every revocation of a license or permit relating to firearms, including, but not limited to, date and circumstances of the revocation;
- (10) Applicant's agreement to indemnify, defend and hold harmless the Town, its officers, agents and employees from and against all claims, losses, costs, damages and liabilities of any kind, including attorney fees arising in any manner out of the applicant's negligence or intentional or willful misconduct;
- (11) Certification of satisfaction of insurance requirements;
- (12) The date, location, and nature of all criminal convictions of the applicant, if any, in any jurisdiction in the United States.

(b) The application shall be accompanied by a nonrefundable fee of Five Hundred and no/100ths (\$500.00) Dollars for administering this chapter. The fee may be increased by resolution of the Town Council upon evidence of the actual cost of administering the application. The Council finds that the Five Hundred and no/100ths (\$500.00) Dollar fee is reasonable and proper for administering this chapter.

**Section 4-18.05. Investigation by Chief.**

The Chief shall conduct an appropriate investigation of the applicant to determine for the protection of the public safety whether the permit may be issued. The Chief shall require an applicant, or any officer, agent or employee thereof, that will have access to or control of firearms to provide fingerprints, a recent photograph, a signed authorization for the release of pertinent records, a complete personal history set forth on a questionnaire provided by the Chief, and any other additional information which the Chief considers necessary to complete the investigation.

**Section 4-18.06. Conditions of approval.**

In addition to other requirements and conditions of this chapter, a permit by the Chief is subject to the following conditions, the breach of any of which is sufficient cause for revocation of the permit by the Chief:

(a) The business shall be carried on only in the building located at the street address shown on the permit. This requirement, however, does not prohibit the permittee from participating in a gun show or event that is authorized by federal, state and local law upon compliance with that law and upon compliance with any Town of San Anselmo ordinance regulating the permissible locations of gun shows;

(b) The Chief's permit or a certified copy of it shall be displayed on the premises and at gun shows where it can be easily seen;

(c) The applicant shall not permit any person under eighteen (18) years of age to enter or remain within the premises without being accompanied by the parent, grandparent, or legal guardian for the minor child where the firearm sales activity is the primary business performed at the site;

(d) This subsection (d) rescinded on January 1, 2002, the effective date of AB 106.

**Section 4-18.07. Requirement of a secured facility.**

Firearms dealers must comply with California Penal Code Section 12071(b)(14) which provides at any time the licensee is not open for business, the licensee shall store all firearms kept in his or her licensed place of business using one of the following methods as to each particular firearm:

(a) Store the firearm in a secure facility as defined by Penal Code Section 12071(c)(3) that is part of, or that constitutes, the licensee's business premises;

(b) Secure the firearm with a hardened steel rod or cable of at least one-eighth inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a bolt cutter and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises;

(c) Store the firearm in a locked fireproof safe or vault on the licensee's premises.

**Section 4-18.08. Liability insurance.**

(a) No permit issued by the Chief shall be issued or reissued unless there is in effect a policy of insurance in a form approved by the Town and executed by an insurance company approved by the Town, whereby the applicant is insured 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 offering for sale, lease or transfer of a firearm. The minimum liability limits shall not be less than One Million and no/100ths (\$1,000,000.00) Dollars for each incident of damage to property or incident of injury or death to a person; provided, however, that increased limits of liability may be required by the Town Attorney if deemed appropriate in his or her sole discretion.

(b) The policy of insurance shall contain an endorsement providing that the policy shall not be canceled until notice in writing has been given to the Town Administrator at least thirty (30) days prior to the time the cancellation becomes effective.

(c) Upon expiration of a policy of insurance and if no additional insurance is obtained immediately, the permit is considered canceled without further notice.

**Section 4-18.09. Issuance of permit issued by Chief, duration.**

(a) The Police Department may grant a Chief's permit to the applicant if it finds that the applicant complies with all applicable federal, state and local laws including but not limited to, the State Penal Code, Town Building Code, fire, zoning and planning codes.

(b) A permit issued by the Chief expires one year after the date of issuance. A permit may be renewed for additional one-year periods upon the permittee's submission of an application for renewal, accompanied by a nonrefundable Twenty-five and no/100ths (\$25.00) Dollars renewal fee. The renewal application and the renewal fee must be received by the Police department no later than forty-five (45) days before the expiration of the current permit.

(c) A decision regarding issuance or renewal of a permit may be appealed in the manner provided pursuant to Section 4-18.12.

**Section 4-18.10. Grounds for permit denial.**

The Chief shall deny the issuance or renewal of a Chief's permit when one or more of the following conditions exist:

(a) The applicant has not complied with the requirements of this chapter;

(b) The applicant, or any officer, employee or agent thereof who will have access to and control of firearms is under twenty-one (21) years of age;

(c) The applicant is not licensed as required by federal and state law;

(d) The applicant or any officer, employee or agent thereof who will have access to or control of firearms has had a license or firearms permit to sell, lease, transfer, purchase or possess from any jurisdiction in the United States revoked, suspended or denied for good cause within the immediately preceding five (5) years;

(e) The applicant or any officer, employee or agent thereof who will have access to or control over firearms has made a false or misleading statement of a material fact or omission of a material fact in the application for a police permit. If a permit is denied on this ground, the applicant is prohibited from reapplying for a permit for a period of five (5) years;

(f) The applicant or any officer, employee or agent thereof who will have access to or control over firearms has been convicted of:

(1) An offense which disqualifies that person from owning or possessing a firearm under federal, state and local law, including, but not limited to, the offenses listed in Penal Code Section 12021,

(2) An offense relating to the manufacture, sale, possession, use or registration of a firearm or dangerous or deadly weapon,

(3) An offense involving the use of force or violence upon the person of another with a deadly weapon,

(4) Any felony, misdemeanor burglary or misdemeanor fraud,

(5) An offense involving the manufacture, sale, possession or use of a controlled substance as defined by the State Health and Safety Code;

(g) The applicant or any officer, employee, or agent thereof who has control over firearms is within a class of persons defined in Welfare and Institutions Code Sections 8100 or 8103;

(h) The applicant or any officer, employee, or agent thereof who has control over firearms is currently, or has been within the past five (5) years, an unlawful user of a controlled substance as defined by the Health and Safety Code;

(i) The operation of the business as proposed would not comply with federal, state or local law.

#### **Section 4-18.11. Grounds for permit revocation.**

In addition to the violation of any other provisions contained in this chapter, circumstances constituting grounds for denial of a Chief's permit also constitute grounds for revocation.

#### **Section 4-18.12. Hearing for permit denial or revocation.**

(a) A person whose application for a permit is denied or revoked by the Chief has the right to a hearing before the Chief before final denial or revocation.

(b) Within ten (10) days of the mailing of written notice of intent to deny the application or revoke the permit, the applicant may appeal by requesting a hearing before the Chief. The request must be made in writing, setting forth the specific grounds for appeal. If the applicant submits a timely request for an appeal, the Chief should set a time and place for the hearing within thirty (30) days.

(c) The decision of the Chief shall be in writing within ten (10) days of the hearing. An applicant may appeal the decision of the Chief to the Town Manager or his designee.

#### **Section 4-18.13. Nonassignability.**

A Chief's permit issued under this chapter is not assignable. An attempt to assign a Chief's permit renders the permit void.

#### **Section 4-18.14. Compliance by existing dealers.**

A person engaging in firearm sales activity on the effective date of this chapter or any amendment to it shall, within sixty (60) days after the effective date, comply with this chapter and any amendment to it.

#### **Section 4-18.15. Record of ammunition sales.**

Every holder of a business license to sell ammunition shall maintain records pertaining to ammunition sales prescribed by this chapter on the licensed premises and in the manner prescribed herein. The record shall show:

(a) The date of the transaction;

(b) The purchaser's name, address and date of birth;

(c) The purchaser's driver's license number or other identification and state where issued;

(d) The brand of ammunition purchased;

(e) The type and amount of ammunition purchased; and

(f) The purchaser's signature.

**(g)** Log of Ammunition Sales. The information required by this subsection 4-18.15(g) shall be completed in the logbook at the time of the purchase. Such information shall be recorded in the following format:

Ammunition Sales Registration Log store:

Date	Name	Address	Date of Birth	License/ID & State	Ammunition Brand	Ammunition Type & Amount	Purchaser Signature
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**(1)** The record shall be maintained in chronological order by date of sale of the ammunition, and shall be retained on the licensed premises of the business licensee for a period of two (2) years following the date of the purchase of the ammunition.

**(2)** At the direction of the Chief, Town of San Anselmo Police officers may enter the premises of any licensed vendor of ammunition during regular business hours for the purpose of examining or inspecting any record required by this chapter.

**(3)** Exception. The provisions of this section shall not apply to the sale of firearm ammunition by a firing range licensed to do business in the Town of San Anselmo when the ammunition so purchased is expended on the premises of the range and not removed for use outside the range premises.

**Section 4-18.16. Penalty.**

**(a)** Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding Five Hundred and no/100ths (\$500.00) Dollars or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. Each 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 chapter is committed, continued or permitted by such person.

**(1)** The Marin County District Attorney is hereby designated as the prosecuting agency for violations of this article whenever such violations are to be charged as misdemeanors.

**(b)** Any person found to be in violation of this chapter shall be subject to the revocation of his or her law enforcement permit to sell, lease or transfer firearms.

**(c)** In addition to any other penalty or remedy, the County Counsel or Town Attorney may commence a civil action to seek enforcement of these provisions.

**San Bernardino County Code of Ordinances**  
Codified through Ordinance Number 4429, passed April 26, 2022.

**Title 2 – Public Morals, Safety and Welfare**  
**Division 2 – Firearms and Dangerous Weapons**  
**Chapter 1 – Firearms**

**Section 22.0110. Purchase of firearms.**

No person except a parent or guardian shall purchase from, sell, exchange, give, lend or furnish to any person under the age of 18 years, a revolver or pistol of any description, shotgun, or rifle, which may be used for the explosion of cartridges, or any airgun, "B-B" gun, gas-operated gun or spring gun, or any knife or knives having the appearance of a pocketknife, the blade or blades of which can be opened by a flick of a button, pressure of the handle or other mechanical devices; or any instrument, toy or weapon commonly known as a "sling shot," or any bow made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such instrument is called by any name set forth above or by any other name. Any such weapon possessed in violation of this Chapter may be confiscated by any peace officer.

**Section 22.0111. Prohibiting firearms – Possession by minors.**

No person under the age of 18 years shall have in his or her possession, care, custody or control, any of the articles mentioned in § 22.0110 of this Chapter except within his or her own domicile or except when accompanied by and under the immediate supervision of a parent, guardian, or responsible adult. This Section shall not apply to any person possessing a valid California hunting license.

**Section 22.0112. Disposition of confiscated firearms.**

Every peace officer taking a weapon used in violation of this Chapter, shall deliver the same to the Sheriff to be held by him or her until the final determination of the prosecution for said offense; and upon the finding of guilt it shall then be the duty of the Sheriff on a first offense to return the weapon to the owner and on a second offense the Sheriff is authorized to confiscate and destroy it.

**Section 22.0114. Penalty.**

Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$500.00 or by imprisonment in the County Jail, not exceeding six months, or by both such fine and imprisonment.

**Section 22.0116. Retail license.**

The Sheriff of San Bernardino County shall be the licensing authority for the unincorporated area of San Bernardino County responsible for accepting applications and granting licenses under the provisions of Penal Code § 12071. The Sheriff shall collect an annual license fee of \$50.00 for each license issued pursuant to Penal Code § 12071. License fees collected under this Section shall be deposited in the County General Fund.

**San Bruno Municipal Code**  
Codified through Ordinance Number 1910 and the April 2022 code supplement.

**Title 6 – Public Peace, Morals and Welfare**  
**Chapter 6.04 – Definitions**

**Section 6.04.10. Definitions.**

"**Firearm**" means any device, designed to be used as a weapon, from which is expelled a projectile by the force of any explosion, or other form of combustion. "Firearm" shall include, but not be limited to any cannon, gun, pistol, revolver, automatic pistol, rifle, shotgun, "BB" gun, air gun, pellet gun, or any other weapon of similar nature designed to discharge a projectile.

**Chapter 6.08 – Firearms**  
**Article 2 – Firearms Dealers**

**Section 6.08.040. Permit required.**

No person shall engage in the business of selling, transferring or leasing, or offering or exposing for sale, transfer or lease within this city any firearm unless that person has been issued a permit pursuant to the provisions of this chapter.

**A.** Except as provided in Penal Code Section 26700, as it may be amended from time to time, and in Section 6.08.180, it is unlawful for a person to engage in the activity of "firearm sales" as that term is defined under Section 6.08.010(E) without a police permit as required by this chapter.

**B.** The requirement for a police permit is in addition to any requirement imposed by the city's zoning code.



**Section 6.08.050. Application – Form, fees.**

**A.** 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, and the applicant and officers, employees, and agents thereof shall be photographed and fingerprinted by the chief of police. 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. A nonrefundable fee as set forth in the municipal fee schedule shall accompany the application.

**B.** Any person proposing to engage in business as a firearms dealer within this city shall secure the applicable federal license and shall have thirty calendar days after approval of such federal license to apply for a police permit in compliance with the provision of this chapter and shall not engage in the business as a firearms dealer within the city until the police permit is issued, as well as comply with all other applicable local, state, and federal requirements.

**Section 6.08.060. Application – Investigation.**

The chief of police shall conduct an appropriate investigation of the applicant to determine for the protection of the public safety whether the permit may be issued. The chief of police may require an applicant, or any officer, agent, or employee thereof, to provide fingerprints, a recent photograph, a signed authorization for the release of pertinent records, a complete personal history set forth on a questionnaire provided by the chief of police, and any other additional information which the chief of police considers necessary to complete the investigation.

**Section 6.08.070. Application – Denial.**

The chief of police shall issue a police permit to an applicant unless he or she finds any of the following:

- A.** The applicant, or an officer, employee, or agent thereof is under the age of twenty-one 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 of permit previously revoked or denied for good cause within the immediately preceding year;
- D.** The applicant, or an officer, employee, or agent thereof has knowingly made any 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 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 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 and Safety Code as said definition now reads or may hereafter be amended to read;
- G.** The operation of the business as proposed will not comply with all applicable federal, state, and local laws;
- H.** The business as proposed will not be operated in the following locations:
  - 1.** Following adoption of applicable zoning code and general plan amendments, within a zoning district other than the designated area of the M-1 Industrial District as shown on the city's zoning map bounded by Tanforan Avenue to the north, Montgomery Avenue to the west, Hermosa Street to the south, and San Mateo Avenue to the east,
  - 2.** Within a zoning district in which residential use is the principal permitted or maintained use, or within two hundred fifty feet of the exterior limits of any such district, or within two hundred fifty feet of any existing residential use,
  - 3.** On or within two hundred fifty feet of the exterior limits of any other premises occupied by a public or private day care center or day care home, elementary school, junior high school, or high school, or park,
  - 4.** On or within one thousand two hundred feet of the exterior limits of any other premises occupied by a firearms dealer, a cardroom, a massage establishment, an adult entertainment establishment, or a hot tub/sauna establishment. Priority between such existing establishments shall be assigned in accordance with the dates upon which such establishments commenced such lawful operation, priority being given to the establishment having the earliest of such dates. In the event any dispute arises regarding said date, the applicant shall have the obligation to establish the date on which he or she commenced lawful operation.

All distances referred to in this subsection shall be measured between the closest points on the exterior property lines or area boundaries of the parcels or areas involved, except that when a dealer in firearms subject to the provisions of this chapter occupies one unit of a multi-unit structure located on a single parcel, distances shall be measured from the exterior boundaries of the unit occupied. This subsection shall supersede any and all conflicting provisions regulating home occupations set out elsewhere in this code;

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;

J. The operation of the firearm dealer business as proposed in the application for the permit will violate any applicable building, fire, health or zoning requirements set forth in this code;

K. The applicant is within the class of persons defined in Welfare and Institutions Code Section 8100 or 8103;

L. Hours of operation would be outside of those approved in advance by the chief of police.

**Section 6.08.080. Permit – Form.**

All permits issued pursuant to this chapter shall be in the form prescribed by the Attorney General of the state of California.

**Section 6.08.090. Permit – Duration, renewal.**

A. The police department may grant a police permit to the applicant if it finds that the applicant complies with all applicable federal, state and local laws including, but not limited to, the State Penal Code, city building code, fire code, and zoning code.

B. A police permit expires one year after the date of issuance. A permit may be renewed for additional one-year periods upon the permittee's submission of an application for renewal on a form furnished by the city, accompanied by a nonrefundable renewal fee established by city council resolution. The renewal application and the renewal fee must be received by the police department no later than forty-five days before the expiration of the current permit.

C. A decision regarding issuance or renewal may be appealed in the manner provided for in Section 6.08.140.

**Section 6.08.100. Permit – Assignment.**

The assignment or attempt to assign any permit issued pursuant to this chapter to another person or entity is unlawful and any such assignment or attempt to assign a permit shall render the permit null and void.

**Section 6.08.110. Permit – Conditions.**

Any permits 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:

A. The business shall be engaged-in only in the building located at the street address designated in the permit, and only by such persons as specified in the permit; the business may also be engaged-in at such other locations or events as are authorized by federal and state law provided that such location or event conforms to the requirements of this code; any changes to the approved location or to the persons authorized to act as officers, employees, or agents of the permittee in engaging in the business during the term of the permit must be approved by the chief of police;

B. The permit or a copy thereof, certified by the chief of police, shall be displayed on the premises where it can easily be seen;

C. The permittee shall comply with all federal and state firearms laws. 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 purposes of this chapter, which include, but are not limited to, the safety and security of the occupants of the establishment, its patrons, and the public.

**Section 6.08.120. Permit – Grounds for revocation.**

In addition to the violation of any other provisions contained in this chapter, circumstances constituting grounds for denial of a police permit also constitute grounds for revocation.

**Section 6.08.130. Liability insurance.**

A. No police permit shall be issued or reissued unless there is in effect a policy of insurance in a form approved by the city and executed by an insurance company approved by the city, whereby the applicant is insured 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 offering for sale, lease, or transfer of a firearm. The minimum liability limits shall not be less than one million dollars for each incident of damage to property or incident of injury or death to a person.

B. The policy of insurance shall contain an endorsement providing that the policy shall not be canceled until notice in writing has been given to the chief of police at least thirty days prior to the time the cancellation becomes effective.

**C.** Such policy of insurance shall name the city, its officers, agents, and employees as additional insureds. Additionally, applicants and permittee shall indemnify, defend, and hold harmless the city, its officers, agents, and employees from claims arising from the negligence of the applicant or permittee.

**D.** Upon expiration of a policy of insurance and if no additional insurance is obtained, the permit is considered canceled without further notice.

**Section 6.08.140. Hearing for permit denial or revocation.**

**A.** Any person whose application for a permit has been denied, or whose permit has been revoked pursuant to the provision of this chapter, shall have the right to a hearing before the chief of police prior to final denial or prior to revocation.

**B.** The chief of police shall give the applicant or permittee written notice of his or her 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 ten-day period.

**C.** Within ten days of mailing written notice of intent to deny the application or revoke the permit, the applicant may appeal by requesting a hearing before the chief of police. The request must be made in writing, setting forth the specific grounds for appeal. If the applicant submits a timely request for an appeal, the chief of police shall set a time and place for the hearing within thirty days.

**D.** All parties involved shall have the right to offer testimony, 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 shall be in writing within ten days of the hearing. An applicant may appeal the decision of the chief of police to the city council in the manner provided in Chapter 1.32.

**Section 6.08.150. 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, or provisions of this chapter. A police investigator may conduct compliance inspections to ensure conformance with all federal, state, and local laws, and the provisions of this chapter.

**Section 6.08.160. 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 on the effective date of the ordinance codified in this chapter shall have a period of sixty days after such effective date to comply with the provisions of this chapter.

**Section 6.08.170. Business and security regulations.**

**A.** All firearm dealers and officers, employees, or agents of the firearm dealer shall comply with all provisions of California Penal Code Section 12071 regarding business regulations and 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 displayed in locked cabinets, a secured 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 or the dealer's agent or employee shall be present when a prospective buyer or seller is handling any firearm prior to sale and delivery of the firearm.

**3.** By security cameras, reinforced windows and doors, a safety and security plan, or other measures as reasonably required by the chief of police and fire marshal, including, but not limited to, timed exterior lights, landscaping will not block visibility into the business, alarm system, and remote intercom entry.

**C.** All firearms shall be stored in an approved gun safe (or a gun safe room if necessary) during hours of business non-operation.

**Section 6.08.180. Nonconforming use.**

Notwithstanding the provisions of Section 6.08.040(A) and the effective date of the ordinance codified in this chapter, any person engaged in firearm sales who is the holder of a valid seller's permit issued by the State Board of Equalization and a valid certificate of eligibility issued by the California Department of Justice, all of which were issued prior to January 1, 1998, need not obtain the police permit required by this chapter, provided the operator remains fully licensed by all agencies listed above.

**Section 6.08.190. 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 punished by a fine of not more than one thousand dollars or by imprisonment for a period not exceeding six 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 punished accordingly. In addition, any person found to be in violation of this article shall be considered in noncompliance with the requirements of this chapter, and subject to the suspension and/or revocation of a firearm sales permit under Sections 6.08.070 and 6.08.120 of this chapter.

**Section 6.08.200. Severability.**

This chapter shall be enforced to the full extent of the authority of the city of San Bruno. If any section, subsection, paragraph, sentence or word of this chapter is deemed to be invalid or beyond the authority of the city of San Bruno, 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 section, subsections, paragraphs, sentences, and words of this chapter shall be deemed severable.

**San Buenaventura Code of Ordinances**

Codified through Ordinance Number 2022-006, enacted May 23, 2022. (Supp. No. 54)

**Division 6 – Business Regulations**

**Chapter 6.211 – Security Measures for Ammunition Retailers**

**Section 6.211.010. Definitions.**

**A. Ammunition** means any cartridge or encasement containing a bullet or projectile, propellant, or explosive charge, and a primer that is used in the operation of a firearm.

**B. Ammunition vendor** means any person, firm, corporation, dealer, or any other business enterprise that is engaged in the retail sale or transfer of any ammunition; or that prepares for such conduct of business as evidenced by the securing of applicable federal, state, or local licenses; or that holds itself out as engaged in the business of selling or otherwise transferring any ammunition.

**Section 6.211.020. Ammunition vendor safety standards.**

**A. Secured facility.** Every business engaged in the sale or transfer of ammunition within the City shall meet the requirements of a "secured facility" pursuant to Section 17110 of the California Penal Code.

**B. Vehicle impact protection devices required.** In addition to the requirements of Section 6.211.020, vehicle impact protection devices, as defined and described herein shall be required adjacent to the ammunition vendor's warehouse doors, glass windows, and/or other doors and entrances, where a motor vehicle can impact and gain unauthorized entry to the ammunition vendor's business.

**Section 6.211.030. Elements of vehicle impact protection devices.**

**A.** Required vehicle impact protection devices shall take the form of bollards, as defined and provided below:

1. Bollards, posts, and guard posts shall comply with all of the following requirements:

(a) Constructed of steel or other material not less than four inches in diameter.

(b) Spaced so that a motor vehicle with a width of four feet may not make physical contact with the ammunition vendor's warehouse doors, glass windows, and/or other doors and entrances without first striking a bollard, post, or guard post. The City's Planning Division may approve minor deviations to these spacing requirements to accommodate site conditions.

(c) Set with the top of the post not less than three feet and not greater than four feet above finished grade.

(d) Located between the vehicle parking spaces or drive aisle and the ammunition vendor's warehouse doors, glass windows, and/or other doors and entrances.

(e) Such bollards or posts shall be black, grey, safety yellow, bronze, stainless steel, concrete finish or similar color, as approved by the Planning Division, as applicable.

(f) The color and design of the bollards or posts shall be consistent throughout each shopping center, unless otherwise approved by the Planning Division.

(g) Bollards or posts shall be properly maintained, including no visible rust or corrosion, and be kept in uniform alignment. Use of protective or decorative sleeves is permitted.

**Section 6.211.040. Conflicts with other laws.**

**A.** In the event the terms of this Chapter or the application to any ammunition vendor would cause a parking lot to not comply with a provision of federal or state law or another provision of this Code, City staff shall apply this Chapter in a manner to carry out the provisions of both federal and state law and the other provisions of this Code.

**B.** When there is an irreconcilable conflict between the provisions of this Chapter and the provisions of federal or state law or other provisions of this Code, the provisions of federal and state law and the other provisions of this Code shall prevail over the provisions of this Chapter, but only to the extent necessary to avoid a violation of those other laws or Code provisions. If the Planning Division determines that the provisions of federal or state law or the other provisions of this Code prevail over the provisions of this Chapter with respect to the location of an ammunition vendor on a particular lot or parcel, the Planning Division shall provide the owner of that lot or parcel with such determination in writing within ten calendar days of the date of his or her determination.

**Section 6.211.050. Minor adjustments.**

The Planning Division may approve minor modifications to the vehicle impact protection standards contained in this Chapter to accommodate for the location of above ground or underground utilities or other existing or planned features of the development, provided the modifications achieve the same protections as intended by this Chapter.

**Section 6.211.060. Amortization period.**

A business licensed under this Chapter and already operating prior to the implementation of this Chapter shall have the vehicle impact protection devices installed on or before the end of the 12th month following the effective date of the ordinance adopting this Chapter.

**Section 6.211.070. Permit and processing fees.**

The City Council may by Resolution establish the amount of any fees necessary to carry out the purposes of this Chapter.

**San Carlos Municipal Code**

Codified through Ordinance Number 1587, passed August 22, 2022.

**Title 18 – Zoning**

**Article III – Regulations Applying to Some or All Districts  
Chapter 18.23 – Standards for Specific Uses and Activities**

**Section 18.23.120. Home occupations.**

**E.** Prohibited Home Occupations. The following specific businesses are not permitted as home occupations:

8. Firearms manufacture, sales, or repair;

**San Clemente Code of Ordinances**

Codified through Ordinance Number 1731, enacted July 28, 2022. (Supp. No. 57)

**Title 17 – Zoning**

**Chapter 17.36 – Commercial Zones and Standards**

**Section 17.36.020. Commercial use regulations.**

**A.** Permitted and Conditionally Permitted Uses. Tables 17.36.020, Commercial Zone Uses, list uses which shall be the primary uses allowed to occur on a property. All uses except for those provided for in Sections 17.28.210, Outdoor Display Areas, and 17.28.300, Temporary Uses and Structures, of this title shall be conducted within enclosed structures. The primary uses identified in Table 17.36.020, Commercial Zone Uses, shall be permitted or conditionally permitted as indicated:

- P** Where the symbol "P" appears, the use shall be permitted.
- MC** Where the symbol "MC" appears, the use shall be permitted subject to the issuance of a Minor Conditional Use Permit, in accordance with Section 17.16.070, Minor Conditional Use Permits, of this title.
- C** Where the symbol "C" appears, the use shall be permitted subject to the issuance of a Conditional Use Permit, in accordance with Section 17.16.060, Conditional Use Permits, of this title.
- O** Where the symbol "O" appears, the use is subject to an alternative review process described in a subsequent footnote.

**B.** Prohibited Uses. The following uses are prohibited:

1. Uses that are listed in Table 17.36.020 but that are not identified as either permitted , "P" , or conditionally-permitted , "MC" or "C"; and

2. Uses that are excluded from Table 17.36.020, unless they are found by the City to be similar to permitted or conditionally-permitted uses.

3. Uses where a blank cell appears in Table 17.36.020.

Table 17.36.020 Commercial Zone Uses

Use	Zones										
	NC 1.1	NC 1.2	NC 1.3	NC 2	NC 3	CC 1	CC 2	CC 3	CC 4	RMF 1	NOTE
Gunsmith/Gun Shops			C	C	C	C	C	C	C		

**Chapter 17.40 – Mixed-Use Zones and Standards**

**Section 17.40.030. Mixed-use regulations.**

**A. Permitted and Conditionally Permitted Uses.**

1. General Requirements. The uses identified in Table 17.40.030, Mixed-Use Zone Uses, shall be the primary uses allowed to occur on a property. All uses except for those provided for in Sections 17.28.210, Outdoor Display Areas and 17.28.300, Temporary Uses and Structures, of this title shall be conducted within enclosed structures. The primary uses identified in Table 17.40.030 shall be permitted or conditionally permitted, as indicated.

P Where the symbol "P" appears, the use shall be permitted.

MC Where the symbol "MC" appears, the use shall be permitted subject to the issuance of a Minor Conditional Use Permit, in accordance with Section 17.16.070, Minor Conditional Use Permits.

C Where the symbol "C" appears, the use shall be permitted subject to the issuance of a Conditional Use Permit, in accordance with Section 17.16.060, Conditional Use Permits, of this title. If the use is located in the -CB Overlay District, it shall be reviewed for its appropriateness in pedestrian-oriented spaces in accordance with Section 17.56.030, Central Business District Overlay.

O Where the symbol "O" appears, the use is subject to an alternative review process described in a subsequent footnote.

**B. Prohibited Uses.** The following uses are prohibited:

1. Uses that are listed in Table 17.40,030 but that are not identified as either permitted , "P" , or conditionally-permitted , "MC," "C," or "O"; and
2. Uses that are excluded from Table 17.40.030, unless they are found by the City to be similar to permitted or conditionally-permitted uses.
3. Uses where a blank cell appears in Table 17.40.030.

Table 17.40.030 Mixed-Use Zone Uses

Use	Zones							
	MU 1	MU 2	MU 3.0	MU 3.1	MU 3.2	MU 3.3	MU 5	NOTE
Gunsmith/Gun Shops	C	C	C	C	C	C	C	

**San Diego County Code of Ordinances**

Codified through Ordinance Number 10804 (N.S.), effective September 16, 2022.

**Title 2 – Licenses, Business Regulations & Business Taxes\***

**Division 1 – Business Regulations\***

**Chapter 12 – Firearms Dealers\***

**Section 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.

**Section 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.

**Section 21.1204. Minimum age for firearms dealer.**

The minimum age to be a firearms dealer is 21.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Chapter 13 – Swap Meets\***

**Section 21.1308. Prohibited transactions and notice.**

It shall be unlawful for any person to sell firearms, ammunition or explosives at a swap meet. The operator of a swap meet shall post a notice in letters at least 1/16th of an inch high, in a conspicuous place, near each entrance to the swap meet stating the following in the English language: "NOTICE. It is illegal to exchange, barter, trade or sell firearms, ammunition or any explosives at a swap meet."

**San Diego Code of Ordinances**

Codified through Ordinance Number 10567 N.S., effective November 9, 2018.

**Chapter 3 – Business Regulations, Business Taxes, Permits & Licenses**

**Article 3 – Police Regulated Business Regulations**

**Division 42 – Regulation of Firearm Dealers**

**Section 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.

### **Section 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.

**“Person”** has the same meaning as that in San Diego Municipal Code section 11.0210.

### **Section 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.

### **Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

### **Section 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 party transfers conducted pursuant to California Penal Code section 12082.

## **Chapter 5 – Public Safety, Morals & Welfare**

### **Article 3 – Firearms, Dangerous Weapons & Explosives & Hazardous Trades**

#### **Section 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.

### **San Dimas Municipal Code**

Codified through Ordinance Number 1292 and the January 2022 code supplement.

## **Title 9 – Public Peace, Morals and Welfare**

### **VIII – Weapons**

#### **Chapter 9.52 – Minors and Weapons**

##### **Section 9.52.010. Weapons – Sale, gift prohibited.**

Except as otherwise provided in this chapter and Chapters 9.48 and 9.56, no person shall sell, give, lend or in any way furnish, or cause or permit to be sold, given, lent or in any way furnished, to any person under the age of eighteen years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, slingshot or device designed or intended to discharge or capable of discharging any dangerous missile.

##### **Section 9.52.020. Ammunition – Sale, gift prohibited.**

Except as otherwise provided in this chapter and Chapter 9.48 and 9.56, no person shall sell, give, lend or in any way furnish, or cause or permit to be sold, given, lent or in any way furnished, to any person under the age of eighteen 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 firearm.

##### **Section 9.52.030. Weapons – Use, custody prohibited.**

Except as otherwise provided in this chapter and Chapters 9.48 and 9.56, no person under the age of eighteen years shall fire, discharge, shoot or operate, or assist or participate in the firing, discharging, shooting or operating, or have in his possession, care, custody or control, any gun, revolver, pistol, firearm, spring gun, air gun, sling, slingshot 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 firearm.

#### **Section 9.52.040. Exemptions.**

Nothing in this chapter or Chapters 9.48 or 9.56 shall be deemed or construed to prohibit the selling, giving, lending or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 9.52.010 and 9.52.020; nor to prohibit any such person under the age of eighteen years from having in his possession, care, custody or control any article mentioned in Section 9.52.030, in the event that such possession, care, custody or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person; nor to prohibit any such person under the age of eighteen years from firing, discharging, shooting or operating any article mentioned in Section 9.52.030 when such person is accompanied by, and under the direct care and control of some adult person and is engaged in hunting any wild game or predatory bird or animal which may be lawfully hunted and killed in the city, 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 such adult person.

### **San Fernando Code of Ordinances**

Codified through Ordinance Number 1705, adopted February 7, 2022. (Supplement Number 36)

## **Chapter 50 – Offenses and Miscellaneous Provisions**

### **Article VI – Weapons**

#### **Section 50-257. Sale to minors.**

(a) No person shall sell, exchange, give or loan to any person under 18 years of age any slingshot; any snap-blade or spring-blade knife; any gun, revolver, pistol or firearm of any description; any spring gun or airgun or other device designed or intended to discharge any pellets, BB shot or other deadly or dangerous missile; or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed or intended for use in any weapons enumerated in this subsection.

(b) This section shall not be construed to prohibit any person from selling, exchanging, giving or loaning to any such minor any of the weapons described in subsection 50-256(a) or the ammunition or projectile therefor, where such person receives and keeps on file written permission to do so from one of the parents or legal guardian of such minor on the form and in the manner prescribed in this subsection for the purpose of enabling the minor to engage in shooting or discharging weapons as provided in subsection 50-256(a) or for the purpose of engaging in legitimate sport or recreation outside the city. The written permission referred to in this subsection shall be on a form prescribed by the chief of police, and the form shall be filled in and executed by one of the parents or the legal guardian of such minor and such minor at the police department in the presence of a police officer.

#### **Section 50-258. Possession by minors.**

(a) No person under 18 years of age shall have in his possession, care, custody or control any article or thing mentioned in section 50-257.

(b) This section shall not be construed to apply to a minor under the age of 18 years where such minor has in his possession the written permission therefor from one of such minor's parents or such minor's legal guardian on the form prescribed in section 50-257 when engaged in shooting or discharging weapons as provided in subsection 50-256(a) or when traveling to and from any of the places mentioned in subsections 50-256(c)(1), (2) and (3) or when engaged in legitimate sport or recreation outside the city.

#### **Section 50-259. Sale of firearm ammunition.**

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

(b) Except as provided in subsections (c) and (d) of this section, no person, including retail gun dealers, shall sell, give, lend or transfer ownership or offer for sale any firearm ammunition during the seven calendar days preceding and including July 4 and January 1 of each calendar 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 to a retail gun dealer or of ammunition requested which meets the parameters of Penal Code § 12324 relating to disarmed ammunition.

(d) Nothing in this section shall prohibit sale to, purchase by or acquisition of firearm ammunition to any person exempted from such restrictions by state law as such persons are described in Penal Code § 12302 or 12322.

(e) This section shall have no application to the prohibitions on the sale of firearm ammunition established by Penal Code § 12301 et seq. and 12320 et seq. or any other prohibitions established by the state statutes.

(f) Any person found in violation of this section shall be guilty of a misdemeanor offense.

**Section 50-260. Security requirements for firearms dealers.**

(a) As used in this section, the term "licensee" has the same meaning as used in Penal Code § 12071(a)(1), as amended.

(b) Any time the licensee is not open for business, the licensee shall store all firearms kept in the licensed place of business using one of the following methods as to each particular firearm:

(1) Store the firearm in a secure facility that is a part of or that constitutes the licensee's business premises.

(2) Secure the firearm with a hardened steel rod or cable of at least one-eighth inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a bolt cutter, and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises.

(3) Store the firearm in a locked fireproof safe or vault in the licensee's business premises.

(c) The chief of police or the chief's designee shall have the authority to enter, at any time of the day or night with 24-hour notification, any licensed place of business, on an annual basis or as otherwise determined to be necessary by the chief of police, to inspect the licensee's premises for compliance with the requirements set forth in this section and for compliance with all other federal and state licensing requirements.

**Chapter 66 – Secondhand Goods  
Article IV – Swap Meets**

**Section 66-142. Prohibited sales, trades, exchanges or bartering.**

No person at any swap meet, whether he is the operator or an exhibitor or any other person or entity, shall sell, exchange, display, offer for sale or exchange or barter at any swap meet any of the following items of personal property:

(2) Any handgun, rifle, shotgun or other type of firearm by whatever name, or any deadly weapon.

**San Francisco Police Code**

Codified through Ordinance Number 178-22, File No. 220678, approved August 4, 2022, effective September 4, 2022.

**Article 9 – Miscellaneous Conduct Regulations**

**Section 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.

**Section 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.

### **Section 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.

### **Section 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.

#### **Section 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.

#### **Section 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.

#### **Section 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.

#### **Section 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.

### **Section 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.

### **Section 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.

### **Section 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).

### **Section 613.10. License, conditions.**

In addition to all other requirements and conditions stated in Sections 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.

### **Section 613.10-1. Sale or transfer of 50 caliber firearms and cartridges restricted.**

**(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 offer or 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.

**Section 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.

### **Section 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.

### **Section 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.

### **Section 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.

#### **Section 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.

#### **Section 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.

#### **Section 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.

#### **Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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 Number 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.

#### **Section 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.

#### **Section 617. Prohibition against possession or sale of firearms or ammunition on property controlled by the City and County of San Francisco.**

C.<sup>1</sup> 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)<sup>2</sup>** 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.<sup>1</sup>** 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)<sup>1</sup> 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)<sup>1</sup> 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)<sup>3</sup> 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

<sup>1</sup>. 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.

<sup>2</sup>. As enacted by Ord. 194-07, the second and third paragraphs of this division are undesignated. The codifier added the designations "(b)" and "(c)."

<sup>3</sup>. So in Ord. 194-07.

### **Section 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.

## Article 35 – Firearm Strict Liability Act

### Section 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.

### Section 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.

### Section 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 36A – Sale, Manufacture, and Distribution of Firearms and Ammunition; Possession of Handguns**

### **Section 3600A. Statement of findings and text of ordinance prohibiting the sale, manufacture and distribution of firearms and ammunition in the city and county of San Francisco and limiting the possession of handguns in the city and county of San Francisco.**

#### Section 2. Ban on Sale, Manufacture, Transfer or Distribution of Firearms in the City and County of San Francisco

Within the limits of the City and County of San Francisco, the sale, distribution, transfer and manufacture of all firearms and ammunition shall be prohibited.

#### Section 3. Limiting Handgun Possession in the City and County of San Francisco

Within the limits of the City and County of San Francisco, no resident of the City and County of San Francisco shall possess any handgun unless required for professional purposes, as enumerated herein. Specifically, any City, state or federal employee carrying out the functions of his or her government employment, including but not limited to peace officers as defined by California Penal Code Section 830 et. seq. and animal control officers may possess a handgun. Active members of the United States armed forces or the National Guard and security guards, regularly employed and compensated by a person engaged in any lawful business, while actually employed and engaged in protecting and preserving property or life within the scope of his or her employment, may also possess handguns. Within 90 days from the effective date of this Section, any resident of the City and County of San Francisco may surrender his or her handgun at any district station of the San Francisco Police Department, or to the San Francisco Sheriff's Department without penalty under this section.

#### Section 4. Effective Date

This ordinance shall become effective January 1, 2006.

#### Section 5. Penalties

Within 90 days of the effective date of this Section, the Board of Supervisors shall enact penalties for violations of this ordinance. The Mayor, after consultation with the District Attorney, Sheriff and Chief of Police shall, within 30 days from the effective date, provide recommendations about penalties to the Board.

#### Section 6. State Law

Nothing in this ordinance is designed to duplicate or conflict with California State Law. Accordingly, any person currently denied the privilege of possessing a handgun under state law shall not be covered by this ordinance, but shall be covered by the California state law which denies that privilege. Nothing in this ordinance shall be construed to create or require any local license or registration for any firearm, or create an additional class of citizens who must seek licensing or registration.

#### Section 7. Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application. To this end, the provisions of this ordinance shall be deemed severable.

### **Section 3601A. Penalty for sale, distribution, transfer, and manufacture of firearms and ammunition or possession of handguns within city and county of San Francisco.**

**(b)** Any person who shall violate the provisions of Police Code Section 3600A that prohibit the sale, distribution, transfer and manufacture of all firearms and ammunition within the limits of the City and County of San Francisco or that prohibit the possession of any handgun within the limits of the City and County of San Francisco shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$1,000 and by imprisonment in the County Jail not to exceed six months, or by both.

**(c)** Any firearm or ammunition sold, distributed, transferred, or manufactured or any handgun possessed within the City and County of San Francisco in violation of the provisions of Police Code Section 3600A 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 is authorized to seize such firearms, ammunition and handguns and shall destroy or cause to be destroyed such firearms, ammunition and handguns, 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.

**(d)** This Section 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 Section or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this

Section which can be given effect without the invalid or unconstitutional provision or application. To this end, the provisions of this section shall be deemed severable.

## **Article 36B – Storage of Firearms in Motor Vehicles**

### **Section 3601B. Definitions.**

"**Firearm**" means a Firearm as defined in California Penal Code section 12001, as amended from time to time.

"**Lock box**" means a container that is listed on the California Department of Justice Bureau of Firearms roster of approved firearm safety devices.

"**Motor Vehicle**" means a vehicle as defined in California Vehicle Code section 415, as amended from time to time.

"**Trunk**" means a fully enclosed compartment that is separate from the main cabin of the Motor Vehicle.

"**Unattended**" means that a person aged 18 or over is not present in the Motor Vehicle.

### **Section 3602B. Storage of firearms in motor vehicles.**

(a) No person may place, store, or leave a Firearm in an unattended Motor Vehicle unless the Firearm is stored:

(1) in a locked Trunk of a Motor Vehicle, provided that the automatic Trunk release in the main cabin of the Motor Vehicle is disabled; or

(2) in a Lock Box that is permanently affixed to the Trunk of a Motor Vehicle, provided that the Lock Box is locked; or

(3) for Motor Vehicles with four or more wheels and lacking a Trunk, in a Lock Box that is permanently affixed to the Motor Vehicle and underneath a seat, or covered, or otherwise outside the view of the public, provided that the Lock Box is locked; or

(4) for Motor Vehicles with fewer than four wheels, in a Lock Box that is permanently affixed to the Motor Vehicle, provided that the Lock Box is locked.

(b) Notwithstanding subsections (a)(1), (a)(2), (a)(3), and (a)(4) no person may place, store, or leave a Firearm overnight in an unattended Motor Vehicle.

(c) This Article 36B is not intended to conflict with applicable State or federal law, if any.

(d) This Article 36B is intended to apply to all Motor Vehicles within the City and County of San Francisco.

Notwithstanding the foregoing sentence, nothing in this Article 36B shall apply to on-duty peace officers employed by jurisdictions other than the City and County of San Francisco or to federal officers or military personnel who are acting within the scope of their authority and discharging their official duties. Any peace officer employed by City and County of San Francisco is exempt from the requirements of this Article provided that the officer's employing department has a policy regulating the storage of firearms for both on and off duty conduct by the officer.

### **Section 3603B. Penalty.**

Every violation of Section 3602B shall constitute a misdemeanor and shall be punishable by a fine not to exceed \$10,000 or by imprisonment in the county jail not to exceed six months, or by both.

### **Section 3604B. Promotion of general welfare.**

In enacting and implementing Article 36B, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

### **Section 3605B. Severability.**

It is the intention of the City and County of San Francisco that all persons within San Francisco be subject to Article 36B while in San Francisco. This Article or portion thereof shall not apply to anyone subject to the criminal prosecution under state law for the same conduct. If a court determines that this Article or any portion thereof may not be applied to a particular class of persons, it is the intention of the City and County of San Francisco that applicability of the Article or portion thereof to those persons shall be severed from the remainder of this Article or other portions thereof, which shall continue to apply to other persons.

## **Article 45 – Firearms and Weapons Violence Prevention Ordinance**

### **Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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 § 6'16, 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 Jacinto County Municipal Code**  
Codified through Ordinance Number 21-03, passed April 6, 2021.

**Title 5 – Business Licenses and Regulations**  
**Chapter 5.24 – Garage Sales**

**Section 5.24.060. Inspection.**

All personal property offered for sale shall be arranged so that fire and life safety, police and other officials may have access for inspection at all times during the sale.

It is unlawful to offer for sale, firearms, pornographic material or other like items.

**San Joaquin County Code of Ordinances**  
Codified through Ordinance Number 4594, passed February 15, 2022. (Supp. No. 73, Update 2)

**Title 7 – Business Regulations**  
**Division 1 – Business Licenses**  
**Chapter 5 – Retail Sales of Concealable Firearms**

**Section 7-1250. License required.**

Before any person shall engage in the County in the business of retail selling of pistols, revolvers, and other firearms capable of being concealed upon the person, they shall have an approved license issued under the provisions of Chapter 1 of this division and as modified by this chapter.

**Section 7-1251. Conditions of approval.**

In addition to the requirements in Chapter 1 of this division, any licenses approved under the provisions of this chapter shall be subject to the following conditions:

- (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:
  - (1) Within fifteen (15) days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor
  - (2) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity;
- (d) No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be readily seen from the outside.

**Section 7-1252. Period of license.**

Licenses shall remain in effect for a period not to exceed one (1) year from the date of filing the application therefor.

**San Jose Code of Ordinances**  
Codified through Ordinance Number 30801, adopted August 9, 2022. (Supp. No. 40)

**Title 10 – Public Peace, Morals & Welfare**  
**Chapter 10.32 – Weapons**  
**Part 2 – Weapons and Minors**

**Section 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**

### **Section 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.

### **Section 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.

### **Section 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.

### **Section 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.

### **Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Part 5 – Safe Storage of Firearms in a Residence**

**Section 10.32.160. Definitions.**

As used in this Part, the following terms have the following meaning:

- A. **"Firearm"** means a device, designed 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. **"Locked Container"** means a locked container as defined in California Penal Code Section 16850, as amended from time to time.
- C. **"Residence"** means any structure intended or used for human habitation, including but not limited to houses, condominiums, rooms within a Residence, in-law units, motels, hotels, single room occupancy units, time shares, and recreational and other vehicles where human habitation occurs.
- D. **"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 California Penal Code Section 23635, as may be amended from time to time.

**Section 10.32.170. Firearms in residence – Prohibition, Exception for reporting theft or loss, and sunset for reporting exception.**

- A. A person who owns or possesses a Firearm and keeps it in his or her Residence shall store the Firearm in a Locked Container or disable the Firearm with a Trigger Lock upon leaving the Residence.
- B. A person who owns or possesses a Firearm who reports to the San Jose Police Department that a Firearm was stolen or lost within 24 hours of the time he or she knew or reasonably should have known that the firearm had been stolen or lost shall not be prosecuted for violation of subsection A.
- C. Subsection B shall remain in effect for one calendar year from the date the Ordinance adding this Part 5 of Chapter 10.32 of Title 10 of the San Jose Municipal Code takes effect.

**Title 20 – Zoning**  
**Chapter 20.80 – Specific Use Regulations**  
**Part 9 – Home Occupations**

**Section 20.80.720. Prohibited uses.**

The following are not permitted as home occupations:

- C. Firearm sales and service.

**San Juan Bautista Municipal Code**  
Codified through Ordinance Number 2021-06, passed April 20, 2021.

**Title 11 – Zoning**  
**Chapter 11-07 – Home Occupation Regulations**

**Section 11-07-050. Prohibited home occupation uses.**

The following are examples of uses that are not incidental to or compatible with residential activities, and are therefore prohibited as home occupations:

- (C) Gun or ammunition sales, including off site and by mail order.

**San Leandro Municipal Code**  
Codified through Ordinance Number 2022-004 and the June 2022 code supplement.

**Title 2 – Revenue**  
**Chapter 2-2 – Business License**  
**Article 5 – Fees**

**Section 2-2-500. Fees based on nature of business.**

Every person commencing or carrying on a business within this City shall pay a license fee in an amount determined by the Finance Director in accordance with the nature of the business as hereinafter set forth:

Business Classification	Annual Base Fee	Unit Fee	Unit Fee Basis
Firearms Dealer	\$148.91	\$4.44	Per \$100 of gross receipts attributable to the sales of firearms capable of being concealed upon the person and ammunition for such firearms, excluding sales to public agencies

The business license fees established by this section shall continue to be adjusted annually by an amount equal to the percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) for the San Francisco-Oakland-San Jose metropolitan area, as published by the U.S. Department of Labor, Bureau of Statistics.

**Title 4 – Public Welfare**  
**Chapter 4-14 – Firearms**  
**Article 1 – Regulation of Firearms and Ammunition**

**Section 4-14-110. Ammunition.**

No person shall, within the City of San Leandro, sell, loan or give any ammunition to any person under eighteen (18) years of age.

**Article 3 – Requirement That Firearms Dealers Sell or Provide Trigger Locks or Similar Safety Devices For Each Firearm Sold, Leased, or Transferred – Posted Notice**

**Section 4-14-300. Definitions.**

The following words and phrases, whenever used in this Article, shall be construed as defined in this section:

**(a) Firearm.** “Firearm” shall mean 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) Firearms Dealer.** “Firearms dealer” shall mean 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.

**(c) Person.** “Person” shall mean natural person, association, partnership, firm, or corporation.

**(d) Trigger Lock.** “Trigger lock” shall mean a mechanical locking device which blocks or impairs the action of the trigger, rendering the firearm inoperable until removed.

**Section 4-14-310. Requirement to sell or provide trigger locks or similar devices.**

Firearms dealers doing business within the City of San Leandro shall not sell, lease, or otherwise transfer any firearm without also selling or providing a nonreturnable trigger lock, or similar safety device, to prevent the unintentional discharge of the firearm.

**Section 4-14-320. Exemption.**

Persons providing firearms for temporary use only within a designated firing range, shall be exempt from the provisions of this Article, so long as such firearms are not permitted to be removed from the firing range premises and the period of use does not exceed eight (8) hours.

**Section 4-14-330. Posted notice.**

Firearms dealers operating within the City of San Leandro shall conspicuously post the following notice at their place of business in the area in which the firearms are sold, leased or transferred. The letters on the notice must be legible, at least one inch (1") in height, and shall read:

A TRIGGER LOCK OR OTHER SAFETY DEVICE MUST BE SOLD OR PROVIDED WITH EACH FIREARM. THESE DEVICES PREVENT THE UNINTENTIONAL DISCHARGE AND USE OF YOUR FIREARM. SAN LEANDRO MUNICIPAL CODE TITLE IV CHAPTER 14.

**Article 4 Certification Requirements for Employees of Firearms Dealers**

**Section 4-14-400. Definitions.**

The following words and phrases, whenever used in this Article, shall be construed as defined in this section:

**(a) Applicant.** "Applicant" shall mean any person applying for a certification pursuant to this Article.

**(b) Certification.** "Certification" shall mean the receipt of a document issued to the employee by the Chief of Police, signifying that the employee has met the requirements of this Article.

**(c) Chief Of Police.** "Chief of Police" shall mean the Chief of Police of the City of San Leandro, or authorized designee.

**(d) Employee.** "Employee" shall mean a person who is employed by a firearms dealer, and who assists 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.

**(e) Engaged In The Business.** "Engaged in the business" shall mean the conduct of a business by the selling, transferring, or leasing of any firearm; or the preparation for such conduct of business; or the holding of one's self out as engaged in the business of selling, transferring, or leasing of any firearm, or the selling, transferring, or leasing of firearms in quantity, in series, or in individual transactions, or in any other manner indicative of trade.

**(f) Firearm.** "Firearm" shall mean 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.

**(g) Firearms Dealer.** "Firearms dealer" shall mean 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.

**(h) Person.** "Person" shall mean natural person, association, partnership, firm, or corporation.

**Section 4-14-410. Required certification.**

It shall be unlawful for any employee to sell, transfer, or lease, or advertise for sale, transfer or lease, or offer for sale, transfer, or lease, any firearm without first obtaining a certification from the Chief of Police except for the interim period provided in Section 4-14-470 for persons who are employees as of the effective date of this Article.

**Section 4-14-420. Application forms and fees.**

An applicant for a certification under this Article shall file with the Chief of Police a sworn application in writing, on a form to be furnished by the City. The Chief or Police may require additional information of an applicant reasonably necessary to complete the investigation. The applicant shall provide all information reasonably requested, or the application will not be deemed complete. The application shall be accompanied by a nonrefundable fee as set forth in the City of San Leandro license/permit fee schedule. To the extent practicable, the fee amount shall reflect the cost of enforcing the requirements of this Article 4.

**Section 4-14-430. Application – Investigation.**

The Chief of Police shall conduct an appropriate investigation to determine for protection of the public health, safety and welfare whether the certification may be issued. Such determination shall be made within fifteen (15) days of the receipt of a completed application.

**Section 4-14-440. Application denial.**

The Chief of Police shall deny the issuance of a certification when any of the following conditions exist:

- (a) The applicant, or employee, is under the age of twenty-one (21) years.
- (b) The applicant, or employee, has made a false or misleading statement of a material fact, or an omission of a material fact in the application for a certification.
- (c) The applicant, or employee, has been convicted of:
  - (1) Any offense so as to disqualify the applicant, or employee, from owning or possessing a firearm under applicable Federal, State, and local laws.
  - (2) Any offense relating to the manufacturing, sale, possession, use or registration of any firearm or dangerous or deadly weapon.
  - (3) Any felony offense involving the use of force or violence upon the person of another.
  - (4) Any felony 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.
- (d) The applicant, or employee, 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 to be a seller of firearms.
- (e) The applicant, or employee, has been adjudicated as a mental defective, or has been committed to a mental institution, or suffers from any psychological disturbance which, without a reasonable accommodation, would impair his or her fitness to be a seller of firearms.

**Section 4-14-450. Grounds for revocation of certification.**

In addition to any provisions contained in this Article, any circumstances constituting grounds for denial shall also constitute grounds for revocation.

**Section 4-14-460. Certification/revocation – Hearing.**

- (a) Any person whose application for a certification under this Article has been denied, or whose certification has been revoked pursuant to the provisions of this Article, shall have the right to a hearing before the Chief of Police prior to final denial or prior to revocation.
- (b) The Chief of Police shall give the applicant or employee written notice of the intent to deny the application or to revoke the certification. The notice shall set forth the ground(s) for the Chief of Police's intent to deny the application or to revoke the certification, and shall inform the applicant or employee that he or she has ten (10) days from the date of receipt of the notice to file a written request for a hearing. The application may be denied or the certification revoked if a written hearing request is not received within the ten (10) day period.
- (c) If the applicant or employee 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 certification is final and non-appealable.

**Section 4-14-470. Compliance.**

Any employee as of the effective date of this Article shall have a period of ninety (90) days after such effective date to submit an application for certification to comply with the provisions of this Article. All other persons shall obtain the certification required by this Article prior to becoming an employee.

**Section 4-14-480. Severability.**

This Article shall be enforced to the full extent of the authority of the City of San Leandro. If any section, subsection, paragraph, sentence or word of this Article is deemed to be invalid or beyond the authority of the City of San Leandro, 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 5 – Prohibition on the Sale of Saturday Night Specials, also Known as Junk Guns**

**Section 4-14-505. Definitions.**

The following words and phrases, whenever used in this Article, shall be construed as defined in this section:

**(a) Saturday Night Special.** “Saturday Night Special,” as used in this Article shall mean any of the following:

**(1)** A pistol, revolver, or firearm capable of being concealed upon the person, as those terms are defined in California Penal Code Section 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:

**(i)** Is not originally equipped by the manufacturer with a locked-breech action; and

**(ii)** 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.

**(iii)** For purpose of this subsection (a)(2), “semi-automatic pistol” shall mean a firearm, as defined in California Penal Code Section 12001(b), which is designed to be held and fired with one hand, and which does the following upon discharge: (A) fires the cartridge in the chamber; (B) ejects the fired cartridge case; and (C) loads a cartridge from the magazine into the chamber. “Semiautomatic pistol” shall not include any assault weapon designated in California Penal Code Section 12276.

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

**(i)** 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 permissible breech pressures below 19,000 Copper Units of Pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute; and

**(ii)** 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

**(iii)** Is not originally equipped by the manufacturer with a nondetachable safety guard surrounding the trigger; or

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

**(v)** For purpose of this subsection (a)(3), “action mechanism” shall mean the mechanism of a firearm by which it is loaded, locked, fired and unloaded, commonly known as the cycle of operation.

#### **Section 4-14-510. Exclusions.**

The term “Saturday Night Special” does not include any of the following:

**(a)** 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 Section 12020; or

**(b)** 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.

**(c)** Children’s pop guns or toys; or

**(d)** An “unconventional pistol” as defined in California Penal Code Section 12020(c)(12); or

**(e)** 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.”

#### **Section 4-14-515. Roster of Saturday Night Specials.**

On or before the effective date of this roster, the Chief of Police, or designee, (the “Chief of Police”) shall compile, publish, and thereafter maintain a roster of Saturday Night Specials (the “roster”). The roster shall list those firearms, by manufacturer and model number, which the Chief of Police determines fit the definition of Saturday Night Specials as set forth in this Article. The Chief of Police may retain an independent firearms expert to assist in the determinations.

#### **Section 4-14-520. Notification.**

Upon completion of a list of firearms to be placed on the roster for the first time, the Chief of Police 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 Section 12071 of the California Penal Code. Such notification shall do the following:

**(a)** Identify the model number of the firearm which has been classified as a Saturday Night Special within the meaning of this Article; and

**(b)** Advise the recipient of the notice that he or she may apply for reconsideration of the classification of the firearm as a Saturday Night Special; and

(c) Advise the recipient of the notice that the burden of proving that a firearm does not constitute a Saturday Night Special within the meaning of this Article shall be borne by the recipient.

**Section 4-14-525. Reconsideration by the chief of police.**

(a) The Chief of Police shall, prior to January 1, 1997, establish standards and procedures for the form and content of an application for reconsideration, conducting an administrative hearing and evaluating evidentiary testimony relating to the decision of the Chief of Police to classify the firearm subject to reconsideration as a Saturday Night Special as defined by this Article. Such standards and procedures shall provide that the Chief of Police shall render a decision within thirty (30) days of the submission of a completed application.

(b) Upon timely filing of one or more complete applications for reconsideration, the Chief of Police shall evaluate the evidence submitted by the applicant(s). The Chief of Police may retain an independent firearms expert to assist in the reconsideration. The applicant(s) shall have the burden of demonstrating that the firearm does not constitute a Saturday Night Special as defined by this Article.

**Section 4-14-530. Appeal of classification.**

(a) If the Chief of Police 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 decision within fifteen (15) days of notification of the Chief of Police's decision. The applicant(s) shall have the right to appeal such decisions to the City Manager, or designee, and the applicant(s) shall have the right to a hearing before the City Manager prior to inclusion of the firearm in question on the roster.

(b) The City Manager 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 to classify the firearm subject to appeal as a Saturday Night Special as defined by this Article.

(c) The appellant(s) shall have the burden of demonstrating that the firearm does not constitute a Saturday Night Special as defined by the Article, and that the determination of the Chief of Police was erroneous.

(d) All parties involved shall have the right to offer testimonial, documentary and tangible evidence bearing on the issue, and to be represented by counsel.

(e) The City Manager shall hear and consider all relevant evidence. The City Manager may retain an independent firearms expert to assist in the evaluation of the appeal. Any such expert would be subject to examination by the parties. Upon conclusion of the hearing, the City Manager shall render a written decision within thirty (30) days, based upon the evidence presented and expert information provided, if any.

(f) In all instances, the decision of the City Manager is final regarding whether a firearm is a Saturday Night Special and should be listed on the roster.

**Section 4-14-535. Publication of the roster.**

The Chief of Police shall place on the roster those firearms which have been determined to constitute a Saturday Night Special as defined by this Article, and shall publish such roster 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 fifteen (15) days after completion of the roster; 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; and

(c) A copy of the roster shall be distributed to every firearms dealer in the City who is licensed to sell and transfer firearms pursuant to Section 12071 of the California Penal Code and local regulations.

**Section 4-14-540. Effective date of the roster.**

The roster shall become effective on the fifteenth (15th) day following its publication.

**Section 4-14-545. Additions to the roster.**

The addition of firearms to the roster shall be made in accordance with the following provisions:

(a) Semi-Annual Determination. On a semi-annual basis, the Chief of Police shall determine the need to place firearms on the roster upon identifying one or more firearms as a Saturday Night Special, the Chief of Police shall prepare a draft list of additions to the roster.

(b) Notification of Additions. In the event that a draft list of additions to the roster is prepared, the Chief of Police shall endeavor to send written notification in accordance with Section 4-14-520.

(c) Reconsideration by the Chief of Police and Appeal. Any person who the Chief of Police notifies pursuant to subsection (b) above, may apply for reconsideration of the classification of the firearm as a Saturday Night Special in accordance with

the provisions of Section 4-14-525. An appeal of the reconsideration by the Chief of Police may be made to the City Manager pursuant to the provisions of Section 4-14-530.

**(d) Additions to Firearms Roster; Publication; and Effective Date.** After all appeals have been exhausted, the Chief or Police shall place on the roster those additional firearms which have been determined to constitute Saturday Night Specials within the meaning of this Article. The Chief of Police shall cause the roster, as amended, to be published in accordance with the provisions of Section 4-14-535. Such amended roster shall be effective fifteen (15) days following the date of such publication. 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.

**Section 4-14-550. Sale prohibited.**

After January 1, 1997, no wholesale or retail firearms dealer as licensed by the federal or state government and operating within the territorial limits of the city, 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 firearms transactions between unlicensed parties pursuant to Section 12702(d) of the California Penal Code.

**Section 4-14-555. Exemptions.**

Nothing in this Article relative to the sale of Saturday Night Specials shall prohibit the disposition of any firearms 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.

**Section 4-14-560. Severability.**

The City Council declares that, should any provision, section, paragraph, sentence, or work of this Article be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of said ordinance hereby adopted shall remain in full force and effect.

**San Leandro Zoning Code**

Codified through Ordinance Number 2022-001 and the June 2022 code supplement.

**Title 2 – Base District Regulations**

**Chapter 2.08 – Commercial and Professional Districts**

**Article 1 – Use Regulations**

**Section 2.08.200. CC District – Use regulations.**

**B. CC District – Conditionally Permitted Uses.**

The following uses are allowed in the CC District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

**28. Gun or Weapon Shop.**

**San Luis Obispo County Code of Ordinances**

Codified through Ordinance Number 3475, passed August 9, 2022. (Supp. No. 12, Update 1)

**Title 6 – Business Licenses and Regulations**

**Chapter 6.08 – Licensing Procedures**

**Section 6.08.051.1. Prerequisite to issuance of business licenses.**

Prior to issuance of a business license by the tax collector, license applications for the following business categories shall be submitted to the specified regulatory departments for their review:

**(2)** The application for a business license must be presented to the sheriff for review and recommendations in relation to the following businesses as a prerequisite to the issuance of a license:

**g. Sale of firearms;**

**San Marcos Municipal Code**

Codified through Ordinance Number 2021-1512, enacted January 11, 2022. (Supp. No. 6)

**Title 5 – Business Regulations**

**Chapter 5.60 – Firearms**



#### **Section 5.60.040. License required.**

It shall be unlawful for any person to sell at retail, pistols, revolvers and other firearms capable of being concealed upon the person, and hereinafter referred to as concealable weapons, unless such seller has been issued a license by the City Clerk of the City of San Marcos and provided in this chapter.

(a) Application. Application for a license shall be made by the seller to the City Clerk on forms supplied by the City Clerk. Every applicant shall submit to fingerprinting by the Sheriff, which fingerprints will be sent to the Federal Bureau of Investigation, Identification Division, and to the State of California Bureau of Criminal Identification and Investigation for examination, comparison and recording. The City Clerk shall send a copy of the application to the City Building Official. The Building Official shall determine whether the structure, in which the proposed business is to be conducted, meets building code requirements and whether the proposed business conforms to the applicable zoning laws. Upon completion of his investigation, the Building Official shall report to the City Clerk, who shall report to the Sheriff the findings of such examination. Upon receipt of the Building Official's report of findings upon completion of his own investigation of the applicant, the Sheriff shall recommend approval or denial of the license. Such recommendation to the City Clerk, who shall issue or deny the license according to the Sheriff's recommendation. The business licensed by this chapter shall be carried on only in the building designated in the license.

(b) License Fee. The applicant shall pay a nonrefundable fee for said license the sum of \$25.00 to be paid at the time application for the license is made and an annual business license fee as set forth in the business license ordinance to be paid upon approval of the application by the City Clerk. The fee established by the City Clerk shall defray the cost of investigation and issuance of said license.

(c) Form and Term of License. The license shall be in a form prescribed by the City Clerk and the Attorney General and shall be effective for not more than one year from the date of issuance.

(d) Display of License. The license, or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be seen.

(e) License Renewal. Said license may be renewed by the seller by making application to the City Clerk not less than 30 days prior to the expiration of the license. All provisions of this section relating to any original license shall apply equally to the renewal of the license.

#### **Section 5.60.050. Records; secondhand weapons.**

If a dealer, licensed by this chapter to sell firearms, shall have offered to him for purchase or for acceptance in trade a used or second hand concealable weapon, he shall first obtain from the person offering such weapon the following information:

(a) Name, address, and physical description of such person.

(b) The description and license number of the vehicle, if any, being driven by such person.

(c) The caliber, manufacturer's name, description, serial number or numbers, initials or other identifying marks of the weapon.

(d) Such other information which may be required by law enforcement.

The information shall be recorded on forms furnished and approved by the City Clerk and law enforcement. At the end of each week such dealer shall file with law enforcement such completed form with respect to each second-hand concealable weapon purchased or taken in trade during such week by such dealer.

#### **Section 5.60.060. Delivery of firearms.**

No concealable weapons shall be delivered:

(a) Within five days of the application for the purchase thereof; nor

(b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity. When delivered, such concealable weapon shall be loaded and securely wrapped.

#### **Section 5.60.070. Advertising or display.**

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.

**San Mateo Municipal Code**

Codified through Ordinance Number 2021-18, current through July 21, 2021

**Title 27 – Zoning**

**Chapter 27.16 – Residence Districts**

**Section 27.16.040. Home occupation.**

Home occupations are permitted in dwellings upon approval of a Home Occupation Certificate by the City. All home occupations shall meet the following standards:

(a) Allowable Uses. The home occupation shall be accessory to the primary use of the dwelling as a residence. Allowable uses include offices, professional services, instruction, food preparation, handicrafts, and other similar uses as authorized by the Zoning Administrator. Auto repair and retail sales from the dwelling are prohibited. Businesses selling or renting firearms, as defined by Penal Code Section 12001(b), shall be prohibited unless a special use permit is approved, subject to compliance with the limitations set forth in this section and such other conditions as are established by the special use permit process.

**Chapter 27.30 – C1 Districts – Neighborhood Commercial**

**Section 27.30.020. Special uses.**

The following uses may also be permitted subject to approval of a special use permit, provided that the use limitations contained in Section 27.30.025, "Permitted and special uses—Twenty-Fifth Avenue Improvement Area," shall apply to properties in the Twenty-Fifth Avenue improvement Area and the use limitations contained in Section 27.30.027, "Permitted and special uses—Hillsdale Station Area Plan Active Zone," shall apply to properties in the Hillsdale Station Area Plan Active Zone:

(q) Businesses selling or renting firearms as defined by Penal Code Section 12001(b);

**Chapter 27.38 – CBD Districts – Central Business District**

**Section 27.38.030. Special uses.**

The following uses may also be permitted if their site locations and proposed development plans are first approved as provided in Chapters 27.06 through 27.12, 27.62, 27.74, 27.78 and 27.80; however, the specific use limitations contained in Section 27.38.110, Required Retail Frontage, shall apply to properties located within the required retail frontage area, as shown in the Downtown Plan:

(22) Businesses selling or renting firearms as defined by Penal Code Section 12001(b);

**San Mateo County Code of Ordinances**

Codified through Ordinance Number 04867, passed May 17, 2022. (Supp. No. 40, 6-22)

**Title 3 – Public Safety, Morals and Welfare**

**Chapter 3.52 – Firearms**

**Section 3.52.010. Definition of "firearms".**

**Firearms** is defined as a cannon, gun, pistol, revolver, automatic pistol, rifle, shotgun, "BB" gun, air gun, pellet gun or any other weapon of similar nature designed to discharge a projectile propelled by the expansion of a gas.

**Section 3.52.040. Possession by minor prohibited.**

It shall be unlawful for any person under the age of eighteen (18) years to have in his possession in a public place any firearm, except as provided in section 3.52.050 hereof.

**Section 3.52.050. Exceptions.**

The provisions of section 3.52.040 hereof shall not apply to said persons under the age of eighteen (18) in the following cases:

(a) When said person is in the immediate charge of a parent, guardian, or adult person having the responsibility for the conduct of said person under the age of eighteen (18) years.

(b) When the firearm is unloaded and either: (1) in a dismantled or "take-down" condition or (2) completely wrapped or in a carrying case made for the purpose of carrying such firearm. A gun shall be deemed to be unloaded only when no ammunition or propellant is in any part of the gun or magazine or clip thereof.

(c) When said person is lawfully hunting pursuant to the provisions of the California Fish and Game Code and in possession of a hunting license issued as prescribed by that code.

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding the sum of Five Hundred Dollars (\$500.00) or by imprisonment in the County Jail of San Mateo County, for a period not exceeding six months, or by both such fine and imprisonment.

**Section 3.52.060. Sale of certain firearms prohibited to minors.**

No person shall sell, deliver or transfer ownership to any person under the age of eighteen (18) years any pistol, revolver or other similar weapon capable of being concealed upon the person and designed to discharge a solid projectile propelled by the expansion of a gas.

**Section 3.52.070. Adoption of Penal Code Sections 12070 through 12077.**

The provisions of sections 12070-12077, inclusive, of the Penal Code of the State of California, pertaining to the licensing of retailers selling pistols, revolvers, and other firearms capable of being concealed upon the person, are hereby adopted in the County of San Mateo and from and after the effective date of this ordinance shall be in full force and effect in this County.

**Section 3.52.080. Sheriff, duties.**

The Sheriff of San Mateo County is hereby designated and appointed the duly constituted licensing authority of this County for the purpose of this ordinance. All applications for licenses under the foregoing Penal Code sections shall be made to the Sheriff and he is hereby authorized to grant licenses, effective for one year from the date of issue, to enforce within the unincorporated area of this County the provisions of sections 12070-12077 of said Penal Code, and to obtain and, where necessary, to prescribe forms effectuate the purposes of said sections and to otherwise do all acts and things required to make effective and to enforce within this County the provisions of sections 12070-12077 of the California Penal Code.

**Section 3.52.090. Definitions.**

The following definitions govern the construction of this chapter:

- (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.

**Section 3.52.110. Licenses, conditions.**

Licensees shall be subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

- (1) The business shall be carried on only in the building designated in the license.
- (2) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.
- (3) No pistol or revolver shall be delivered:
  - (a) Within three 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.
- (5) Deleted.
- (6) The licensee shall not deliver a firearm to a purchaser, lessee or other transferee unless the firearm is unloaded and securely wrapped or unloaded in a locked container.
- (7) The licensee shall not sell, lease or otherwise transfer a firearm without also selling or otherwise providing with each firearm a trigger lock or similar device that is designed to prevent the unintentional discharge of the firearm.

**Section 3.52.120. Copies of register sheet, disposition of.**

Licensees shall, immediately upon receiving an application for purchase, mail a copy of the register sheet required to be maintained to the Bureau of Criminal Identification and Investigation and to the Sheriff, as required by Penal Code section 12076. The Sheriff shall, upon receiving said copy, investigate and report to said retailer whether or not the purchaser is

known to be a minor under the age of eighteen (18) years or within one of the classes of persons prohibited by section 12021 of said Penal Code from owning or possessing such weapon. Such persons are narcotics addicts, persons convicted of felonies and persons not citizens of the United States.

If any section, provision, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance, and the Board of Supervisors hereby declares that it would have passed this ordinance irrespective of such validity or unconstitutionality.

**Section 3.52.200. Possession and sale of firearms by county law enforcement officials.**

(A) All firearms issued to county law enforcement officials shall be accompanied by a safety trigger lock.

(B) No county law enforcement official shall sell, trade, give or otherwise transfer any firearm owned or possessed by the County of San Mateo.

(C) Notwithstanding subdivision (B) above, the County may sell any firearm owned or possessed by the County to another law enforcement agency, provided that the Sheriff has determined the firearm to be surplus property and the sale is otherwise permissible under applicable state and federal law.

(D) Notwithstanding subdivision (B) above, the County may sell to any active Deputy, Sergeant, Lieutenant, Captain, Assistant Sheriff, Undersheriff, and Sheriff their County owned or possessed (department issued service firearm), provided that the Sheriff has determined the firearm to be surplus property and the firearm purchaser signs an agreement not to subsequently transfer the firearm except to the County.

**San Pablo Municipal Code**

Codified through Ordinance Number 2022-001, passed January 18, 2022.

**Title 5 – Business Taxes, Licenses and Regulations**

**Chapter 5.04 – Business Licenses and Fees**

**Section 5.04.295. Sales of firearms.**

Every person who engages in the business of selling, transferring, or leasing firearms shall pay a license fee as determined by City Council Resolution. Such resolution shall be published in the same manner and within the same time as ordinances are required to be published.

**Title 9 – Public Peace, Morals and Welfare**

**Chapter 9.10 – Sales of Firearms and Munitions**

**Section 9.10.020. Permit required.**

A. It shall be unlawful under this Chapter for any person to engage in the business of selling, transferring, or leasing, or advertising for sale, transfer or lease, or offer or expose for sale, transfer or lease, any firearm unless he or she has been issued a license as required by this chapter. "Engage in the business" means the conduct of a business by the selling, leasing, or transferring of any firearm; or the preparation for such conduct of business, as evidenced by the application for or securing of applicable state or federal licenses; or the holding of oneself out as engaged in the business of selling, transferring, or leasing of any firearms; or the selling, transferring or leasing of firearms in quantity, in series or in individual transactions, or in any other manner indicative of trade.

B. Such license shall consist of a permit issued by the police chief after a determination by the police chief that the applicant meets the standards for obtaining a permit based on the criteria contained herein.

C. A person shall not be deemed licensed to sell firearms until that person has obtained both the permit from the police chief and a use permit for the business site from the city planning commission.

**Section 9.10.030. Manner of application – Fees.**

An applicant for a permit under this chapter shall file with the police chief an application in writing, under penalty of perjury, on a form to be furnished by the city or as information requested to demonstrate compliance with this chapter, including a floor plan of the proposed business which illustrates the applicant's compliance with the security provisions of Section 9.10.080D of this chapter. The application shall also include a certification by the City's Community Development Department that the business will not be located in a zoning district in which the operation of firearms business is prohibited by law. 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. The application shall be accompanied by a nonrefundable fee for administering this chapter, to be established by resolution of the City Council.

**Section 9.10.040. Investigation by the chief of police.**

The police chief shall conduct an appropriate investigation of the applicant to determine for the protection of the public safety whether the permit may be issued. The police chief may require an applicant, or any officer, agent, or employee

thereof, to provide fingerprints, a recent photograph, a signed authorization for the release of pertinent records, a complete personal history set forth on a questionnaire provided by the police chief, and any other additional information which the police chief deems necessary to complete the investigation.

#### **Section 9.10.050. Grounds for denial of permit.**

The police chief shall give the applicant written notice of the chief's decision to deny or revoke the application. The notice shall set forth the ground or grounds for the chief's decision, and shall inform the applicant that he or she has ten (10) days from the date the notice was mailed within which to file a written request for a hearing with the chief. The police chief shall issue a permit unless he finds one or more of the following:

- A.** The applicant, or an officer, employee or agent thereof, is under the age of twenty-one (21) years;
- B.** The applicant is not licensed as required by all applicable federal or state laws, or the operation of the business as proposed will not comply with all applicable federal, state, and local laws, including, but not limited to any of the following:
  - 1. The applicant has failed to provide a copy of his or her valid federal firearm's license.
  - 2. The applicant has failed to provide a valid seller's permit issued by the State Board of Equalization.
  - 3. The applicant has failed to provide a copy of his or her valid Certificate of Eligibility issued by the Department of Justice;
- C.** The applicant's inventory does not conform to the type of federal or state firearms permit issued to the applicant;
- D.** 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 two (2) years;
- E.** The applicant, or an officer, employee or agent thereof, has knowingly made any false or misleading statement of a material fact in the application for a permit;
- F.** The applicant, or an officer, employee or agent thereof, fails or refuses to provide clear evidence of his or her identity, or any other information required by the police chief to complete his investigation;
- G.** 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 under applicable federal, state and local laws.
  - 2. Any offense relating to the manufacture, sale, possession, use of 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 State Health and Safety Code, as it may be amended from time to time;
- H.** The applicant, or any officer, employee or agent thereof, is currently or has been within the last two years, an unlawful user of any controlled substance as defined by the State Health and Safety Code, as it may be amended from time to time, or is an excessive user of alcohol, to the extent that such use would impair his fitness to be a dealer in firearms;
- I.** The applicant, or any officer, employee or agent thereof, is within the classes of person defined in California Welfare and Institutions Code Sections 8100 or 8103 as they now read, or may hereafter be amended to read.

#### **Section 9.10.060. Grounds for revocation.**

In addition to any provisions contained in this chapter, any circumstances constituting grounds for denial shall also constitute grounds for revocation.

#### **Section 9.10.070. Hearing.**

- A.** Any person whose application for a permit has been denied, or whose permit has been revoked by the police chief, shall have the right to a hearing before the police chief prior to the final denial or revocation of the permit.
- B.** Within ten days of mailing of the written notice of intent to deny the application, or revoke the permit, the applicant may appeal by requesting a hearing before the police chief. Such a request must be made in writing and must set forth the specific grounds for the appeal. If the applicant files a timely request for a hearing, the police chief shall set a time and place for the hearing within thirty days thereafter. The decision of the police chief to deny the application shall be in writing and shall be rendered within ten (10) days of the hearing.
- C.** An applicant may appeal the police chief's denial or revocation of a permit to the city manager by filing a written appeal with the city manager.

### **Section 9.10.080. Police chief permit conditions.**

The permit issued by the police chief shall be deemed to contain the following terms and conditions, unless otherwise indicated on the permit:

- A.** The permittee shall conduct business only in the premises designated in the permit. This requirement, however, shall not prohibit the permittee from participating in gun shows or events which are specifically authorized by federal and state law upon compliance with federal and state law.
- B.** The permit issued by the police chief, or a copy thereof, certified by the police chief, shall be displayed on the premises and at gun shows where it can be easily seen.
- C.** No firearms shall be delivered:
  - 1. Within fifteen days of the application for the purchase, or within fifteen days after submitting corrected copies of the register or any fee required by state Penal Code Section 12076, whichever is later, or within any timelines otherwise set forth in Penal Code §§ 12071(b)(3) or 12072(c)
  - 2. Unless unloaded and securely wrapped or in locked container which is fully enclosed and securely locked by a padlock or similar locking device as required by state Penal Code Section 12026.1.
  - 3. Unless the purchaser or transferee presents clear evidence of his or her identity and age, as required by Penal Code § 12071(c)(1)
  - 4. If the permittee is notified by the State Department of Justice that a purchaser is in a prohibited class described in State Penal Code Sections 12021 or 12021.1 or State Welfare and Institutions Code Sections 8100 or 8103.
- D.** All firearms kept in the licensed place of business shall be stored using one of the following methods as to each particular firearm:
  - 1. Store the firearm in a secure facility that is a part of, or that constitutes, the licensee's business premises.
  - 2. Secure the firearm with a hardened steel rod or cable of at least one-eighth inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a bolt cutter and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises.
  - 3. Store the firearm in a locked fireproof safe or vault in the licensee's business premises.
  - 4. As used in this section, a "**secure facility**" means a building that meets all of the following specifications:
    - a.** All perimeter doorways shall meet on the following:
      - (i) A windowless steel security door equipped with both a deadbolt and a doorknob lock.
      - (ii) A windowed metal door that is equipped with both a dead bolt and a doorknob lock. If the window has an opening of five inches or more measured in any direction, the window shall be covered with steel bars of at least one-half inch diameter or metal grating of at least nine gauge affixed to the exterior or interior of the door.
      - (iii) A metal grate that is padlocked and affixed to the licensee's premises independent of the door and doorframe.
    - b.** All windows are covered with steel bars.
    - c.** Heating, ventilating, air-conditioning, and service openings are secured with steel bars, metal grating, or an alarm system.
    - d.** Any metal grates have spaces no larger than six inches wide measured in any direction.
    - e.** Any metal screens have spaces no larger than three inches wide measured in any direction.
    - f.** All steel bars shall be no further than six inches apart.
  - 5. Upon written request from a permittee, the police chief may grant an exemption from compliance with this subparagraph D if the permittee is unable to comply with these requirements because of local ordinances, covenants, lease conditions, or similar circumstances not under the control of the permittee.
- E.** No pistol, revolver, or other firearm capable of being concealed upon the person or imitation thereof, or placard advertising their sale or other transfer, shall be displayed in any part of the premises where it can readily be seen from the outside.
- F.** Permittee shall properly and promptly process firearms transactions pursuant to State Penal Code Section 12082.
- G.** Permittee shall keep a register of sales as required by State Penal Code Sections 12073 and 12077.

**H.** Permittee shall not sell, deliver or transfer any pistol, revolver or other firearm capable of being concealed upon the person to any person under twenty-one years of age or any other firearm to any person under eighteen years of age.

**I.** Permittee shall post conspicuously within the licensed premises, all charges and fees required by Penal Code § 12071(b)(11), and the following warning in block letters not less than one inch in height:

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

**J.** No pistols, revolvers or firearms capable of being concealed upon the person shall be delivered unless the purchaser or transferee presents to the permittee a basic firearm safety certificate.

**K.** Permittee shall offer to provide the purchaser or transferee of a firearm a copy of the pamphlet described in State Penal Code Section 12080 and may add the cost of the pamphlet, if any, to the sales price of the firearm.

**L.** Permittee shall report the loss or theft of any firearm that is merchandise of the permittee, any firearm that the permittee takes possession of pursuant to Penal Code § 12082, or any firearm kept at the permittee’s place of business within forty eight (48) hours of discovery to the San Pablo Police Department.

**Section 9.10.090. Permit assignment.**

The assignment or attempt to assign any police chief permit issued pursuant to this chapter is unlawful and any such assignment or attempt to assign shall render the permit null and void.

**Section 9.10.100. Liability insurance.**

**A.** 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 deems proper, executed by an insurance company approved by the City whereby the applicant or permittee is insured against liability for all activities of the permittee, including damage to property and for injury to or death of any person. The minimum liability limits shall not be less than one million dollars (\$1,000,000) combined, single limit personal injury and property damage for each occurrence. The insurance shall be occurrence based insurance. 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, Five Alvarado Square, San Pablo, CA 94806, at least thirty (30) days immediately prior to the time such cancellation becomes effective. Upon expiration of any such policy and if no additional insurance has been secured prior to the expiration thereof in the manner provided for the initial securing of a permit under this chapter, the permit shall be deemed cancelled without further notice or opportunity to be heard.

**B.** Such policy of insurance shall name the City, its officers, agents, and employees as additional insured. Additionally, applicant and permittee, as a condition of issuance of any permit under this Chapter, agree to indemnify, defend and hold harmless the City, its officers, agents, and employees, from any claims arising from the negligence of the applicant or permittee.

**Section 9.10.110. Expiration of police chief permit.**

**A.** Police chief permits shall expire one year after the date of issuance. Such permits may be renewed by the police chief for additional one year periods upon the permittee’s submission of an application for renewal, accompanied by a non-refundable renewal fee as established by City Council Resolution. The completed renewal application and the renewal fee must be received by the police chief no later than forty-five (45) days prior to the expiration of the current permit.

**B.** The police chief shall inform the city planning division manager when a permit expires or is revoked, or when renewal is denied by the police chief so that proceedings to revoke the use permit can be initiated.

**C.** A decision by the police chief regarding renewal of the permittee’s police chief permit may be appealed in the manner provided for in Section 9.10.070.

**Section 9.10.120. Use permit application.**

When the applicant has obtained a police chief permit, the applicant may apply to the city planning department for a planning commission use permit pursuant to Title 17 of this code. The applicant shall provide all information requested by the planning department. No use permit application shall be deemed complete until the applicant has shown possession of a valid police chief permit for such use.

**Section 9.10.130. Possessory interest in the property.**

No application for a use permit shall be processed until the applicant provides proof satisfactory to the city planning department that the applicant, officer, employee or agent thereof is the owner of record of the real property at which the proposed business will be conducted, or has a lease, license or other entitlement to operate such business at such location and the written consent of the owner of record of such real property.

**Section 9.10.140. Site restrictions.**

No use permit may issue for any location which is:

- A.** Within a zoning district in which residential use is the principal permitted or maintained use. Notwithstanding anything to the contrary in this Code, home occupation permits for the conduct of any business under this chapter shall be prohibited. The location of such businesses in and around homes is hereby declared a public nuisance. This section is expressly made retroactive to all such businesses operating in such residential zones.
- B.** Within any zoning district in which general retail sales commercial activities is not a permitted or conditional use.
- C.** Within 500 feet of the exterior limits of a dealer in firearms, a bar, or a liquor store. For the purposes of this chapter, a bar is defined as an establishment whose primary purpose is, or whose primary source or revenue is from, the sale of alcoholic beverages for consumption on the premises. Liquor store is defined as an establishment whose primary purpose is, or whose primary source of revenue is from, the sale of alcoholic beverages for consumption elsewhere.
- D.** Within 500 feet of the exterior limits of any premises occupied by a public or private day care center or day care home, elementary school, junior high school or high school, whether public or private.
- E.** All distances referred to in this section shall be measured between the closest points on the exterior property lines or area boundaries of the parcels or areas involved, except that when a permittee occupies one unit of a multi-unit structure located on a single parcel, distances shall be measured from the exterior boundaries of the unit so occupied.
- F.** Businesses governed by the provisions of paragraphs C and D of this section, which are in full compliance with all local, state and federal laws prior to the effective date of this chapter, including but not limited to zoning and business license laws, shall not be required to obtain a use permit unless such businesses lose their non-conforming use status as provided in Chapter 17.08. Such businesses shall, however, be required to comply with all other provisions of this chapter.

**Section 9.10.150. Use permit conditions.**

All use permits approved by the city planning commission shall be deemed to contain all of the following terms and conditions, unless otherwise indicated on the permit:

- A.** The possession of a valid police chief permit.
- B.** The possession of all licenses and permits required by federal or state laws.
- C.** Compliance with all of the terms and conditions contained in Section 9.10.080.
- D.** Compliance with all of the requirements of the City's Building Code, the Fire Code, and any other technical code or regulation of the city which may govern the use, occupancy, maintenance, construction or design of buildings or structures. The use permit shall also contain a condition that the applicant must obtain a final inspection from the city building official demonstrating full code compliance before the applicant may commence business at the premises at issue.
- E.** A method of storage of inventory which is explosive or flammable at the proposed business site shall be in compliance with federal and state law and with the city's Fire Code.
- F.** All other conditions deemed by the planning commission to be necessary and proper to protect the public interest and welfare.

**Section 9.10.160. Authority to inspect.**

Any applicant for a use permit or police chief permit under this chapter shall be deemed to expressly consent and grant to any investigation officials of the city the right to enter the premises for which the use permit and police chief permit was obtained, without a warrant, from time to time during regular business hours to make reasonable inspections to observe and enforce compliance with building, mechanical, fire, electrical, plumbing, and health regulations, as well as the provisions of this chapter and all applicable federal, state and local law. Such right to enter and inspect without a warrant shall be deemed a condition of approval of any permit issued under this chapter.

**Section 9.10.170. Revocation of use permit.**

If the police chief, building official, or any other person has reason to believe that the permittee is not in full compliance with any conditions imposed pursuant to this chapter, a report shall be made to the city planning official. After an investigation of the facts contained in the report, the city planning official may commence proceedings to revoke the use permit pursuant to Title 17 of this code.

**Section 9.10.180. Compliance.**

Any person who sells, transfers, leases, or advertises for sale, transfer or lease, or offers or exposes for sale, transfer or lease, any firearm on and after 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, except as provided in Section 9.10.140(F).



**San Rafael Code of Ordinances**

Codified through Ordinance Number 2010, adopted June 21, 2022. (Supplement Number 35, Update 2)

**Title 8 – Morals and Conduct**  
**Chapter 8.38 – Regulations of Firearms Dealers**

**Section 8.38.010. Definitions.**

For the purpose of this chapter, the words set forth in this section shall have the meaning assigned to them unless from the context it appears that a different meaning is intended:

**(a) "Firearm"** 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 force of explosion or other means of combustion.

**(b) "Firearms dealer" and "licensee"** means any person licensed to sell, lease or transfer firearms pursuant to California Penal Code Section 12071(a)(1).

**Section 8.38.020. Permit required.**

It is unlawful for any firearms dealer to sell, lease or transfer firearms without a permit issued by the police chief or his or her designee.

**Section 8.38.025. Application.**

**(a)** An applicant for a permit or renewal of a permit under this chapter shall file with the police chief an application in writing, signed under penalty of perjury, on a form prescribed by the police chief. The applicant shall provide all relevant information requested to demonstrate compliance with this chapter including:

- (1)** The name including any aliases or prior names, age and address of the applicant;
- (2)** The applicant's Federal Firearms License and California Firearms Dealer numbers;
- (3)** The address of the proposed location for which the permit is required, together with the business name, and the name of any corporation, partnership, or association that has any ownership in, or control over, the business, if any;
- (4)** The names, ages and addresses of all persons who will have access to or control of workplace firearms, including, but not limited to, the applicant's employees, agents and/or supervisors, if any;
- (5)** Proof 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;
- (6)** A floor plan of the proposed business, which illustrates the applicant's compliance with security provisions, as outlined in Section 8.38.040 of this chapter;
- (7)** Proof of compliance with any applicable city zoning requirements;
- (8)** Proof of compliance with all federal and state licensing laws;
- (9)** Information relating to every license or permit to sell, lease, transfer, purchase, or possess firearms which were sought by the applicant from any jurisdiction in the United States, including, but not limited to, the date of each application and whether it resulted in the issuance of a license; and the date and circumstances of any revocation or suspension;
- (10)** Applicant's agreement 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, including attorney fees arising in any manner out of the applicant's negligence or intentional or wilful misconduct;
- (11)** Certification of satisfaction of insurance requirements;
- (12)** The date, location, and nature of all criminal convictions of the applicant, if any, in any jurisdiction in the United States.

**(b)** The application shall be accompanied by a nonrefundable processing and administration fee, in an amount to be set by the city council by resolution, as provided in Chapter 3.34 of this code.

**Section 8.38.030. Investigation by police chief.**

The police chief shall conduct an appropriate investigation of the applicant to determine for the protection of the public safety whether the permit may be issued. The police chief shall require an applicant, or any officer, agent or employee thereof, to provide fingerprints, a recent photograph, a signed authorization for the release of pertinent records, a

complete personal history set forth on a questionnaire provided by the police chief, and any other additional information which the police chief considers necessary to complete the investigation.

**Section 8.38.035. Conditions of approval.**

In addition to other requirements and conditions of this chapter, a permit by the police chief is subject to the following conditions, the breach of any of which is sufficient cause for revocation of the permit by the police chief:

(a) The business shall be carried on only in the building located at the street address shown on the permit. This requirement, however, does not prohibit the permittee from participating in a gun show or event that is authorized by federal, state and local law upon compliance with that law and upon compliance with any applicable city ordinance regulating the permissible locations of gun shows.

(b) The police chief's permit or a certified copy of it shall be displayed on the premises and at gun shows where it can be easily seen.

(c) The applicant shall not permit any person under eighteen (18) years of age to enter or remain within the premises without being accompanied by the parent, grandparent or legal guardian where the firearm sales activity is the primary business performed at the site.

**Section 8.38.040. Requirement of a secured facility.**

Firearms dealers must comply with California Penal Code 12071(b)(14), which provides that at any time the licensee is not open for business, the licensee shall store all firearms kept in his or her licensed place of business using one of the following methods as to each particular firearm:

(A) Store the firearm in a secure facility, as defined by Penal Code Section 12071(c)(3), that is part of, or that constitutes, the licensee's business premises;

(B) Secure the firearm with a hardened steel rod or cable of at least one-eighth inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a bolt cutter and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises; or

(C) Store the firearm in a locked fireproof safe or vault on the licensee's premises.

**Section 8.38.045. Liability insurance.**

(a) No permit issued by the police chief shall be issued or reissued unless there is in effect a policy of insurance in a form approved by the city's risk manager and executed by an insurance company approved by the city, whereby the applicant is insured 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 offering for sale, lease or transfer of a firearm. The minimum liability limits shall not be less than one million dollars (\$1,000,000.00) for each incident of damage to property or incident of injury or death to a person.

(b) The policy of insurance shall contain an endorsement providing that the policy shall not be canceled until notice in writing has been given to the city's risk manager at least thirty (30) days prior to the time the cancellation becomes effective.

(c) Upon expiration of a policy of insurance and if no additional insurance is obtained immediately, the permit is considered canceled without further notice.

**Section 8.38.050. Issuance of permit, Duration.**

(a) The police chief may issue a permit to the applicant if he or she finds that the applicant complies with all applicable federal, state and local laws including but not limited to, the state Penal Code, the city Building Code, the city Fire Code, and the city zoning ordinance.

(b) A permit issued by the police chief expires one year after the date of issuance. A permit may be renewed for additional one-year periods upon the permittee's submission of an application for renewal, accompanied by a nonrefundable renewal fee in the amount set by resolution of the city council as provided in Chapter 3.34 of this code. The renewal application and the renewal fee must be received by the police chief no later than forty-five (45) days before the expiration of the current permit.

(c) A decision regarding issuance or renewal of a permit may be appealed in the manner provided pursuant to Section 8.38.067.

### **Section 8.38.060. Grounds for permit denial.**

The police chief shall deny the issuance or renewal of a permit when one or more of the following conditions exist:

- (a)** The applicant has not complied with the requirements of this chapter or, has violated the provisions of Section 8.37.060 of this code pertaining to prohibited activity in connection with the sale, display or transfer of "saturday night specials."
- (b)** The applicant, or any officer, employee or agent thereof who will have access to and control of firearms is under twenty-one (21) years of age;
- (c)** The applicant is not licensed as required by federal and state law;
- (d)** The applicant or any officer, employee or agent thereof who will have access to and control of firearms has had a license or permit to sell, lease, transfer, purchase or possess firearms from any jurisdiction in the United States revoked, suspended or denied for good cause within the immediately preceding five (5) years.
- (e)** The applicant or any officer, employee or agent thereof who will have access to and control over firearms has made a false or misleading statement of a material fact or omission of a material fact in the application for the permit. If a permit is denied on this ground, the applicant is prohibited from reapplying for a permit for a period of five (5) years.
- (f)** The applicant or any officer, employee or agent thereof who will have access to and control over firearms has been convicted of:
  - (1)** An offense which disqualifies that person from owning or possessing a firearm under federal, state and local law, including, but not limited to, the offenses listed in Penal Code section 12021;
  - (2)** An offense relating to the manufacture, sale, possession, use or registration of a firearm or dangerous or deadly weapon;
  - (3)** An offense involving the use of force or violence upon the person of another with a deadly weapon;
  - (4)** Any felony, misdemeanor burglary or misdemeanor fraud;
  - (5)** An offense involving the manufacture, sale, possession or use of a controlled substance as defined by the State Health and Safety Code, as it now reads or may hereafter be amended to read.
- (g)** The applicant or any officer, employee, or agent thereof who has control over firearms is within a class of persons defined in Welfare and Institutions Code Sections 8100 or 8103.
- (h)** The applicant or any officer, employee, or agent thereof who has control over firearms is currently, or has been within the past five (5) years, an unlawful user of a controlled substance as defined by the Health and Safety Code;
- (i)** The operation of the business as proposed would not comply with federal, state or local law regulating the sale of saturday night specials, or the locations of permitted sales, if any, at gun shows.

### **Section 8.38.065. Grounds for permit revocation.**

In addition to the violation of any other provisions contained in this chapter, circumstances constituting grounds for denial of a police chief's permit also constitute grounds for revocation.

### **Section 8.38.067. Hearing for permit denial or revocation.**

- (a)** A person whose application for a permit is denied or revoked by the police chief has the right to a hearing before the police chief before final denial or revocation.
- (b)** Within ten days of the mailing of written notice of intent to deny the application or revoke the permit, the applicant may appeal by requesting a hearing before the police chief. The request must be made in writing, setting forth the specific grounds for appeal. If the applicant submits a timely request for an appeal, the police chief shall set a time and place for the hearing within thirty (30) days.
- (c)** The decision of the police chief shall be in writing within ten days of the hearing. An applicant may appeal the decision of the police chief to the city manager or his or her designee in the manner provided by the resolution adopted by the city council which addresses this appeal process.

### **Sec. 8.38.068. Non-assignability.**

A police chief's permit issued under this chapter is not assignable. An attempt to assign a police chief's permit renders the permit void.

### **Section 8.38.069. Compliance by existing firearms dealers.**

A person engaging in firearm sales activity on the effective date of this chapter or any amendment to it shall, within sixty (60) days after the effective date, comply with this chapter and any amendment to it.

**Section 8.38.080. Violations and penalties.**

(a) Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding six months, or by both such fine and imprisonment. Each 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 chapter is committed, continued or permitted by such person.

(b) Any person found to be in violation of the provisions of this chapter shall be subject to the revocation of his or her permit to sell, lease or transfer firearms.

(c) In addition to any other penalty or remedy, the city attorney may commence a civil action to seek enforcement of the provisions of this chapter.

**Title 14 – Zoning\***  
**Division I – General Provisions**  
**Chapter 14.03 – Definitions**

**Section 14.03.030. Definitions.**

"Firearms dealer" means any person licensed to sell, lease or transfer firearms pursuant to California Penal Code Section 12071(a)(1).

"Gun shop" means an establishment or person engaged in the sale, lease or transfer of firearms pursuant to California Penal Code Section 12071(a)(1).

**Division II – Base District Regulations**  
**Chapter 14.05 – Commercial and Office Districts**

**Section 14.05.020. Land use regulations (GC, NC, O, C/O, R/O, FBWC).**

P: Permitted by right; C: Conditional use permit; CZ: Conditional use permit/zoning administrator; A: Administrative use permit; Blank: Not allowed.

Table 14.05.020

Type of Land Use	GC	NC	O	C/O	R/O	FBWC*	Additional Use Regulations
Retail							
Gun shops	C					C	See Chapter 14.17 standards.

**Section 14.05.022. Land use regulations (4SRC, CSMU, HO, 2/3 MUE, 2/3 MUW, WEV, 5/M R/O).**

P: Permitted by right; C: Conditional permit/planning commission; CZ: Conditional use permit/zoning administrator; A: Administrative use permit; Blank: Not allowed.

Table 14.05.022

Type of Land Use	4SRC	HO	CSMU	2/3 MUE	2/3 MUW	WEV	5/M R/O
Retail							
Gun shops	C		C	C	C	C	

**Division IV – Regulations Applying In All or Several Districts**  
**Chapter 14.16 – Site and Use Regulations**

**Section 14.16.220. Home occupations.**

F. Uses that are Prohibited. The following uses by the nature of the business or operation have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations or cannot operate in compliance with applicable licensing requirements or the home occupation performance standards and thereby substantially impair the use and value of a residential area for residence purposes (e.g., the use would generate impacts on the surrounding neighborhood that are more frequent than that usually experienced in an average residential occupancy in the district under normal circumstances wherein no home occupation exists. This may include but not be limited to a home occupation that would generate traffic associated with the business outside of normal daytime business hours or on Sundays, or other impacts not typically associated with a home occupation use such as excess vehicle parking or storage of materials or equipment). Therefore the uses specified below, and any use determined by the community development director to be similar in its operations or potential impacts, shall not be permitted as home occupations:

- m. Firearms dealer;

## Chapter 14.17 – Performance Standards

### Section 14.17.075. Gun shops.

- A. Purposes.** Performance standards related to gun shops are intended to ensure the public safety by requiring such shops to provide adequate security as well as appropriate hazardous materials storage.
- B. Applicability.** Performance standards for gun shops apply in all districts where gun shops are allowed. Compliance with performance standards shall be reviewed through the administrative use permit process.
- C. Standards.**
- 1. Police Department Review.** Security and public safety measures shall be provided to the satisfaction of the police department.
  - 2. Fire Department Review.** Appropriate hazardous materials storage measures shall be provided to the satisfaction of the fire department.
  - 3. Compliance with Other Laws.** Approval of the requested permit is contingent upon demonstration of compliance with applicable provisions of state and federal laws. All gun shops shall be operated according to state and federal regulations.
  - 4. Location.** No gun shop shall be located within three hundred (300) feet of a day care facility, church, or school. The three hundred (300) feet measurement shall be from lot line to lot line.

### San Ramon Municipal Code

Codified through Ordinance No. 491, passed June 25, 2019 (Supp. No. 9).

#### Title B - Regulations

#### Division B7 – Public Peace, Morals and Welfare

#### Chapter XII – Firearms

### Section B7-248. Possession of firearms, pellet guns and similar weapons by minors.

No minor shall possess or use any of the following listed firearms, weapons and/or instruments except under the direct supervision and control of the minor's parent or legal guardian, or an adult authorized by said parent or legal guardian.

- A.** Any firearm or weapon which propels a projectile of any size by explosive force;

### Section B7-249. Sale of ammunition to minors prohibited.

No person shall sell or give to any minor any ammunition capable of being used in any firearm, BB gun, pellet gun, airguns or gas-operated guns unless the minor is accompanied by his or her parent or legal guardian, or an adult authorized by said parent or legal guardian.

### Sand City Municipal Code

Codified through Ordinance Number 21-05 and the February 2022 code supplement.

#### Title 9 – Public Peace, Morals and Welfare

#### Chapter 9.16 – Commercial Sale of Firearms

### Section 9.16.010. Definition.

The term “**firearms**” as used in this chapter, shall include, not by way of limitation, handguns, rifles, shotguns, gas or air guns, spring-loaded guns and other weapons coming under the definition of firearms as defined in the Penal Code of the State.

### Section 9.16.020. Conditions for sales – Permits.

No person shall sell, display for sale, or store preparatory for sale any firearm within the City limits unless said person has fully complied with all of the following conditions:

- A.** The seller shall hold a federal firearms permit and shall meet all of the provisions of the Gun Control Act of 1968.
- B.** The seller shall have obtained a permit from the Chief of Police authorizing the storage of the firearms within the City. The permit shall be renewable annually and shall be issued only upon the showing that the seller has a federal firearms permit and has taken steps to insure the safety of his or her firearms from burglary or theft. The Chief of Police shall have the right in conjunction with the building inspector to require as a condition for the issuance of a permit structural changes to the building in which the firearms are sold or stored, including the installation of burglar alarms and other warning devices.
- C.** The City permit and the federal firearms permit shall be displayed at the location for which it is issued in a prominent place.

**Section 9.16.030. Fee.**

The fee for the issuance of an annual permit shall be twenty-five dollars (\$25.00). The annual fee shall be paid at the time application is obtained from the City Clerk and in the event a permit is not issued, the sum of twenty-five dollars (\$25.00) shall be refunded to the applicant.

**Section 9.16.040. Exemption for private sales.**

Private persons selling their own firearms and not engaged in the commercial sale of the same shall be exempted from the purview of this chapter. For the purpose of this chapter, a person selling three (3) or more firearms in any calendar year shall be conclusively deemed to be engaged in the commercial sale of firearms and shall be required to comply with the terms of this chapter.

**Sanger Code of Ordinances**

Codified through Ordinance Number 2022-01, adopted January 10, 2022. (Supp. No. 21, Update 2)

**Chapter 18 – Businesses**

**Article II – Licenses**

**Division 3 – Requirements for Firearms and Munitions Dealers**

**Section 18-111. Purpose.**

It is the purpose of this division to establish, as authorized by Penal Code 12071, a local licensing process for persons engaged in the business of selling, transferring or leasing firearms and munitions and related activities.

**Section 18-112. Definitions.**

The following words and phrases, whenever used in this division, shall be construed as defined in this section:

**Engaged in the business** means conducting a business for the sale, transfer or lease of firearms or munitions; or preparing for the conduct of such business as evidenced by the securing of applicable federal or state licenses; or holding out of one's self as engaged in the business of selling, transferring or leasing firearms or munitions; or selling, transferring or leasing of firearms or munitions in quantity, in series or in individual transactions, or in any other manner indicative of trade, including as a pawnbroker.

**Firearm** means a 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.

**Firearms dealer** means a person engaged in the business of selling, transferring, leasing, or advertising for sale, transfer or lease, or offering or exposing for sale, transfer or lease, any firearm or munitions and who holds a Federal Firearms License.

**Munitions** means a projectile or explosive substance for use with a firearm.

**Pawnbroker** means a person whose business or occupation includes the taking or receiving, by way of pledge or pawn, any firearm or munitions as security for the payment or repayment of money.

**Person** means a natural person, association, partnership, firm, cooperative, corporation, or other business entity.

**Section 18-113. License required.**

It shall be unlawful for a person to engage in the business of operating or managing a business which sells, transfers, leases, offers or advertises for sale, transfer or lease, any firearm or munitions without first obtaining a firearms dealer license from the city. The license required by this division shall be in addition to any other permits or licenses required by law.

**Section 18-114. Application, forms, fees.**

An applicant for a license under this division shall file with the chief of police an application in writing and under penalty of perjury, on a form to be furnished by the city. The applicant shall provide all information required, including proof of compliance with all applicable federal, state and local laws and ordinances. The application shall be accompanied by a nonrefundable fee as established by council resolution.

**Section 18-115. Same, investigation.**

The chief of police shall conduct a thorough investigation of the applicant. The chief of police may require such additional information from the applicant as he may deem necessary in order to complete the investigation. The investigation shall be completed within 30 days unless circumstances exist justifying an extension of time. A written determination of time needed to complete the investigation shall be provided to the applicant prior to expiration of the 30-day period.

**Section 18-116. Same, denial.**

The chief of police shall deny the license application when any of the following conditions exist:

- (1) The applicant is under the age of 21 years;
- (2) The applicant does not possess a valid Federal Firearms License, a valid sellers' permit from the state board of equalization, a valid certificate of eligibility from the state department of justice, and all other licenses required by applicable federal, state and local laws and ordinances;
- (3) The applicant has had a local firearms license previously revoked or denied for good cause within the immediately preceding two years;
- (4) The applicant has made a false or misleading statement of a material fact or omission of a material fact in the application for the license;
- (5) The applicant has been convicted of:
  - a. Any criminal offense(s) which disqualifies the applicant, or an officer, employee or agent thereof, from owning or possessing a firearm under applicable federal, state and local laws and ordinances;
  - b. Any felony offense relating to the manufacture, sale, possession, use or registration of any firearm or dangerous or deadly weapon;
  - c. Any felony offense involving the use of force or violence upon the person of another;
  - d. Any criminal offense involving theft, fraud, dishonesty, or deceit;
  - e. Any felony 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;
- (6) The applicant is an unlawful user of any controlled substance as defined by the California Health and Safety Code, as such definition now reads or may hereafter be amended to read, or is an excessive user of alcohol to the extent that such use impairs his or her fitness to be a dealer in firearms;
- (7) The applicant has been adjudicated as a mental defective, or has been committed to a mental institution, or suffers from any psychological disturbance which impairs his or her fitness to be a dealer in concealable firearms;
- (8) The operation of the business as proposed will not comply with all applicable federal, state or local laws and ordinances, including the zoning and fire protection codes of the city; and
- (9) The applicant does not have, and/or cannot provide evidence of a possessory interest in the property at which the proposed business will be conducted. When the property is leased or rented, the applicant shall provide written consent from the owner of record of the property to conduct such business at the property.

**Section 18-117. Security.**

In order to discourage the theft of firearms or munitions stored in the premises of a firearms or munitions dealer, any person licensed under this division must adhere to security measures as required by the chief of police. Security measures may include some or all of the requirements set forth in Penal Code 12071(b)(14), and shall include the following:

- (1) The provision of secure locks, windows, doors and safes, and adequate lighting and alarms as specified by the chief of police; and
- (2) Storing of all firearms or munitions on the premises out of the reach of customers in a secure locked manner, so that access to firearms and munitions shall be controlled by the dealer or employees of the dealer, to the exclusion of all others.

**Section 18-118. License, form.**

All licenses issued pursuant to this division shall be in a form prescribed by the attorney general of the state.

**Section 18-119. Same, duration; renewal.**

All licenses issued pursuant to this division shall expire one year after the date of issuance, or automatically upon the revocation or expiration of the licensee's federal firearms license, whichever is earlier. Licenses may be renewed by the chief of police for additional periods of one year upon approval of an application for renewal and payment of a nonrefundable renewal fee. Such renewal application must be completed and received by the chief of police no later than 45 days prior to the expiration of the current license. Renewal applications may be denied consistent with section 18-116.

**Section 18-120. Same, assignment.**

The assignment or attempt to assign a license issued pursuant to this division is unlawful and any such assignment or attempt to assign a license shall render the license null and void.

**Section 18-121. Same, conditions.**

Licenses issued pursuant to this division shall be subject to all of the following conditions, the breach of any of which shall be sufficient cause for revocation of the license:

- (1) The business shall be carried on in the building located at the street address shown on the license. The licensee shall notify the chief of police in writing within ten days of any change in business location. Any such relocation shall require a new inspection to ensure compliance with this division. A nonrefundable reinspection fee will be charged.
- (2) The licensee shall comply with the California Penal Code, 12071, 12072, 12073, 12074, 12077, 12082, to the extent that such provisions are in effect.
- (3) The licensee shall maintain records of all employees engaged in the sale, lease, transfer or delivery of firearms or munitions, identifying them by name, address, date of birth and social security number. The licensee shall notify the chief of police in writing within ten days of any change in employees and submit the required identifying information for each newly hired employee.
- (4) The licensee shall maintain and keep records of all ammunition sales, including the name, address and age of the purchaser, the date of sale, the amount of ammunition sold and the type of ammunition sold.
- (5) The licensee shall comply with the requirements of this division.

**Section 18-122. Same, revocation.**

In addition to section 18-121, any provisions constituting grounds for denial of a license shall also constitute grounds for revocation of a license.

**Section 18-123. Same, hearing.**

- (a) Any person whose application for a license or license renewal under this division has been denied, or whose license has been suspended or revoked pursuant to the provisions of this division, shall have the right to a hearing before the chief of police or a designee prior to final denial, suspension or revocation.
- (b) The chief of police shall give the applicant or licensee written notice of intent to deny the application or to suspend or 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 suspend or revoke the license, and shall inform the applicant or licensee that he or she has ten days from the date of receipt of the notice to file a written request with the chief of police for hearing on the proposed denial, suspension or revocation. The application may be denied or the license suspended or revoked if a timely written request for hearing is not received by the chief of police within the ten-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. The applicant or licensee shall have the right to offer relevant evidence on the issues, to be represented by counsel, and to confront and cross examine witnesses against him/her. Any person beneficially interested in the application or license may appeal the chief of police decision to the city council.

**Section 18-124. Same, appeals.**

- (a) The appeal shall be in writing and shall be filed with the city clerk no later than 15 days after the date of written notice to the applicant or licensee of the chief of police's decision. The appeal shall state in detail all factual and legal bases for the appeal.
- (b) An appeal fee shall be paid at the time of filing the appeal. The fee shall consist of a processing fee plus an estimate of the actual cost to the city for conducting the appeal. The processing fee shall accompany the request for appeal. The appeal fee shall be set by resolution of the city council.

**Section 18-125. Indemnification.**

The license shall provide that the licensee is obligated to indemnify, defend and hold harmless the city and its officers, agents and employees, from and against all claims and liabilities arising from the negligence or wrongful conduct of the licensee respecting the sale, use, rental, transfer, or dealing in firearms and/or munitions.

**Section 18-126. License, authority to inspect.**

The license shall provide that any and all investigating officials, including police and fire investigators 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, safety or health regulations, provisions of this division, and all federal, state and local laws and ordinances.



**Section 18-127. Compliance.**

Persons engaged in the business of selling, transferring, leasing, or advertising for sale, transfer or lease, or offering or exposing for sale, transfer or lease, firearms or munitions as of the effective date of this division, shall have a period of 60 days after such effective date to comply fully with the provisions of this division.

**Section 18-128. Temporary suspension of firearms dealer license.**

(a) The chief of police may immediately suspend a license in the event the licensee violates any federal, state, county or city law or ordinance relating to firearms or involving firearms. This temporary suspension will not exceed three days. If the violation results in a criminal charge filed by a federal, state or county district attorney, the license to sell firearms or munitions may be suspended until the case is finally adjudicated.

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

(c) The licensee may appeal the suspension consistent with the procedures set forth in sections 18-123 and 18-124.

**Santa Ana Code of Ordinances**

Codified through Ordinance Number NS-3024, adopted August 2, 2022. (Supplement Number 28, Update 1)

**Chapter 8 – Buildings and Structures**

**Article II – Building Code**

**Division 3 – Building Security Regulations**

**Section 8-211. Special commercial building provisions.**

(s) Establishments having specific type inventories shall be protected by the following alarm service:

1. Silent alarm system with a central station hook-up and required twenty-four-hour supervised service:

b. Any establishment manufacturing, storing or selling firearms and ammunition.

**Chapter 10 – Crimes & Miscellaneous Law Enforcement Provisions**

**Article II – Minors**

**Section 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**

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

#### **Section 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.

#### **Section 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.

#### **Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Santa Barbara Municipal Code**  
Codified through Ordinance Number 6053 and the June 2022 code supplement.

**Title 9 – Public Peace and Safety**  
**Chapter 9.36 – Sale of Firearms**

**Section 9.36.010. Definitions.**

For the purposes of this chapter, the following words and phrases when used in this chapter shall have the meanings respectively ascribed to them by this section:

“**Business**” means retail and not wholesale business.

“**Convicted**” means entry of plea of guilty, or found guilty by court or jury.

“**Firearms**” means any gun, rifle, shotgun, pistol, revolver or any other device which projects a missile by an explosive type of ammunition, including, but not limited to, firearms capable of being concealed upon the person.

“**Permit**” means any permit issued under and as provided in this chapter.

“**Permittee**” means any person issued a permit under the provisions of this chapter

**Section 9.36.020. Purpose of chapter.**

This chapter is an exercise of the Police power of the City for the protection of the safety, welfare, health, peace and morals of the peoples of this City, and to eliminate the evils of unregulated and unlawful selling at retail of firearms as a business.

**Section 9.36.030. Enforcement.**

The Tax and Permit Inspector and the Police Department are hereby designated the enforcing agencies of this chapter.)

**Section 9.36.040. Certain persons not permitted to sell, transfer, etc.**

No permittee under this chapter shall permit anyone, to whom the transfer of any firearm is prohibited, to sell, deliver, lease, rent or in any manner transfer any firearm.

**Section 9.36.090. Delivery of firearms to minors prohibited.**

No person engaged in the business of selling or otherwise transferring firearms shall sell, deliver, lease, rent or in any manner transfer, furnish, give or cause to be sold, delivered, leased, rented, transferred, furnished or given any firearm to any person under the age of 18 years. Members of businessman’s immediate family are excepted.

**Section 9.36.100. Criminal prosecution for violation of section 9.36.090 - admissible evidence.**

In any criminal prosecution or proceeding for violation of Section 9.36.090, proof that the defendant permittee, or his or her agent, demanded and was shown immediately prior to the sale or transfer of any firearm bona fide documentary evidence of sufficient age and identity shall be a defense to the prosecution. A bona fide identity card issued by a Federal, State, County or municipal government or subdivision or agency thereof, including, but not limited to, a motor vehicle operator’s license, a registration certificate issued under the Federal Selective Service Act or identification card issued to a member of the armed forces, shall be deemed to be documentary evidence for the purpose of this chapter.

**Section 9.36.110. Refusal to sell without bona fide evidence of age.**

A permittee under this chapter may refuse to sell, or otherwise transfer, a firearm to any person who is unable to produce bona fide documentary evidence that he or she has attained the age of 18 years.

**Section 9.36.120. False evidence of age.**

No person shall offer to any permittee under this chapter, his or her agent or employee, any documentary evidence of age or identity which is false, fraudulent or not actually his or her own for the purpose of procuring any firearm or ammunition therefor, the sale or other transfer of which would be prohibited under this chapter by the permittee.

**Section 9.36.130. Sale of ammunition to certain persons prohibited - Exception.**

No person, whether or not such person is engaged in the business of selling ammunition for firearms, shall sell ammunition for any firearm to any person to whom the sale or transfer of any firearm using such ammunition is prohibited under this chapter. Minors with written consent of their parent or legal guardian are excepted.

**Section 9.36.160. Dealings without permit prohibited.**

No person without holding a current permit as provided in this chapter shall engage in the business of selling or otherwise transferring or advertising for the sale of any firearms.

**Section 9.36.170. Permit application – Form – Approval.**

An application for the permit required by the preceding section shall be made on a form obtainable from, and filed with, the Tax and Permit Inspector, together with the application fee required by Section 9.36.180. Applications shall be in the form prescribed by the Chief of Police and Tax and Permit Inspector. Each application shall be approved by the Chief of Police prior to issuance of a permit.

**Section 9.36.180. Permit application – Fee.**

An application fee of \$25.00 is required to accompany each application required by Section 9.36.170 to cover the costs of investigation and processing. Such fee is not refundable in the event the permit required by this chapter is denied. The application fee is to be paid to the Tax and Permit Inspector of the City. Business establishments having more than one location shall be required to pay one application fee only for all locations.

**Section 9.36.190. Permit application – Issuance or denial – Appeal.**

An application for a permit required by this chapter shall be deemed approved, unless written notice is deposited in the regular course of mails within 60 days of the filing of the application in the Office of the Tax and Permit Inspector to the applicant, that the application is denied. In the event that an application is denied, the applicant may appeal to the City Council pursuant to the provisions of Section 1.30.050 of this code.

**Section 9.36.200. Issuance – Approval of police chief.**

Upon approval of the application by the Chief of Police or upon approval as provided in Section 9.36.190, the Tax and Permit Inspector shall issue a permit; provided, that all applicable license fees have been paid by the applicant.

**Section 9.36.210. Duration – Grounds for revocation.**

Permits required by this chapter shall be effective for one year, and shall be subject to renewal annually upon application 30 days prior to date of expiration, and approval by the Chief of Police. A renewal fee of \$10.00 shall be required with each such application. Any permit issued pursuant to this chapter may be revoked by the Tax and Permit Inspector upon recommendation of the Chief of Police for breach of any of the following conditions:

- A. The business shall be carried on only on premises designated in the permit;
- B. The permit or a copy of the permit, certified by the issuing authority, shall be displayed on the premises where it can easily be read;
- C. No pistol or revolver shall be delivered unless all of the following conditions are complied with:
  - 1. Within five days of the application for the purchase,
  - 2. Unless the same shall be unloaded and securely wrapped, and
  - 3. Unless the purchaser either is personally known to the seller or shall present bona fide documentary evidence of his or her identity;
- D. 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;
- E. The happening of any event or the performance of any subsequent act which would render the permittee a person to whom a permit cannot be issued in the first instance;
- F. The misrepresentation of a material fact by any applicant in obtaining any permit.

**Section 9.36.220. Persons to whom permits may not be issued.**

In no event shall a permit required by this chapter be issued to any of the following persons:

- A. Persons who are prohibited from possessing firearms capable of being concealed upon the person under the provisions of Section 12021 of the State Penal Code;
- B. Anyone convicted of any violation of any provision of the law of the State dealing with the unlawful use of narcotic, hypnotic or dangerous drugs or under similar laws of the United States;
- C. Anyone not of good moral character;
- D. Anyone under the age of 21 years.

**Section 9.36.230. Prior revocations of permit – Application.**

Application for permits may not be made by any person who has had a permit revoked within three years of the date of the application, nor shall any application be made by any person if any other person whose permit has been revoked within three years has a financial interest in excess of 25% in the business for which the application is made.

**Section 9.36.240. Permit nontransferable.**

No permit issued under the provisions of this chapter shall be transferable to any person. No person shall attempt or purport to effect such a transfer.

**Section 9.36.250. Permit suspension for violation.**

Upon any violation of Section 9.36.040, 9.36.090, or 9.36.130, the Tax and Permit Inspector upon recommendation of the Chief of Police may suspend any permit issued under this chapter, for a period of seven days upon the first violation and for 21 days upon a second violation. Upon any third or subsequent violation, the permit may be revoked

**Santa Barbara County Code of Ordinances**

Codified through Ordinance Number 5157, enacted May 17, 2022. (Supp. No. 39)

**Chapter 14B – Firearms, Handguns**

**Section 14B-1. Firearm defined.**

As used in this chapter the term firearm means any of the following:

- (a) A pistol, revolver, and firearm capable of being concealed upon the person, as defined in subdivision (a) of section 12001 of the Penal Code;
- (b) Any device, designed to be used as a weapon, from which is expelled through a barrel a projectile by the force of any explosion or other form of combustion as defined in subdivision (b) of section 12001 of the Penal Code;
- (c) The term firearm includes the frame or receiver of any such weapon;
- (d) For purposes of this chapter the term firearm does not include an unloaded firearm which is defined as an antique firearm in section 921(a)(16) of title 18 of the United States Code or a curio or relic, as defined in section 178.11 of title 27 of the Code of Federal Regulations.

**Section 14B-2. Purpose and intent of chapter.**

The purpose and intent of this chapter is to designate the tax collector of the County of Santa Barbara as the duly constituted licensing authority to grant licenses permitting an applicant to sell firearms in the unincorporated area of this county, pursuant to title 2, chapter 1, article 4 of the California Penal Code.

**Section 14B-3. Application procedure for license to sell.**

Application for a license to sell firearms shall be made and conducted in the following manner:

Application for license effective for one year from the date of issue shall be on forms made available by the tax collector and prescribed by the attorney general of the State of California.

**Section 14B-4. Application for license to generally.**

Notwithstanding any provision in this Code to the contrary, upon payment of the fee fixed therefor in section 22-74 (Handgun dealers), the tax collector shall issue and renew a license to sell firearms in the form prescribed by the attorney general of the State of California pursuant to Penal Code, section 12071 if, and only if, all the following conditions are satisfied:

- (a) The applicant is eighteen years of age, or over;
- (b) The applicant has not been convicted of any crime involving the illegal use or possession of any weapon described in Penal Code section 12020 or Penal Code section 12022;
- (c) The applicant has not been adjudicated a mentally incompetent person or has not been adjudicated to be a member of a class of persons subject to proceedings pursuant to the Lanterman-Petris-Short Act contained in section 5001, et seq. of the Welfare and Institutions Code;
- (d) The applicant has not wilfully failed to disclose any material information required in the application;
- (e) The applicant has not made any false statement as to any material fact in connection with the application;
- (f) The applicant is not in violation, at the time of issuance or renewal of the license, of any of the provisions of this chapter, or of any conditions contained in any license to sell handguns previously issued to the applicant pursuant to this chapter, or contained in Penal Code section 12071; and
- (g) The sale of firearms at the locations specified in the application is not prohibited by any provision of the zoning laws or ordinances of the county.



**Section 14B-5. Approval or denial of application for license to sell.**

The tax collector shall approve or deny the application for the license to sell firearms within a thirty-day period commencing on the date such application is received. The tax collector shall provide the applicant with written notice of the grounds for his intended denial pursuant to section 22-53 of this Code. If the tax collector fails to act within the thirty-day period specified in this section, the applicant may request a hearing pursuant to division 4 of chapter 22 of this Code.

**Section 14B-6. Revocation procedure for license to sell.**

- (a) The tax collector shall revoke a license to sell firearms if the licensee violates any condition contained in this chapter, in Penal Code, section 12071 or in the license sought to be revoked.
- (b) The tax collector shall notify the licensee in writing of such revocation. The notice shall specify the grounds for revocation and the right of the licensee to apply for a hearing before the board within five days after receipt of such notice.
- (c) If the tax collector revokes a license, the effective date of such revocation shall be stayed until notice by the clerk of the board of the determination following any hearing requested by the licensee pursuant to division 4 of chapter 22 of this Code.

**Santa Clara Code of Ordinances**

Codified through Ordinance Number 2046, passed April 5, 2022.

**Title 9 – Public Peace, Morals and Welfare  
Chapter 9.05 – In General**

**Section 9.05.080. Minors – Possession of certain weapons without parental consent prohibited.**

It shall be unlawful for any minor under the age of sixteen (16) years to have in his/her possession any pistol, or other weapon capable of receiving any charge, cartridge or explosive unless by the written consent of his/her parent or guardian.

**Section 9.05.090. Sale of weapons to minors without request of parents, etc., prohibited.**

It shall be unlawful within the city for any person to sell, dispose of or give to any minor under the age of eighteen (18) years any pistol, air gun or other weapon capable of receiving and discharging any charge, cartridge or explosive without the written request of his/her parent or guardian.

**Santa Clara County Code of Ordinances**

Codified through Ordinance Number NS-1015.63, enacted June 28, 2022. (Supp. No. 53, Update 1)

**Title B – Regulations  
Division B19 – Firearms  
Chapter I – Firearms Licenses**

**Section B19-1. License required.**

- (a) This division shall be interpreted in accordance with Part 4, Title 2, Chapter 1, Article 4 of the Penal Code of California (Penal Code 12070 et seq.).
- (b) Within the unincorporated area of the County, no person shall engage in the business of selling or transferring firearms, or offering or exposing firearms for sale or transfer, unless that person has been issued a license as provided herein.
- (c) The license requirement shall not apply to the infrequent sale, lease or transfer, offering, exposing for sale, lease or transfer, or advertising for sale, lease or transfer of firearms. As used in this section "infrequent" means:
  - (1) For pistols, revolvers and other firearms capable of being concealed upon the person, less than six transactions per calendar year. For this purpose, "transaction" means a single sale, lease or transfer of any number of pistols, revolvers or other firearms capable of being concealed upon the person.
  - (2) For firearms other than pistols, revolvers or other firearms capable of being concealed upon the person, occasional and without regularity.

**Section B19-2. Application for license.**

Written applications for a license under this division shall be filed with the Sheriff upon forms to be provided.

**Section B19-3. Investigation by Sheriff and Planning Director.**

- (a) Upon receipt of an application for a license under this division, the Sheriff shall investigate the facts connected with the application and shall not approve the application if:
  - (1) The applicant is not of good moral character, or

(2) The sale of firearms by the applicant would constitute a violation of any state law or provision of this Code.

(b) The Sheriff shall also submit the application to the Director of Planning, who shall not approve the application if the proposed location of the business is not in compliance with the Zoning Ordinance.

**Section B19-4. Issuance of license; fee required.**

If the application is approved by the Sheriff and the Planning Director, a license shall be issued in the form required by the Attorney General. A fee of \$125.00 per year shall be paid at the time of issuance of said license for each place of business.

**Section B19-5. Conditions.**

The license shall be subject to the conditions contained in Penal Code 12071 and the conditions contained in this division.

**Section B19-6. Licenses not transferable.**

A license conferred under this division shall not be transferable, either as to the licensee or location of the business.

**Section B19-7. Expiration of license; renewal.**

A license conferred under this division shall expire at the end of one year, but may be renewed by the holder for the periods of one year upon payment of the fee specified in Section B19-4 of this division and upon the submission of a written renewal application on forms to be provided.

**Chapter II – Regulation of Firearms and Ammunition on County Property**

**Section B19-9. Definitions.**

In addition to the definitions of Chapter I of Division A1 of this Ordinance Code, the following definitions shall apply:

**(a) County Property** means any real property, including any buildings thereon, owned or leased by the County, including property owned by the County that is in the possession of a public or private entity under contract with the County to perform a public purpose. County Property includes, but is not limited to, real property owned or leased by the County in the unincorporated and incorporated portions of Santa Clara County, and the Santa Clara County Fairgrounds located within an unincorporated pocket in the City of San Jose. County Property does not include any "local public building" as defined in Penal Code 171b(c) or any successor legislation, where the possession of firearms is regulated pursuant to Penal Code 171b or any successor legislation. County Property also does not include any public right-of-way owned by the County, including any area across, along, on, over, upon, and within the dedicated public alleys, boulevards, courts, lanes, roads, sidewalks, streets, expressways, and ways within Santa Clara County.

**(b) Firearm** means any gun, pistol, revolver, rifle, or any device that is 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, BB guns, or air rifles as defined in Government Code 53071.5 or any successor legislation.

**(c) Ammunition** means any ammunition as defined in Penal Code 16150 or any successor legislation.

**(d) Sale or Sell** means:

(1) Any transaction, with or without the exchange of consideration, which:

- i. Transfers ownership, title, possession, or control of a Firearm, or Ammunition, or both; or
- ii. Gives, loans, leases, or delivers a Firearm, or Ammunition, or both.

(2) Includes the act of placing an order for any of the aforementioned transactions, except through a federal firearms licensee.

**(e) Locked Container** means a secure container that is fully enclosed and locked by a padlock, keylock, combination lock, or similar locking device as defined in Penal Code 16850 or any successor legislation. The term Locked Container does not include the utility or glove compartment of a motor vehicle as defined in Penal Code 16850 or any successor legislation.

**(f) Sport Shooting Range or Range** means an area designated by the County and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport or law enforcement training purpose as defined in Civil Code 3482.1(a)(2) or any successor legislation.

**(g) Gun Buy Back Event** means an event organized, sponsored, or hosted by the County, where persons voluntarily turn in Firearms or Ammunition, or both.

**Section B19-10. Prohibition on the possession, sale, or discharge of firearms or ammunition on county property.**

(a) It shall be unlawful for any person to bring onto or possess a firearm, loaded or unloaded, or ammunition, or both, on county property. This subsection shall not apply where the possession of firearms or ammunition is prohibited by State law.

(b) It shall be unlawful for any person to sell a firearm, loaded or unloaded, or ammunition, or both, on county property. This subsection shall not apply where the sale of firearms or ammunition is prohibited by State law.

(c) It shall be unlawful for any person to discharge a firearm on county property. This subsection shall not apply where the discharge of a firearm is prohibited by State law.

(d) Every person who violates subsection (a), (b), or (c) is guilty of a misdemeanor.

**Section B19-11. Exceptions, ban on possession.**

Subsection B19-10(a) does not apply to the following:

(a) A federal, state, or local law enforcement officer, or person assisting a peace officer, when such person is authorized to carry a concealed weapon or a loaded firearm under State law or under 18 U.S.C. section 926B or section 926C or any successor legislation;

(b) A person holding a valid license to carry a Firearm issued pursuant to Penal Code 26150 or any successor legislation;

(c) A security guard or messenger of a financial institution, a guard of a contract carrier operating an armored vehicle, a licensed private investigator, a patrol operator, an alarm company operator, or a uniformed security guard, when such persons are authorized by applicable State or federal law to carry a Firearm and when such persons are engaged in the exercise of their official duties on County Property;

(d) An authorized participant in a motion picture, television, video, dance, or theatrical production, when the participant lawfully uses the Firearm as part of that production, provided that when such Firearm is not in the actual possession of the authorized participant, it is secured to prevent unauthorized use;

(e) A person lawfully transporting Firearms or Ammunition, or both, in a motor vehicle on County roads;

(f) A person lawfully using Firearms or Ammunition, or both, at a Sport Shooting Range operated by the County in accordance with its rules and applicable law; provided, however, that when transiting to or from the designated areas of a Range on County Property, any Firearm must remain unloaded, and that any Firearm or Ammunition, or both, is safely stored in a Locked Container or otherwise secured using a firearm safety device as defined by Penal Code 16540 or any successor legislation;

(g) An honorably retired officer or agent of a law enforcement agency, when authorized to carry a concealed or loaded weapon under State law;

(h) An animal control officer when authorized by applicable State or federal law to carry a loaded Firearm and when engaged in the exercise of official duties on County Property;

(i) An active member of the military forces of the State or of the United States when on duty;

(j) A person bringing or transporting an unloaded Firearm or Ammunition onto County Property to exchange, transfer, or relinquish it to law enforcement, in compliance with any County operated, approved, or sponsored program to purchase, exchange, or otherwise obtain voluntary relinquishment of Firearms or Ammunition, or both, from the public, including a Gun Buy Back Event;

(k) A person delivering unloaded Firearms or Ammunition, or both, as authorized by State or federal law, to or from law enforcement or the public guardian/public administrator;

(l) The public guardian/public administrator when the possession is within the course of its duties;

(m) A person lawfully possessing a Firearm or Ammunition, or both, in a place of residence in accordance with all applicable laws and regulations;

(n) A person lawfully possessing an unloaded Firearm or Ammunition, or both, in the locked trunk of, or inside a Locked Container in, a motor vehicle; or

(o) A hunter with a valid California hunting license in the Alviso Marina County Park when going to or returning from a legal hunting expedition outside the Alviso Marina County Park boundaries; provided, however, that when transiting through County Property, any Firearm must remain unloaded, and that any Firearm or Ammunition, or both, is safely stored in a Locked Container or otherwise secured using a firearm safety device as defined by Penal Code 16540 or any successor legislation.

### **Section B19-12. Exceptions, ban on sale.**

Subsection B19-10(b) does not apply to the following:

- (a) The acquisition or sale of a firearm, or ammunition, or both, by a federal, state, or local governmental entity, including at a gun buy back event; or
- (b) The lawful sale of ammunition by the county or its authorized vendor(s) at a sport shooting range, but only so long as the ammunition is at all times kept within the range's premises and used on the premises at the time of purchase. Any unused or excess ammunition that has been sold at the range must remain at the range and cannot be taken off the grounds of the range.

### **Section B19-14. Public nuisance.**

Any violation of this Division is hereby declared a public nuisance and may be abated by the County pursuant to Chapter III of Division A1 of this Code.

### **Section B19-15. Administrative remedies.**

In addition to the civil remedies and criminal penalties set forth above, any violation of this Division may be subject to administrative remedies, as set forth in Division A37.

## **Chapter III – Safe Storage of Firearms**

### **Section B19-16. Definitions.**

- (a) **Firearm** means any gun, pistol, revolver, rifle, or any device that is 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, BB guns, or air rifles as defined in Government Code section 53071.5 or any successor legislation.
- (b) **Close proximity and control**, as used here, means within arm's reach of a person who is actively paying attention to the firearm such that they could gain control of the weapon before an unauthorized person could access the weapon.
- (c) **Locked container** means a locked container as defined in Penal Code section 16850, as amended from time to time and as listed on the California Department of Justice Bureau of Firearms roster of approved firearm safety devices.
- (d) **Residence** means 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, and recreational and other vehicles where human habitation occurs, whether on a temporary or permanent basis, and whether owned, leased, rented, or used with or without compensation, and regardless of the lawful status of the structure or its occupancy. Notwithstanding the foregoing, "residence" shall not include a seasonal hunting lodge when used by an individual with a valid hunting license from the state Department of Fish and Wildlife and when no child who does not also hold a valid hunting license from the state Department of Fish and Wildlife is present. A "seasonal hunting lodge" for the purposes of the previous sentence must be lawfully used for temporary human habitation, used by a given individual less than 90 days in a calendar year, and not located in an Urban Residential, Commercial, or Industrial District as defined by the Zoning Ordinance.
- (e) **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 section 23655(d).

### **Section B19-17. Prohibition on keeping firearms in a residence unless in locked container, disabled with a trigger lock, carried by an authorized user, or in immediate control or possession of an authorized user.**

- (a) Except when carried on the person of an individual in accordance with all applicable laws or when in the close proximity and control of a person who is authorized to carry a firearm in accordance with all applicable laws, in the unincorporated area of the County no person shall keep a firearm in any residence unless the firearm is stored in a locked container or the firearm is disabled with a trigger lock. This provision does not apply to the storage or use of a firearm outside of a residence.
- (b) Each day that a firearm is improperly stored shall constitute a separate violation of this Section.
- (c) The first violation of this Section shall be an infraction punishable by a fine not to exceed \$500.00.
- (d) All additional violations of this Section beyond the first violation shall constitute an infraction punishable by a fine not to exceed \$1,000.00.

**Section B19-18. Reporting theft or loss to law enforcement.**

Nothing in this Chapter affects a person's obligations under California Penal Code § 25250 to report that a firearm has been lost or stolen to local authorities within five days of the time he or she knew or reasonably should have known that the firearm had been lost or stolen.

**Santa Clarita Municipal Code**  
Codified through Ordinance Number 22-9, passed July 12, 2022.

**Title 17 – Zoning**  
**Division 5 – Use Classifications and Required Parking**  
**Chapter 17.41 – General**

**Section 17.41.010. General.**

B. The following uses shall be designated as follows:

- 1. Prohibited where the symbol “X” appears;
- 3. Permitted subject to a conditional use permit (CUP) where the symbol “C” appears;

**Chapter 17.43 – Commercial Use Types**

**Section 17.43.010. Commercial use types.**

21. Retail Sales, Specific											Parking				
Includes establishments primarily engaged in the sale of goods and merchandise. The following are specific retail sales use types:															
k. Gun Stores—includes establishments primarily engaged in the sale of firearms.											1 space per 250 square feet				
NU1	NU2	NU3	NU4	NU5	UR1	UR2	UR3	UR4	UR5	CR	CC	CN	BP	I	
X	X	X	X	X	X	X	X	X	X	C	C	X	C	X	

**Chapter 17.65 – Home Occupations**

**Section 17.65.030. Prohibited Uses.**

The following businesses shall not be operated out of a home and shall not be permitted by home occupation permits: alcohol sales, food preparation (not including home-based cottage food operations), firearm and ammunition sales and services, on-site massage therapists, hairdressers, retail sales, vehicle storage, vehicle sales and vehicle repair, vehicle dispatch (taxi, towing, etc.), furniture or cabinet making, commercial kennels, commercial stables, breeding facilities, forensic testing, and the sale, cultivation, manufacturing, testing, and delivery of cannabis or products containing cannabis, and adult businesses.

**Santa Cruz Municipal Code**  
Codified through Ordinance Number 2022-12, passed August 9, 2022.

**Title 9 – Peace, Safety and Morals**  
**Chapter 9.26 – Firearms Dealers**

**Section 9.26.020. Definitions.**

As used in this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**(a) “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. The term “firearm” includes, but is not limited to, (1) the frame or receiver of any such weapon, and (2) any rocket, rocket-propelled projectile launcher or similar device containing any explosive or incendiary material, whether or not such device is designed for emergency or distress signaling purposes. The term “firearm” does not include an unloaded firearm which is defined as an “antique firearm” in Section 921(a)(16) of Title 18 of the United States Code or a curio or relic as defined in Section 178.11 of Title 27 of the Code of Federal Regulations.

**(b) “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.

**Section 9.26.030. Letter of authorization.**

No person shall engage in the sale, lease, transfer, delivery, advertisement or offer for sale, lease, or transfer any firearm without first obtaining and keeping current a letter of authorization from the local licensing authority.

#### **Section 9.26.040. Application for letter of authorization.**

(a) Each person applying for a letter of authorization under this chapter shall submit an application to the Santa Cruz police department which shall serve as the local licensing agency for purposes of this chapter.

(b) In order to obtain a letter of authorization from the police department, the dealer must first provide the following to the police department:

- (1) A valid federal firearms license (FFL);
- (2) A seller's permit issued by the State Board of Equalization;
- (3) A valid certificate of eligibility issued by the Department of Justice;
- (4) A list identifying each employee of the applicant (name, address, date of birth and social security number) who will be engaged in the sale, lease, transfer or delivery of firearms;
- (5) Payment of a nonrefundable administrative fee, in an amount to be established by city council resolution.

(c) Where the applicant is a corporation, each of the requirements contained in this chapter must be completed and/or adhered to by a legally recognized corporate officer of said corporation. Where the applicant is a partnership, each of the requirements contained in this chapter must be completed and/or adhered to by a legally recognized general partner of said partnership. Both the individual and the corporation or partnership shall be liable for any violation of the provisions of this chapter.

(d) The application shall be accompanied by a nonrefundable administrative fee (in the form of a check or cash) as set forth in the schedule of fees established by city council resolution. Each application shall specify only one location at which the sale or transfer of firearms shall take place. If an authorized firearms dealer changes his or her place of business, an application for the new location shall be submitted, accompanied by a nonrefundable fee (in the form of a check or cash) as set forth in the schedule of fees established by city council resolution. That application shall be considered an initial application and not an application for renewal.

#### **Section 9.26.050. Approval by the chief of police.**

The chief of police shall have the authority to approve or disapprove the issuance of the letter of authorization. For the purpose of considering requests for letters of authorization, the chief of police shall apply the minimum standards set forth in this chapter. Factors to be considered by the chief of police in approval or denial of the application for a letter of authorization include, but are not limited to:

- (a) Evidence of the dealer's compliance with all applicable city, state and federal laws;
- (b) Whether applicant has violated any provisions of this chapter;
- (c) Whether the applicant has made any false statements as to any material fact in applying for the letter of authorization;
- (d) Whether the applicant has done or caused or permitted to be done any act which if done by an authorized firearms dealer would be grounds for suspension or revocation of the letter of authorization;
- (e) Whether the proposed business location and site meet the standards and requirements set forth in Section 9.26.080;
- (f) Whether the applicant or any of applicant's employees identified pursuant to Section 9.26.040(b)(4) have ever been convicted of a felony. To this end the chief of police or the chief's designee shall conduct a criminal history investigation of each said applicant and employee. The applicant shall pay all fees incurred by the police department in conducting any such criminal history background investigation.

The letter of authorization shall expire on December thirty first of the year in which it is issued.

#### **Section 9.26.060. 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 letter of authorization 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(s) 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 city council at which time the applicant may appear, with a representative if so desired, and be heard on the matter. The applicant shall also be given notice that any request for a hearing before the city council must be made in writing to the city clerk within ten days after the date on which such notice is served on the applicant.

**Section 9.26.070. 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 city council in the manner set forth in Chapter 1.16 of this code. The city council shall hold a hearing thereon in the manner set forth at Section 1.16.030 of this code.

**Section 9.26.080. Business location and site standards.**

Any firearms business operating in the City of Santa Cruz shall meet each of the following business site standards:

- (a) The business location must be in compliance with all City of Santa Cruz zoning, building and fire codes and regulations. In addition, any such firearms business shall not be located within six hundred feet of any public or private school in which students aged 18 years or younger are enrolled, within six hundred feet of a childrens' daycare center licensed by the state of California, within six hundred feet of any city park or playground, within six hundred feet of any high risk alcohol outlet as defined at Section 24.22.437 of this code or at any location within the city's R-1 zoning districts.
- (b) The 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 be sent to a centralized monitoring facility signaling unauthorized entry during nonbusiness hours.
- (d) All inventory of an explosive or flammable nature must be stored in compliance with federal, state of California and City of Santa Cruz fire codes.
- (e) Inventory of firearms must conform to the type of federal firearms license issued to the permittee.
- (f) During nonbusiness hours, all firearms shall be kept in a locked metal cabinet or box, or secured in any other manner which is approved by the chief of police.

**Section 9.26.090. Business compliance with state law.**

(a) Any firearms business operating in the City of Santa Cruz shall obey all city, state and federal laws, and specifically shall comply with the requirements of Section 12071 of the California Penal Code, as may be amended from time to time. The requirements of Section 12071 include, but are not limited to, the following:

- (1) The business shall be carried on only in the building designated in the firearms license;
- (2) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be seen;
- (3) No firearm shall be delivered within 15 days of the application for purchase or within such other time period as set forth in Penal Code Section 12071;
- (4) No firearm shall be delivered unless it is unloaded and securely wrapped or unloaded and in a locked container;
- (5) No firearm shall be delivered unless the purchaser presents clear evidence of his or her identity and age;
- (6) 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;
- (7) No firearm shall be delivered to any person that is prohibited by state or federal law from possessing a firearm;
- (8) The authorized firearms dealer shall post conspicuously within the licensed premises the following warning in block letters not less than three inches in height:

IF YOU LEAVE A LOADED FIREARM WITHIN THE REACH OR EASY ACCESS OF A CHILD, YOU MAY BE FINED OR IMPRISONED, OR BOTH, IF THE CHILD GAINS ACCESS TO AND IMPROPERLY USES, THE FIREARM.

(b) Through June 30, 2002, no firearms dealer in the City of Santa Cruz shall sell, lease or otherwise transfer a firearm without also selling or otherwise providing with each firearm a trigger lock or similar device that is designed to prevent the unintentional discharge of the firearm. Such device shall be of a type approved by the chief of police or the chief's designee. The permittee shall advise the police chief of the type of device he or she intends to sell or distribute at the time of application for the permit, renewal of the permit or at any time the permittee desires to change the type of device previously approved by the chief of police. Current permittees shall advise the police chief of the type of device they intend to sell or distribute within thirty days of the effective date of this section.

(c) Effective July 1, 2002 any firearms business operating in the City of Santa Cruz shall comply with the requirements of Sections 12087 through 12088.9 of the California Penal Code, as may be amended from time to time. The requirements of these sections include, but are not limited to, the following:

(1) All firearms sold or transferred by the business shall include or be accompanied by a firearms safety device that is listed on the Department of Justice's roster of approved firearms safety devices; and

(2) All firearms sold or transferred by the business shall be accompanied with warning language or labels: stating that children are attracted to and can operate firearms which can cause severe injuries or death; urging those in possession of firearms to prevent child access by always keeping guns locked away and unloaded when not in use; and warning that if a child obtains and improperly uses the firearm the person responsible for the firearm may be fined or sent to prison. The word "WARNING" on the label shall be preceded by a yellow triangle containing an exclamation mark.

**Section 9.26.100. Maintenance and submission of records.**

(a) Each authorized 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 the premises (including places of storage) of any authorized firearms dealer during normal business hours for the purpose of inspecting or examining (1) any records or documents required to be kept; and/or (2) any firearms or ammunition kept or stored at such premises.

(b) The authorized firearms dealer shall notify the Santa Cruz police department in writing within ten days of any change in business location; such relocation shall require a new inspection to ensure compliance with the provisions of Section 9.26.080.

(c) The authorized firearms dealer shall maintain records of all employees, identifying them by name, address, date of birth and social security number. The dealer shall notify the Santa Cruz police department in writing within ten days of any change in employees and submit the required identifying information for each newly hired employee. Failure to comply with this section shall be grounds for revocation of the dealer's letter of authorization.

**Section 9.26.110. Letter of authorization renewal.**

Every letter of authorization issued under this chapter shall expire on December 31st of the year in which it is issued. Firearms dealers shall submit an application for renewal in person at least ninety days before the expiration of the license. Firearms dealers who apply for renewal shall be required to meet all standards specified in this chapter. All of the requirements and procedures applicable to new applications shall apply to renewal applications. Each renewal application shall be accompanied by the applicable administrative fee.

**Section 9.26.120. Letters of authorization nonassignable.**

Except as otherwise hereinafter provided, no letter of authorization issued under this chapter may be sold, transferred or assigned by the firearms dealer or by operation of law, to any other person or persons. Any such sale, transfer or assignment, or attempted sale, transfer or assignment, shall be deemed to constitute a voluntary surrender of such letter of authorization and such letter shall thereafter be deemed terminated and void.

**Section 9.26.130. Suspension and revocation.**

Every letter of authorization issued under this chapter shall be subject to summary suspension and revocation by the chief of police if he or she determines that:

(a) The authorized firearms dealer has failed to meet any of the requirements specified under this chapter;

(b) The authorized firearms dealer and/or any employee(s) has violated any of the conditions or provisions of this chapter;

(c) The authorized firearms dealer and/or any employee(s) has violated any provision of federal or state firearms sales laws;

(d) The authorized firearms dealer's federal firearms sales license has been revoked; or

(e) The authorized firearms dealer has committed any act which could have resulted in the denial of issuance of a firearms license.

**Section 9.26.140. Notification of suspension or revocation.**

It shall be the duty of the chief of police or his or her designee to notify any authorized firearms dealer 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. The letter shall inform such authorized dealer of the right to a hearing before the city council, at which time the authorized dealer may appear with a representative if so desired and be heard in defense of the charges. The authorized firearms dealer shall also be given notice that any request for a hearing before the city council must be made in writing to the city clerk within ten days after the date on which notice is served on the authorized firearms dealer. The suspension or revocation shall be effective on the date the notice is served on the authorized firearms dealer. 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 authorized firearms dealer's address of record.



**Section 9.26.150. Hearing on revocation or suspension.**

Upon timely receipt of a written request for a hearing, the city council shall hold a hearing at the time and in the manner set forth in Section 1.16.030 of this code.

**Section 9.26.155. Insurance requirement.**

Each firearms dealer subject to the requirements of this chapter shall maintain at all times while engaged in said business a policy of public liability insurance. Said policy of insurance shall provide coverage in the amount and to the limits prescribed from time to time by the chief of police in consultation with the city's risk manager. Any such policy of insurance shall contain an endorsement naming the City of Santa Cruz and its employees as additional insureds and further providing that the insurance policy will not be cancelled without first providing thirty days advance notice to the city. Failure to obtain and maintain insurance as required herein shall constitute grounds for revocation or suspension of the firearms dealer's letter of authorization.

**Section 9.26.160. Violations.**

It shall be unlawful and a violation of this chapter for any person, corporation, partnership or other entity to operate a retail firearms dealership within the city of Santa Cruz without a valid letter of authorization.

**Section 9.26.170. Penalties.**

Any person or entity, whether as principal, agent, employee, or otherwise, violating or causing or permitting the violation of any of the provisions of this chapter, shall be guilty of an infraction for the first offense, or of a misdemeanor for any subsequent offense(s) occurring within the one year after the first offense. Upon conviction, the person convicted shall be punished in accordance with Chapter 1.08 of this code.

**Chapter 9.29 – Safe Firearm Storage**

**Section 9.29.010. Definitions.**

As used in this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) **"Firearm"** shall have the same meaning as set forth in Section 9.26.020.

(b) **"Locked container"** means a secure container which is fully enclosed and locked by a padlock, key lock, combination lock or similar locking device.

(c) **"Residence"** means any structure intended or used for human habitation including but not limited to houses, condominiums, rooms, in-law units, motels, hotels, SROs, time-shares, recreational and other vehicles where human habitation occurs.

(d) **"Trigger lock"** means a trigger lock that is listed in the California Department of Justice's list 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 Section 12088(d).

**Section 9.29.020. Firearms located in a residence to be kept in a locked container or disabled with a trigger lock.**

(a) Prohibition. No person shall keep a firearm within a residence unless the firearm is stored in a locked container or disabled with a trigger lock that has been approved by the California Department of Justice.

(b) Exceptions. This section shall not apply in the following circumstances:

(1) The firearm is lawfully carried on the person of an individual over the age of eighteen.

(2) The firearm is under the control of a person who is a peace officer under Penal Code Section 830.

**Section 9.29.030. Penalties.**

Any person or entity, whether as principal, agent, employee, or otherwise, violating or causing or permitting the violation of any of the provisions of this chapter shall be guilty of an infraction for the first offense, or of a misdemeanor for any subsequent offense(s) occurring within the one year after the first offense. Upon conviction, the person convicted shall be punished in accordance with Section 4.04.010 of this code.

**Chapter 9.30 – Reporting Lost or Stolen Firearms**

**Section 9.30.010. Reporting lost or stolen firearms.**

(1) Any person that owns or is otherwise in possession of a firearm shall report the theft or loss of such firearm to the Santa Cruz police department within five calendar days of becoming aware of the theft or loss whenever: (a) the owner resides in the city of Santa Cruz; or (b) the theft or loss of the firearm occurs in the city of Santa Cruz.

(2) The failure of an owner or person in possession of a firearm to report the theft or loss of the firearms within five calendar days 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 Section 9.30.020.

(3) 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.

(4) In order to encourage reports to law enforcement agencies of lost or stolen handguns pursuant to this section, a person who files a report with a law enforcement agency notifying the agency that a handgun has been lost or stolen shall not be subject to prosecution for violation of Section 9.29.020.

#### **Section 9.30.020. Penalties.**

Any person violating any provision of this chapter shall be guilty of a misdemeanor unless it is charged by the city attorney as an infraction and, upon conviction, shall be punishable in accordance with Section 4.04.010.

### **Santa Cruz County Code of Ordinances**

Codified through Ordinance Number 5400, passed May 10, 2022.

#### **Title 5 – Business Regulations**

#### **Chapter 5.62 – Firearms Dealers**

#### **Section 5.62.020. Definitions.**

As used in this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(A) “**Firearm**” means a device as defined by California Penal Code Section 16520.

(B) “**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.

(C) “**County license**” means a license issued by the local licensing authority pursuant to this chapter authorizing a person to engage in the sale, lease, transfer, delivery, advertisement or offer for sale, lease, or transfer of firearms.

(D) “**High risk alcohol outlet**” means a retail outlet where alcoholic beverages are sold including: any bar, tavern, liquor store, or convenience store. A bona fide restaurant, wine-tasting room, banquet facility, conference center, brewpub or nightclub (which nightclub does not have an on-sale alcohol beverage control general license Type 48 or 51) shall not constitute a high-risk alcohol outlet.

(E) “**Local Licensing Authority**” or “**Licensing Officer**” means the County Administrative Officer for the County of Santa Cruz, or their designee.

#### **Section 5.62.030. County license.**

On and after April 8, 2013, no person required to obtain a Federal Firearms License and a State Department of Justice License to sell firearms, shall establish a business that engages in the sale, lease, transfer, delivery, advertisement or offer for sale, lease, or transfer any firearm without first also obtaining and keeping a current County license issued pursuant to this chapter by the local licensing authority. No person operating under a current Federal and State firearms license as of the effective date of this chapter shall be required to obtain a County license unless and until the State or Federal license lapses, becomes void or is otherwise no longer in effect, or if the business moves to a new location.

#### **Section 5.62.040. Application for County license.**

(A) Each person applying for a County license under this chapter shall submit an application to the Local Licensing Authority.

(B) In order to obtain a County license, the applicant must first provide the following to the Licensing Officer:

(1) A valid Federal firearms license;

(2) A valid seller’s permit issued by the State Board of Equalization;

(3) A valid certificate of eligibility issued by the Department of Justice;

(4) Documentation that the seller is recorded in the centralized list maintained by the Department of Justice pursuant to California Penal Code Section 26715;

(5) A list identifying each employee of the applicant (name, address, date of birth and Social Security number) who will be engaged in the sale, lease, transfer or delivery of firearms; and

(6) Payment of a nonrefundable administrative fee, in an amount to be established by resolution of the Board of Supervisors.

(C) Where the applicant is a corporation each of the requirements contained in this chapter must be completed and/or adhered to by a legally recognized corporate officer of said corporation. Where the applicant is a partnership, each of the requirements contained in this chapter must be completed and/or adhered to by a legally recognized general partner of said partnership. Both the individual and the corporation or partnership shall be liable for any violation of the provisions of this chapter.

(D) Each application shall specify only one location at which the sale or transfer of firearms shall take place. If any firearms dealer licensed under either Federal, State or local law changes his or her place of business, an application for the new location shall be submitted, accompanied by a nonrefundable fee (in the form of a check or cash) as set forth in the schedule of fees. That application shall be considered an initial application and not an application for renewal.

(E) Each application shall submit a security plan detailing the specific measures that will be taken to secure and protect the business, including but not limited to those items required by SCCC 5.62.090.

#### **Section 5.62.050. Approval by Licensing Officer.**

The Licensing Officer shall have the authority to approve or disapprove the issuance of the County license. For the purpose of considering requests for a County license, the Licensing Officer shall apply the minimum standards set forth in this chapter. Factors to be considered by the Licensing Officer in approval or denial of the application for a County license include, but are not limited to:

(A) Evidence of the applicant's compliance with all applicable County, State and Federal laws;

(B) Whether applicant has violated any provisions of this chapter;

(C) Whether the applicant has made any false statements as to any material fact in applying for the County license;

(D) Whether the applicant has done or caused or permitted to be done any act which if done by an authorized firearms dealer would be grounds for suspension or revocation of the County license;

(E) Whether the proposed place of business meets the standards and requirements set forth in SCCC 5.62.080;

(F) Whether the applicant or any of applicant's employees identified pursuant to SCCC 5.62.040(B)(5) have ever been convicted of a felony. To this end the Sheriff-Coroner shall conduct a criminal history investigation of each said applicant and employee and provide a report for the Licensing Officer. The applicant shall pay all fees incurred by the Sheriff-Coroner in conducting any such criminal history investigation.

The County license shall expire on December 31st of the year in which it is issued.

#### **Section 5.62.060. Denial of application.**

If the applicant does not meet all of the written standards, hereinabove set forth, the Licensing Officer shall not issue a County license to such applicant.

It shall be the duty of the Licensing Officer 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(s) 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 Board of Supervisors at which time the applicant may appear, with a representative if so desired, and be heard on the matter. The applicant shall also be given notice that any request for a hearing before the Board of Supervisors must be made in writing to the Clerk of the Board within 10 calendar days after the date on which such notice is served on the applicant.

#### **Section 5.62.070. Appeal from denial.**

An applicant whose application has been denied by the Licensing Officer shall have the right to appeal such decision to the Board of Supervisors. The Board of Supervisors shall hold a hearing thereon pursuant to the procedures set forth in SCCC 5.62.160.

#### **Section 5.62.080. Location and site standards.**

Any business licensed under this chapter shall be subject to the following locational criteria:

(A) The business shall only be located within a zone district designated as C-2, C-4, M-1 or M-2 by the Santa Cruz County Zoning Ordinance.

(B) The business shall not be located within 600 feet of:

(1) Any public or private school in which students aged 18 years or younger are enrolled;

- (2) Any children's daycare center licensed by the State of California;
- (3) Any publicly owned or operated park, playground or recreational area;
- (4) Any high risk alcohol outlet; or
- (5) Any cannabis dispensary.

(C) The business shall not be located within 300 feet of a zone district designated as RA, RR, R-1, RB or RM by the Santa Cruz County Zoning Ordinance.

(D) The business shall not be located within 1,000 feet of any parcel on which another business licensed under this chapter is doing business.

(E) The distances specified in subsections (B), (C), and (D) of this section shall be measured in a straight line from any parcel line of the real property on which the business is proposed, to the nearest parcel line of the real property on which an existing business licensed under this chapter is located.

**Section 5.62.090. On-site security.**

(A) If the proposed or current business location is to be used at least in part for the sale of firearms, the business shall be a secure facility within the meaning of Penal Code Section 17110.

(B) If the business location is to be used at least in part for the sale of firearms, all heating, ventilating, air-conditioning, and service openings shall be secured with steel bars or metal grating.

(C) Any time a location is not open for business, every firearm shall be stored in one of the following ways:

(1) In a locked fireproof safe or vault within the business premises that meets the standards for a gun safe implemented by the Attorney General pursuant to Penal Code Section 23650; or

(2) Secured with a hardened steel rod or cable of at least one-fourth inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a boltcutter and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises. No more than five firearms may be affixed to any one rod or cable at any time.

(D) Any time a location is open for business, every firearm shall be unloaded, inaccessible to the public and secured using one of the following three methods, except in the immediate presence of and under the direct supervision of an employee of the business:

(1) Secured within a locked case so that a customer seeking access to the firearm must ask an employee for assistance;

(2) Secured behind a counter where only the licensee and the employees are allowed. During the absence of the licensee or an employee from the counter, the counter shall be secured with a locked, impenetrable barrier that extends from the floor or counter to the ceiling; or

(3) Secured with a hardened steel rod or cable of at least one-fourth inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a boltcutter and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises. No more than five firearms may be affixed to any one rod or cable at any time.

(E) Any time a location is open for business, any ammunition that is not principally for use in pistols, revolvers, or other firearms capable of being concealed upon the person, as that term is defined in Penal Code Section 16530(a), shall be inaccessible to the public and secured using one of the methods mentioned in subsection (D)(1) or (2) of this section, except in the immediate presence of and under the direct supervision of an employee.

(F) The permitted business location shall be secured by an alarm system that is installed and maintained by an alarm company operator licensed pursuant to the Alarm Company Act, Business and Professions Code Sections 7590 et seq. The alarm system must be monitored by a central station listed by Underwriters Laboratories, Inc., and covered by an active Underwriters Laboratories, Inc., alarm system certificate with a No. 3 extent of protection.

(G) The permitted business location shall be 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.

(2) The number and location of the cameras are subject to the approval of Licensing Officer. At a minimum, the cameras shall be sufficient in number and location to monitor the critical areas of the business premises, including, but not limited to, all places where firearms or ammunition are stored, handled, sold, transferred, or carried, including,

but not limited to, all counters, safes, vaults, cabinets, cases, entryways, and parking lots. The video surveillance system shall operate continuously, without interruption, whenever the location is open for business. Whenever the location 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) In addition, 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 must produce retrievable and identifiable images and video recordings on media approved by the Licensing Officer that can be enlarged through projection or other means, and can be made a permanent record for use in a criminal investigation. The system must be capable of delineating on playback the activity and physical features of persons or areas within the premises.

(5) The stored images shall be maintained on the business premises for a period not less than one year from the date of recordation and shall be made available for inspection by Federal, State or local law enforcement upon request.

(6) The video surveillance system must be maintained in proper working order at all times. If the system becomes inoperable, it must be repaired or replaced within 10 calendar days. The license holder must inspect the system at least weekly to ensure that it is operational and images are being recorded and retained as required.

(7) The license holder 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.

(H) The Licensing Officer may impose security requirements in addition to those listed in this section prior to issuance of the County license. Failure to fully comply with the requirements of this section shall be sufficient cause for denial or revocation of the County license by the Licensing Officer.

#### **Section 5.62.100. Compliance with State law.**

Any person licensed under this chapter shall obey all applicable county, State and Federal laws; and in addition, comply with the following requirements:

(A) The business shall be carried on only in the building designated in the County license;

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

(C) No firearm shall be delivered unless it is unloaded and securely wrapped or unloaded and in a locked container;

(D) No firearm shall be delivered unless the purchaser presents clear evidence of his or her identity and age;

(E) No firearm, 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;

(F) No firearm shall be delivered to any person that is prohibited by State or Federal law from possessing a firearm;

(G) The person licensed under this chapter shall post conspicuously within the licensed premises the following warning in block letters not less than three inches in height:

IF YOU LEAVE A LOADED FIREARM WITHIN THE REACH OR EASY ACCESS OF A CHILD, YOU MAY BE FINED OR IMPRISONED, OR BOTH, IF THE CHILD GAINS ACCESS TO AND IMPROPERLY USES, THE FIREARM.

#### **Section 5.62.110. Maintenance and submission of records.**

(A) Each person licensed under this chapter 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 Officer, or his or her designee, may enter the premises (including places of storage) of any County license holder during normal business hours for the purpose of inspecting or examining (1) any records or documents required to be kept; and/or (2) any firearms or ammunition kept or stored at such premises.

(B) The County license holder shall maintain records of all employees, identifying them by name, address, date of birth and Social Security number. The County license holder shall notify the Licensing Officer in writing within 10 calendar days of any change in employees and submit the required identifying information for each newly hired employee. Failure to comply with this section shall be grounds for revocation of the County license holder's license.

#### **Section 5.62.120. License renewal.**

Every County license issued under this chapter shall expire on December 31st of the year in which it is issued. A County license holder shall submit an application for renewal in person at least 90 calendar days before the expiration of the

County license. License holders who apply for renewal shall be required to meet all standards specified in this chapter. All of the requirements and procedures applicable to new applications shall apply to renewal applications. Each renewal application shall be accompanied by the applicable administrative fee.

**Section 5.62.130. License nonassignable.**

Except as otherwise hereinafter provided, no County license issued under this chapter may be sold, transferred or assigned by the firearms dealer or by operation of law, to any other person or persons. Any such sale, transfer or assignment, or attempted sale, transfer or assignment, shall be deemed to constitute a voluntary surrender of such County license and such County license shall thereafter be deemed terminated and void.

**Section 5.62.140. Suspension and revocation.**

Every County license issued under this chapter shall be subject to summary suspension and revocation by the Licensing Officer if he or she determines that:

- (A) The County license holder has failed to meet any of the requirements specified under this chapter;
- (B) The County license holder and/or any employee(s) has violated any of the conditions or provisions of this chapter;
- (C) The County license holder and/or any employee(s) has violated any provision of Federal or State firearms sales laws;
- (D) The County license holder's Federal firearms sales license has been revoked; or
- (E) The County license holder has committed any act which could have resulted in the denial of issuance of a firearms license.

**Section 5.62.150. Notification of suspension or revocation.**

It shall be the duty of the Licensing Officer or his or her designee to notify any County license holder 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. The letter shall inform such County license holder of the right to a hearing before the Board of Supervisors, at which time the County license holder may appear with a representative if so desired and be heard in defense of the charges. The County license holder shall also be given notice that any request for a hearing before the Board of Supervisors must be made in writing to the Clerk of the Board within 10 calendar days after the date on which notice is served on the County license holder. The suspension or revocation shall be effective on the date the notice is served on the County license holder. 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 County license holder's address of record.

**Section 5.62.160. Hearing on revocation or suspension.**

(A) Any applicant or licensee who is aggrieved by any action taken in regard to a County license may request an appeal hearing before the Board of Supervisors. Request for such hearing shall be in writing and filed with the Clerk of the Board of Supervisors, and a copy filed with the Licensing Officer on or before 10 calendar days after the action appealed from was taken, and shall state the grounds upon which the aggrieved party claims there was improper denial, suspension or revocation of his or her license.

(B) Upon receipt of such request for hearing, the Board of Supervisors shall set the matter for hearing not later than 20 calendar days thereafter unless the Board is not in session in which case the Board shall set the matter for hearing at the next available regular meeting date. The Board may also determine whether to stay the denial, suspension or revocation pending decision on the appeal. Written notice of the time and place of hearing on the matter shall be given by the Clerk of the Board of Supervisors to the aggrieved party and to the Licensing Officer, and upon receipt of the notice of hearing the Licensing Officer shall forward to the Board of Supervisors and provide to the appellant a report on this action with respect to the matter, attaching all relevant notices and any other materials relied upon by the Licensing Officer in making the decision.

(C) Upon hearing of the matter, the Board of Supervisors may take such action or make such orders as the Board deems just and proper in the disposition of the matter.

**Section 5.62.165. Insurance requirements.**

Each County license holder shall maintain at all times while engaged in said business a policy of public liability insurance. Said policy of insurance shall provide coverage in the amount and to the limits prescribed from time to time by the Licensing Officer in consultation with the County's Risk Manager. Any such policy of insurance shall contain an endorsement naming the County of Santa Cruz and its employees as additional insureds and further providing that the insurance policy will not be cancelled without first providing 30 days' advance notice to the Licensing Officer. Failure to obtain and maintain insurance as required herein shall constitute grounds for revocation or suspension of the firearms dealer's County license.

### **Section 5.62.170. Violations.**

It shall be unlawful and a violation of this chapter for any person, corporation, partnership or other entity to operate a firearms business within the unincorporated area of the County of Santa Cruz without a valid County license issued pursuant to this chapter.

### **Section 5.62.180. Penalties.**

Any person or entity, whether as principal, agent, employee, or otherwise, violating or causing or permitting the violation of any of the provisions of this chapter, shall be guilty of an infraction for the first offense, or of a misdemeanor for any subsequent offense(s) occurring within the one year after the first offense. Upon conviction, the person convicted shall be punished in accordance with Chapter 1.12 SCCC.

## **Title 7 – Health and Safety**

### **Chapter 7.90 – Prohibition of Saturday Night Specials/Junk Guns**

### **Section 7.90.030. Definitions.**

**(A)** Except as provided in SCCC 7.90.040, the term “**Saturday Night Special,**” as used in this chapter, shall mean any of the following:

**(1)** “A pistol, revolver or firearm capable of being concealed upon the person,” as those terms are defined in California Penal Code Section 16530, 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)** 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,

For purpose of this subsection, “semi-automatic pistol” shall mean a firearm, as defined in California Penal Code Section 17140, 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 Section 30510;

**(3)** A pistol, revolver or firearm capable of being concealed upon the person, as those terms are defined in California Penal Code Section 16530, 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;

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

For purposes of this subsection, “**action mechanism**” shall mean the mechanism of a firearm by which it is loaded, locked, fired and unloaded, commonly known as the cycle of operation.

**(B)** “**Sheriff**” means the Santa Cruz Sheriff-Coroner, or their designated representative.

### **Section 7.90.040. Exclusions.**

The term “Saturday Night Special” does not include any of the following:

**(A)** Any pistol which is an antique or relic firearm or other weapon falling within definitions set forth in California Penal Code Section 16170, 17700, 17705, or 17710;

**(B)** Any pistol of 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;

**(C)** Children’s pop guns or toys;

**(D)** An “unconventional pistol” as defined in California Penal Code Section 17270; or

(E) Any pistol which has been modified to either render it permanently inoperable or permanently make it a device no longer classified as a Saturday Night Special.

**Section 7.90.050. Roster of Saturday Night Specials.**

On or before January 1, 1997, the Sheriff 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 Sheriff determines fit the definition of "Saturday night special" set forth in SCCC 7.90.030.

**Section 7.90.060. Notification to manufacturers and dealers.**

Upon completion of a list of firearms to be placed on the roster for the first time, the Sheriff shall endeavor to send written notification to: (1) the manufacturer of every firearm on the list; and (2) every dealer within the County who is licensed to sell and transfer firearms pursuant to Section 26750 of the Penal Code of the State of California. Such notification shall do the following:

(A) Identify the model number of the firearm which has been classified as a Saturday night special within the meaning of SCCC 7.90.030;

(B) Advise the recipient that the recipient may apply for reconsideration of the classification of the firearm as a Saturday night special; and

(C) Advise the recipient that the burden of proving that a firearm does not constitute a Saturday night special within the meaning of SCCC 7.90.030 shall be on the recipient.

**Section 7.90.070. Reconsideration by the Sheriff.**

(A) The Sheriff shall, prior to the effective date of the ordinance codified in this chapter, 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 Sheriff to reconsider a decision to classify a firearm as a "Saturday night special" as defined in SCCC 7.90.030.

(B) Upon timely filing of one or more complete applications for reconsideration, the Sheriff 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 SCCC 7.90.030.

**Section 7.90.080. Appeal of classification.**

(A) If the Sheriff 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 County Administrative Officer, and the applicant(s) shall have the right to a hearing before the County Administrative Officer or their designee prior to inclusion of the firearm in question on the roster.

(B) The County Administrative Officer or their 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 Sheriff to classify the firearm in question as a "Saturday night special" as defined in SCCC 7.90.030.

(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 SCCC 7.90.030.

(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 County Administrative Officer or their designee shall hear and consider all relevant evidence. Upon the conclusion of the hearing, the County Administrative Officer or his/her designee shall, based on the evidence presented, determine whether the firearm constitutes a Saturday night special within the meaning of SCCC 7.90.030.

(F) In all instances, the decision of the County Administrative Officer or their designee whether to classify the firearm in question as a "Saturday night special" as defined in SCCC 7.90.030 and to place the firearm on the roster is final and not subject to further administrative appeal.

**Section 7.90.090. Publication of the roster.**

The Sheriff shall place on the roster those firearms which have been determined to constitute a Saturday night special within the meaning of SCCC 7.90.030. The Sheriff 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 County and circulated in the County 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 Clerk of the Board of the County of Santa Cruz; and



(C) A copy of the roster, certified as a true and correct copy thereof, shall be distributed to every dealer within the County who is licensed to sell and transfer firearms pursuant to California Penal Code Section 26700.

**Section 7.90.100. Effective date of roster.**

The roster shall become effective on the fifteenth day after its publication.

**Section 7.90.110. Additions to the roster.**

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

(A) Semi-Annual Determination. On a semi-annual basis, the Sheriff shall determine the need to place firearms on the roster. Upon identifying one or more firearms as a Saturday night special, the Sheriff 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 Sheriff or his/her designee shall endeavor to send written notification in accordance with the aforementioned provisions of SCCC 7.90.060.

(C) Reconsideration by the Sheriff. Any person who the Sheriff 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 SCCC 7.90.070.

(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 County Administrative Officer and the County Administrative Officer or their designee shall hold a hearing in accordance with the provisions of SCCC 7.90.080.

(E) Additions to Firearms to 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 SCCC 7.90.090.

**Section 7.90.120. Sale prohibited.**

After January 1, 1997, no wholesale or retail firearms dealer licensed pursuant to California Penal Code Section 26700 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 Section 27545 of the Penal Code of the State of California.

**Section 7.90.130. Exemptions.**

Nothing in this chapter 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 chapter prohibit the use of any firearm by the above-mentioned persons in the performance of their official duties.

**Section 7.90.140. Penalty.**

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this chapter shall be punishable by a fine of not more than \$1,000 or by imprisonment for a period not exceeding six 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 chapter is committed, continued or permitted by such person and shall be punishable accordingly.

**Section 7.90.150. Severability and validity.**

This chapter shall be enforced to the full extent of the authority of the County of Santa Cruz. If any section, subsection, paragraph, sentence or word of this chapter is deemed to be invalid or beyond the authority of the County of Santa Cruz, 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 section, subsections, paragraphs, sentences and words of this chapter shall be deemed severable.

**Title 13 – Planning and Zoning Regulations  
Chapter 13.10 – Zoning Regulations**

**Section 13.10.332. Commercial uses.**

(A) Principal Permitted Uses.

(1) In the Coastal Zone, the principal permitted uses in the commercial districts shall be as follows:

PA professional and administrative offices;

VA visitor accommodations;  
 CT visitor serving uses and facilities;  
 C-1 neighborhood-serving, small-scale commercial services and retail uses;  
 C-2 community-serving, large-scale retail uses and small-scale commercial services;  
 C-4 commercial services of all types and uses needing large sites or outdoor use areas; including appurtenant uses and structures.

(2) Principal permitted uses are all denoted as uses requiring a Level IV or lower approval unless otherwise denoted with the letter P in the commercial uses chart in subsection (B) of this section. In the Coastal Zone, actions to approve uses other than principal permitted uses are appealable to the Coastal Commission in accordance with the provisions of Chapter 13.20 SCCC relating to Coastal Zone permits, and in some cases, as provided in Chapter 13.20 SCCC, any development is appealable.

**(B) Allowed Uses.**

(1) The uses allowed in the commercial districts shall be as provided in the following commercial uses chart. A discretionary approval for an allowed use is known as a “use approval” and is given as part of a “development permit” for a particular use. The type of permit processing review, or “approval level,” required for each use in each of the commercial zone districts is indicated in the chart. The processing procedures for development permits and for the various approval levels are detailed in Chapter 18.10 SCCC, Permit and Approval Procedures. The approval levels given in this chart for structures incorporate the approval levels necessary for processing a building permit for the structure. Higher approval levels than those listed in this chart for a particular use may be required if a project requires other concurrent approvals, according to SCCC 18.10.123.

Commercial Uses Chart

**Key:**

- 4 = Approval Level IV (administrative, public notice required)
- 5 = Approval Level V (public hearing by Zoning Administrator required)
- 6 = Approval Level VI (public hearing by Planning Commission required)
- = Use not allowed in this zone district
- \* = Level IV for projects of less than 5,000 square feet  
 Level V for projects of 5,000 to 20,000 square feet  
 Level VI for projects of 20,000 square feet and larger

Use	PA	VA	CT	C-1	C-2	C-4
Commercial services, community, such as:						
Gunsmiths	—	—	—	—	4/5/6*	4/5/6*

**Section 13.10.342. Uses in industrial districts.**

**(A) Principal Permitted Uses.**

(1) In the Coastal Zone, the principal permitted uses in the industrial districts shall be as follows:

- M-1 small light industrial facilities;
- M-2 light industrial facilities in general;
- M-3 mining, agriculture, and timber harvesting including appurtenant accessory uses and structures.

(2) Principal permitted uses are all denoted as uses requiring a Level IV or lower approval or a mining permit (M) in the industrial uses chart in subsection (B) of this section. In the Coastal Zone, actions to approve uses other than principal permitted uses are appealable to the Coastal Commission in accordance with the provisions of Chapter 13.20 SCCC relating to Coastal Zone permits, and in some cases pursuant to Chapter 13.20 SCCC, any development is appealable.

**(B) Allowed Uses.**

(1) The uses allowed in the industrial districts shall be as provided in the following industrial uses chart. A discretionary approval for an allowed use is known as a “use approval” and is given as part of a “development permit” for a particular use. The type of permit processing review, or “approval level,” required for each use in each of the industrial zone districts is indicated in the chart. The processing procedures for development permits and for the various approval levels are detailed in Chapter 18.10 SCCC, Permit and Approval Procedures. The approval levels given in this chart for structures incorporate the approval levels necessary for processing a building permit for the structure. Higher approval levels than those listed in this chart for a particular use may be required if a project requires other concurrent approvals, according to SCCC 18.10.123. For purposes of this chapter, a mining approval is a use approval.

Industrial Uses Chart

Key: M-1, M-2 AND M-3 Zone Districts

- 4 = Approval Level IV (administrative, public notice required)
- 5 = Approval Level V (public hearing by Zoning Administrator required)
- 6 = Approval Level VI (public hearing by Planning Commission required)
- 7 = Approval Level VII (public hearing by Planning Commission and Board of Supervisors required)
- = Use not allowed in this zone district
- \* = Level IV for projects of less than 2,000 square feet;
- Level V for projects of 2,000 to 20,000 square feet;
- Level VI for projects of over 20,000 square feet

Industrial Uses Chart			
Uses	M-1	M-2	M-3
Manufacturing, heavy, and processing, such as:			
Manufacturing and processing of:			
Firearms	4/5/6*	4/5/6*	—

**Santa Fe Springs Code of Ordinances**  
Codified through Ordinance Number 1123, passed August 2, 2022. (Supplement Number 27)

**Title XIII – General Offenses**  
**Chapter 135 – Weapons Control**

**Minors**

**Section 135.15. Possession by minors of firearms.**

No person under the age of 18 years shall use or have in his possession any gun, firearm, spring gun, air rifle, slingshot or ammunition within the city.

**Section 135.16. Sale of firearms to minors.**

No person shall give, sell or loan to any person under the age of 18 years, any gun, firearm, spring gun, air rifle, slingshot or ammunition.

**Section 135.17. Possession, use and sale of firearms permitted with consent and supervision of parents.**

Nothing in this subchapter shall be deemed or construed to prohibit any of the following:

**(A)** The selling, giving, lending or furnishing to any person under the age of 18 years, upon the written consent of the parent or guardian of such person, any article mentioned in § 135.16.

**(B)** Any person under the age of 18 years from having in his possession, care, custody or control, any article mentioned in § 135.15, in the event that such possession, care, custody or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person.

**Title XV – Land Usage**  
**Chapter 155 – Zoning**  
**Zone Districts**

**Part 1A. Small Residential Rooftop Solar Systems**

**Part 6 – C-4 Community Commercial Zone District**

**Section 155.153. Conditional uses.**

The following uses shall be permitted in the C-4 Zone only after a valid conditional use permit has first been issued:

**(DD)** Retail sale, lease or transfer of any firearm(s).

**Part 9 – M-2 Heavy Manufacturing Zone District**

**Section 155.243. Conditional uses.**

The following uses shall be permitted in the M-2 Zone only after a valid conditional use permit has first been issued:

**(B)** Storage of:

**(6)** Firearms of any type, including rifles, hand guns and similar weapons totalling five or more in any combination, including wholesale transfer, retail as specified in § 155.243(N), storage, distribution or delivery of any firearm(s).

**(7)** Ammunition, munitions, bullets, including smokeless gunpowder in amounts totalling 20 pounds or more.

**(J)** Also the following:

**(12)** Manufacturing and/or reloading of ammunition.

**(N)** Retail sale, lease or transfer of any firearm(s) to the following upon presentation of proper government-issued identification:

- (1)** Active and retired sworn law enforcement personnel.
- (2)** Law enforcement agencies.
- (3)** Fire fighters, volunteer fire fighters, and paramedics.
- (4)** Military personnel including Reservists and National Guard, including military personnel with "retired" credentials.
- (5)** Corrections officers, including parole and probation officers.
- (6)** Individuals with a valid security guard license issued by the California Bureau of Security and Investigative Services.
- (7)** Security companies with a valid certification by the California Bureau of Security and Investigative Services.
- (8)** Court Judges, District Attorneys, Deputy District Attorneys, and District Attorney Investigators.
- (9)** Law Enforcement Academy Cadets with enrollment documentation from the Academy.

### **Miscellaneous Uses**

#### **Section 155.648. Storage of explosives, firearms and ammunition.**

**(A)** A conditional use permit shall be required for the establishment of a storage or retail use involving explosives, firearms or ammunition pursuant to § 155.243 of this chapter.

**(B)** In addition to any other conditions which may be imposed by the Planning Commission on the granting of said conditional use permit, the following shall apply:

- (1)** A security and safety plan shall be submitted to the city for approval and shall be implemented prior to occupancy of the building.
- (2)** The storage of explosives, firearms or ammunition shall not occur within 1,000 feet of any property zoned for or occupied by residential, schools, parks and religious land uses.
- (3)** Retail sales in connection with storage of explosives, firearms or ammunition shall be prohibited with the exception of retail sales as specified in § 155.243(N).
- (4)** The storage of explosives, firearms or ammunition shall comply with the following additional Building and Fire Code requirements.

**(a)** Ammunition.

**1.** Storage of ammunition.

- a.** Amounts not exceeding 500 pounds may be stored in a safe and secured location.
- b.** Amounts in excess of 500 pounds shall be stored in a location and in a manner approved by the City's Fire Chief.
- c.** Not more than 1,000 pounds may be stored in a basement equipped with automatic sprinklers.
- d.** Over 5,000 pounds shall be stored in a room of one hour fire resistive construction. Door openings thereon shall be protected by one hour fire assemblies. Such rooms shall be equipped with an automatic sprinkler system.

**2.** Separation. Ammunition shall be separated from flammable liquids, flammable solids, and oxidizing materials by one hour fire resistive separation or by a distance of not less than 25 feet.

**3.** Approval. Ammunition shall not be stored with Class A or Class B explosives unless the storage facility is approved by the City's Fire Chief.

**(b)** Fire protection. Portable fire extinguishers shall be provided as required by § 10.301 of the Uniform Fire Code wherever fireworks, smokeless powder, small arms ammunition or small arms primers are stored, manufactured, or handled.

**Santa Paula Code of Ordinances**

Codified through Ordinance Number 1305, passed October 7, 2020. (Supplement Number 23)

**Title XVI – Development Code  
Chapter 16.230 – Home Occupation Permit**

**Section 16.230.040. Prohibited home occupations.**

The following uses, either by operation or nature, are not incidental to or compatible with residential activities and shall not be permitted as home occupations:

(F) Firearms/weapons dealerships.

**Santa Monica Municipal Code**

Codified through Ordinance Number 2708CCS and the May 2022 code supplement.

**Article 3 – Public Safety  
Chapter 3.24 – Firearms**

**Section 3.24.020. Firearms dealer permit required for sale of guns or munitions.**

(a) Any person who operates or manages, or who proposes to operate or manage, any business which sells, transfers, leases, offers or advertises for sale, transfer or lease any firearm, shall obtain a firearms dealer permit from the Chief of Police, in addition to any other permits or licenses required by law prior to operating or managing the business.

(b) The Director of Finance shall not issue a business license to any person who operates or manages, or who proposes to operate or manage, any business which sells, transfers, leases, offers or advertises for sale, transfer or lease any firearm, unless the person obtains all necessary permits or other licenses required by Federal, State and City law, including a firearms dealer permit issued by the Chief of Police.

(c) For purposes of this Section, “firearm” shall have the same meaning as it does for purposes of Section 12071 of the California Penal Code. This Section shall not apply to those activities specifically exempted by California Penal Code Section 12070(b).

**Section 3.24.030. Firearms dealer permit application process.**

(a) Manner of Application and Fees. An application for a firearms dealer permit shall be filed with the Chief of Police under penalty of perjury on a form to be specified by the City. The application shall be accompanied by the fees established by resolution of the City Council. The application shall contain:

(1) All relevant information to demonstrate the applicant’s compliance with this Chapter, including a floor plan of the proposed business which illustrates the applicant’s compliance with the security provisions of Section 3.24.031(e);

(2) A certification by the City Planning and Community Development Department that the applicant’s business will not be located in a zoning district in which the operation of a firearms business is prohibited, and that the applicant has secured a conditional use permit if required by Article 9 of the Municipal Code;

(3) Proof of compliance with all applicable Federal, State and local law;

(4) All other information requested, or the application will not be deemed complete.

(b) City’s Right to Investigate Any Relevant Facts. The Chief of Police may cause to be conducted an investigation to determine whether the application for a firearms dealer permit meets all the requirements of Federal, State and local law, and may require any and all additional information from an applicant that is deemed necessary to complete the investigation.

(c) Grounds for Denial of Application. The Chief of Police shall give the applicant a written notice of his or her decision to grant or to deny the application for a firearms dealer permit. The notice shall set forth the ground or grounds for the Chief of Police’s decision. The Chief of Police shall deny the issuance of a permit when any of the following conditions are met:

(1) The applicant, or any officer, employee or agent thereof who will have access and control over firearms, is under twenty-one years of age.

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

(3) The applicant, or any officer, employee or agent thereof who will have access and control over firearms, has had a permit previously revoked or denied for good cause within the immediately preceding two years for failure to operate its business in compliance with the requirements of Federal, State or local law, including any conditions imposed by such laws.

(4) The applicant, or any officer, employee or agent thereof who will have access and control over firearms, has made a false or misleading statement of a material fact or an omission of a material fact in the application for a permit.

(5) The applicant, or any officer, employee or agent thereof who will have access and control over firearms, has been convicted of the following:

- (A) Any offense which disqualifies the person convicted from owning or possessing a firearm under applicable Federal, State and local laws;
- (B) Any offense related to the manufacture, sale, possession or registration of any firearm or dangerous or deadly weapon;
- (C) Any offense involving the use of violence upon the person of another;
- (D) Any offense involving theft, fraud, dishonesty or deceit;
- (E) Any offense involving the manufacture, sale, possession or use of any controlled substance as defined by California Health and Safety Code Section 11007, as said definition now reads or may hereafter be amended to read.

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

(7) The operation of the business as proposed will not comply with all applicable Federal, State and local laws.

(8) The applicant, or any officer, employee or agent thereof, proposes to operate the business in a location where such use is prohibited, or has not obtained other necessary City permits.

(9) The applicant, or any officer, employee or agent thereof, is not the owner of record of the real property at which the business is to be conducted, nor has a lease, license, or other entitlement or possessory interest to operate such business at such location.

(10) Any other grounds for denial that exist as specified in the Santa Monica Municipal Code.

#### **Section 3.24.031. Firearms dealer permit – Conditions.**

Any firearms dealer permit issued pursuant to this Chapter shall be subject to all of the following conditions:

(a) The permittee shall comply with all Federal and State laws concerning the operation of the permitted business including, but not limited to, California Penal Code Sections 12071(b)(3)—(14), 12072, 12073, 12074, 12076, 12077 and 12082. To the extent the provisions of this Chapter impose more stringent requirements than those contained in State or Federal law, these local provisions shall prevail.

(b) The business shall be carried on only in the building located at the street address shown on the City of Santa Monica permit.

(c) The permittee shall keep complete and current records of all firearms transactions. In addition to the requirements of California Penal Code Sections 12073, 12076 and 12077, permittee must also keep a complete current inventory of all firearms in stock. This inventory shall include an entry for each weapon, with the classification, serial numbers, and any other information that is required by the Chief of Police for the tracking of the chain of ownership of the firearm.

(d) The permittee shall maintain records of ammunition sales in compliance with the provisions of Chapter 3.25 of this Code.

(e) The premises at which the business is to be operated shall contain all security measures reasonably required by the Chief of Police, which shall include, but not be limited to:

(1) The provision of secure locks, windows and doors, adequate lighting, and such fire and theft alarms as specified by the Chief of Police.

(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 dealer, or employees of the dealer entrusted to handle firearms, to the exclusion of all others.

(f) Permittee shall cause to be obtained, and keep in full force and effect a policy of insurance in such form as the City deems proper, executed by an insurance company approved by the City whereby the 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 offering or exposing for sale, transfer or lease, of any firearm. The minimum liability limits shall not be less than one million dollars for damage to or destruction of property in any one incident, and one million dollars for the death or injury to any one person. 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 Risk Manager, 1717 4th Street, Santa Monica, California 90401, at least thirty days immediately prior to the time such cancellation becomes effective. Upon expiration of any such policy and if no additional insurance has been secured prior to the expiration thereof in the manner provided for the initial securing of a permit under this Chapter, the permit shall be deemed canceled without further notice or opportunity to be heard.

(g) The permittee shall consent to the City's inspection of the business premises and records in order for the City to establish continued compliance with the terms of the permit, and in accordance with Section 3.24.036 of this Chapter.

(h) The permit shall not become effective until the permittee has obtained all other permits required by Federal, State or local law including, but not limited to, a business license and zoning and building permits.

**Section 3.24.032. Firearms dealer permit – Form and term.**

A firearms dealer permit issued pursuant to this Chapter shall state on its face "Valid for Retail Sales of Firearms," and shall expire one year after the date of issuance or automatically upon revocation or expiration of permittee's Federal firearms license. A permit may be renewed by the Chief of Police for additional periods of one year upon the approval of an application for renewal by the Chief of Police and payment of the renewal fee established by City Council resolution. A completed application for renewal shall be submitted to the Chief of Police at least forty-five days prior to the expiration of the current permit or else the permit shall expire at the expiration of its term. If the application is submitted in a timely manner, the permit to operate shall continue in effect until the expiration date of the current term, or two weeks after the Chief of Police mails written notice to the applicant denying renewal, whichever occurs later.

**Section 3.24.033. Firearms dealer permit – Permit assignment.**

No person shall assign or in any manner transfer or attempt to assign or transfer any firearms dealer permit issued pursuant to this Chapter and any such assignment or transfer or attempt to assign or transfer a permit shall constitute grounds to revoke the permit.

**Section 3.24.034. Firearms dealer permit – Grounds for revocation and denial of renewal.**

The Chief of Police may revoke a firearms dealer permit, or deny an application to renew a permit, in any of the following circumstances:

(a) Upon breach of any of the permit conditions set forth in of Section 3.24.031;

(b) Upon any circumstance constituting a ground for denial of a permit set forth in Section 3.24.030(c);

(c) Upon transfer or assignment, or attempted transfer or assignment of the permit as prohibited in Section 3.24.033;

(d) If the business is being conducted in a disorderly manner or in violation of any applicable State or Federal law or ordinance of this City or any provision of this Code;

(e) When the purpose for which the permit has been issued is being abused to the detriment of the public, or when the permit is being used for a purpose different from that for which the permit was issued.

**Section 3.24.035. Firearms dealer permit – Appeals.**

Any person aggrieved by any decision to deny or revoke any firearms dealers permit pursuant to this Chapter may appeal such decision to a Hearing Examiner in accordance with Chapter 6.16 of the Santa Monica Municipal Code.

**Section 3.24.036. Firearms dealer 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 and health regulations, as well as the provisions of this Chapter. A police investigator may conduct compliance inspections to ensure conformance with all Federal, State and local laws, and the provisions of this Chapter.

**Section 3.24.037. Violation of Sections 3.24.030 through 3.24.036.**

(a) Any person who conducts a business in violation of Sections 3.24.030 through 3.24.036 of this Chapter shall be guilty of a misdemeanor for each day a violation occurs. Each violation shall be punishable by up to one year in jail or a five hundred dollar fine, or both.

(b) In addition to any other penalty or remedy, the City Attorney may commence a civil action to seek enforcement of these provisions.

**Section 3.24.080. Gun shows.**

Gun shows or events shall be prohibited in the City, except for gun shows or events in the M1 District. For purposes of this Section, a gun show or event is any event at which firearms, as defined in Section 3.24.020, are sold, transferred, leased or offered or advertised for sale, transfer or lease. Any such gun show or event in the M1 District must obtain all other approvals or permits required by local, State or Federal law.

**Section 3.24.085. Existing firearms dealerships.**

Firearms dealers existing on the effective date of the ordinance codified in this Section who obtained a firearms dealer permit pursuant to Ordinance Number 1763CCS or Ordinance Number 1831CCS on or before January 1, 1995, shall not

be required to obtain a conditional use permit, but shall comply with all other provisions of this Code. If such existing dealers are located other than in the M1 Industrial Conservation District, such uses shall be considered legal nonconforming uses. If an existing firearms dealership increases its firearms or munitions display area over that which it maintained on the effective date of the ordinance codified in this Section, the firearms dealership shall no longer be considered a legal nonconforming use. Such firearms dealerships shall forthwith comply with all requirements of this Code. Any firearms dealership existing as of the effective date of the ordinance codified in this Section who did not obtain a firearms dealer permit by January 1, 1995, is in violation of law.

### **Chapter 3.25 – Registration of Ammunition Sales**

#### **Section 3.25.010. Definitions.**

The following words or phrases as used in this Chapter shall have the following meanings:

**Ammunition.** Projectiles expelled by force of an explosion, for use in pistols and revolvers, as defined in California Penal Code Section 12001, and in rifles.

**Vendor.** Any individual, gun store, firm, or corporation having a business license to sell ammunition.

#### **Section 3.25.020. Record of ammunition sales.**

(a) Every holder of a business license to sell ammunition shall maintain records pertaining to ammunition sales prescribed by this Chapter on the licensed premises and in the manner prescribed herein.

(b) Every record shall contain the following information:

- (1) The date of the transaction.
- (2) The purchaser's name, address, and date of birth.
- (3) The purchaser's driver's license number or other identification and state where that identification was issued.
- (4) The brand of ammunition purchased.
- (5) The type and amount of ammunition purchased.
- (6) The purchaser's signature.

(c) The information required by this Section shall be completed in a log book at the time of the purchase.

(d) The record shall be maintained in chronological order by date of sale of the ammunition, and shall be retained on the licensed premises of the vendor for a period of two years following the date of the purchase of the ammunition.

(e) At the direction of the Chief of Police, or his or her designee, police officers may enter the premises of any licensed vendor during regular business hours for the purpose of examining or inspecting any record required by this Chapter.

#### **Section 3.25.030. Violation – Penalty.**

(a) It is unlawful for any vendor knowingly to make a false entry or fail to make an appropriate entry in the ammunition sales log. It is unlawful for any vendor to knowingly fail to properly maintain any such record or to refuse to exhibit the record to a police officer immediately upon request for such inspection.

(b) Any vendor violating any provision of this Chapter is deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the City or County Jail for a period not to exceed six months, or by both such fine and imprisonment.

### **Chapter 3.26 – Saturday Night Specials**

#### **Section 3.26.010. Definitions.**

As used in this Chapter, except as specifically excluded by Section 3.26.020, "Saturday Night Special" shall include the following:

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

(b) A semiautomatic pistol which:

- (1) Is not originally equipped by the manufacturer with a locked-breech action; and
- (2) Is chambered for cartridges developing maximum permissible breech pressures above twenty-four thousand one hundred copper units of pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute.
- (3) For purpose of this subsection (b), "semiautomatic pistol" shall mean a firearm, as defined in California Penal Code Section 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. "Semiautomatic pistol" shall not include any assault weapon designated in California Penal Code Section 12276.

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

- (1) 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 permissible breech pressures below nineteen thousand copper units of pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute; and
- (2) Is chambered to fire either centerfire ammunition or rimfire ammunition developing maximum permissible breech pressures above nineteen thousand copper units of pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute; and
- (3) Is not originally equipped by the manufacturer with a nondetachable safety guard surrounding the trigger; or
- (4) If rimfire, is equipped with a barrel of less than twenty bore diameters in overall length protruding from the frame.
- (5) For purposes of this subsection (c), "action mechanism" shall mean the mechanism of a firearm by which it is loaded, locked, fired, and unloaded.

#### **Section 3.26.020. Exclusions.**

"Saturday Night Special" does not include any of the following:

- (a) 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 Section 12020; or
- (b) 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
- (c) Children's pop guns or toys; or
- (d) An "unconventional pistol" as defined in California Penal Code Section 12020(c)(12); or
- (e) 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."

#### **Section 3.26.030. Roster of Saturday Night Specials.**

The City Manager or designee shall compile, publish and thereafter maintain a roster of Saturday night specials, according to administrative procedures to be adopted by the City Manager. The roster shall list those firearms, by manufacturer and model number, which the City Manager or designee determines satisfy the definition of Saturday night special as set forth in Section 3.26.010. After its initial publication, the roster of Saturday night specials shall be published thereafter on a semiannual basis and a copy shall be sent to every dealer within the City who is licensed to sell and transfer firearms pursuant to Penal Code Section 12071, and who has obtained a firearms dealer permit in accordance with Chapter 3.24 of this Code. After its initial publication, the failure to publish a roster on a semiannual basis thereafter shall not be a defense to any violation of this Chapter.

#### **Section 3.26.040. Sales prohibited.**

No person who is obligated to obtain a firearms dealer permit pursuant to Chapter 3.24 of this Code, or any officer, agent or employee thereof, shall sell, offer or display for sale, give, lease, lend or transfer ownership or control of, any firearm listed on the roster of Saturday night specials. This Section shall not preclude a person who has obtained a firearms dealer permit pursuant to Chapter 3.24 and any other required local, State, or Federal licenses, or any officer, employee or agent thereof, from processing firearm transactions between unlicensed parties pursuant to Section 12072(d) of the Penal Code. This Section shall not be enforced until the roster of Saturday night specials has been completed and first published in accordance with Section 3.26.030 of this Code.

#### **Section 3.26.050. Exemptions.**

Nothing in this Chapter shall prohibit the disposition of any Saturday night special by police departments, Sheriff's offices, marshal's offices, the California Highway Patrol, other local, State and Federal law enforcement agencies, or the military and naval forces of this State or the United States for use in discharge of their official duties.

### **Article 6 – Business, Professions and Trades** **Chapter 6.14 – Regulatory Restrictions on Designated Business Activities**

#### **Section 6.14.050. Business activities requiring police permits.**

The following business activities require a police permit:

(b) Firearm sales.

**Article 9 – Planning and Zoning  
Division 2 – Base and Overlay Districts  
Chapter 9.13 – Employment Districts**

**Section 9.13.020. Land use regulations.**

Table 9.13.020 prescribes the land use regulations for Employment Districts. The regulations for each district are established by letter designations listed below. These designations apply strictly to the permissibility of land uses; applications for buildings or structures may require discretionary review.

“–” designates uses that are not permitted.

Land uses are defined in Chapter 9.51, Use Classifications. Use classifications and sub-classifications not listed in the table are prohibited. Accessory uses are permissible when they are determined by the Zoning Administrator to be necessary and customarily associated with and appropriate, incidental, and subordinate to, the principal uses and which are consistent and not more disturbing or disruptive than permitted uses. The table also notes additional use regulations that apply to various uses. Section numbers in the right-hand column refer to other Sections of this Ordinance.

Table 9.13.020: Land Use Regulations—Employment Districts				
Use Classification	IC	OC	HMU	Additional Regulations
Commercial Uses				
Retail Sales	See sub-classifications below.			
Firearms and Ammunition Sales	–	–	–	

**Division 3 – General Regulations**

**Chapter 9.31 – Standards for Specific Uses and Activities**

**Section 9.31.160. Home occupation.**

**B.** Prohibited Home Occupation Uses. The following uses shall not be permitted as home occupations:

- 8. Firearms manufacture, sales, or repair.

**Santa Rosa Code of Ordinances**

Codified through Ordinance Number 2022-006 and the June 2022 code supplement.

**Title 10 – Public Peace, Morals and Welfare**

**Chapter 10-24 – Weapons**

**Section 10-24.010. Licensing authority – Issuance of firearms sales permits.**

**(A)** The Chief of Police is designated as the duly constituted licensing authority of the City for accepting applications for, and the granting of licenses as provided in Section 12071 of the California Penal Code.

**(B)** A City processing fee shall be paid at the time an application for a license under this section is submitted. The amount of the fee shall be established from time to time by resolution of the City Council. The City processing fee shall be in addition to any fee(s) that may be payable to the state or federal government in connection with an application submitted under this section.

**Title 20 – Zoning**

**Division 4 – Standards for Specific Land Use**

**Chapter 20-42 – Standards for Specific Land Uses**

**Section 20-42.070. Home occupations.**

**B.** Prohibited uses. The following uses and similar activities are prohibited as home occupations:

- 7. Weapons or ammunition sales;

**Santee Municipal Code**

Codified through Ordinance Number 601 and the April 2022 code supplement.

**Title 4 – Business Licenses, Taxes and Regulations**

**Chapter 4.20 – Sale of Firearms**

**Section 4.20.010. Definitions.**

The following words and phrases, when used in this chapter, have the meanings in this section unless, from the context, a different meaning is intended or specifically defined:

**“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 Section 16520.

**“Firearm dealer”** means any person who fulfills or is required to fulfill the provisions of Penal Code Section 26700 and who:

1. Sells, transfers, or leases any new or used firearms at wholesale or retail; or
2. Advertises for sale, transfer, or lease any new or used firearms at wholesale or retail; or
3. Offers or exposes for sale, transfer, or lease, any new or used firearms at wholesale or retail..

#### **Section 4.20.020. License Required.**

It is unlawful for any person to transact, engage in, or carry on any business as a firearm dealer without a business license required by Chapter 4.02 and a regulatory permit required by Chapter 4.03.

#### **Section 4.20.030. Issuance or denial of permit.**

In addition to the grounds for denial of a permit set forth in Chapter 4.02, the issuing officer may deny an application for a business license, for any of the following reasons:

- A. 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;
- B. The applicant is under 21 years of age;
- C. The applicant has had a similar permit or license previously revoked or denied for good cause within one year immediately preceding the date of the filing of the application;
- D. The applicant has not received any license or approval required by State or Federal law or regulation;
- E. The applicant, within five 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
- F. 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
- G. 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 five working days after applicant receives written notification by certified mail or personal delivery from the issuing officer, 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 Sections 29800 through 29830 of the California Penal Code or Section 8100 or Section 8103 of the Welfare and Institutions Code; or
- H. The applicant is a person in a prohibited class described in Sections 29800 through 29830 of the California Penal Code or Section 8100 or Section 8103 of the Welfare and Institutions Code; or
- I. 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
- J. The applicant has failed to obtain a zoning use certificate required by this code.

#### **Section 4.20.040. 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 Sections 27200 through 27415. 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 issuing officer. Any attempted transfer will be ineffective.

#### **Section 4.20.050. Revocation of permit.**

A business license and regulatory permit may be revoked or suspended in accordance with Section 4.02.060 for 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 chapter;
- B.** The firearm dealer is convicted of any of the offenses enumerated in Section 4.20.030;
- C.** The firearm dealer fails to remove the authority of any officer, agent, or employee to act on behalf of the firearm dealer within five working days after the firearm dealer receives written notification by certified mail or personal delivery, that such officer, agent or employee has been convicted of any of the offenses enumerated in Section 4.20.030; or
- D.** Any of the conditions listed on the permit or in this title are violated.

#### **Section 4.20.060. Limitation on location.**

Except as otherwise provided herein, the business licensed and permitted by this chapter may be carried on only in the location designated in the license.

#### **Section 4.20.070. Business and security regulations.**

- A.** All firearm dealers and officers, employees or agents of the firearm dealers, must comply with all State and Federal business regulations and building specifications for firearm security, including, but not limited to, the requirements set forth in Penal Code.
- B.** All firearm dealers and officers, employees or agents of the firearm dealers must protect firearms from theft during business hours, by taking the following actions at a minimum:
  - 1.** All firearms must 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 must be present when a prospective buyer or seller is handling any firearm..

#### **Section 4.20.080. Records of secondhand weapons.**

- A.** Prior to obtaining a used or secondhand concealable weapon, a firearm dealer must obtain the following information from the person offering such weapon on a form obtained from the Department of Justice:
  - 1.** Name, address, and physical description of such person;
  - 2.** The caliber, manufacturer's name, description, serial number or numbers, initials or other identifying marks of the weapon;
  - 3.** Such other information which may be required by the Sheriff.
- B.** At the end of each week, every firearm dealer must file completed forms regarding each secondhand concealable weapon purchased or taken in trade during the week by the firearm dealer.

#### **Section 4.20.090. Delivery of firearms.**

It is unlawful for any person to deliver a firearm except in compliance with Title 4 of Part 6 of the Penal Code and any other applicable law or regulation.

#### **Section 4.20.100. Advertising or display.**

No firearm dealer may display any pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof in any part of the premises where it can readily be seen from the outside.

### **Title 7 – Public Peace, Morals and Welfare Chapter 7.12 – Firearms**

#### **Section 7.12.010. Definitions.**

In this chapter,

“Firearm” has the same meaning as the term “firearm” under Part 6, Title 1, Division 2 of the Penal Code (commencing with Section 16000, the Deadly Weapons Recodification Act of 2010).

#### **Section 7.12.030. Firearms Prohibited on Trails.**

It is unlawful for any person to carry, possess, or discharge any firearm or device fired or discharged with explosives on or from any portion of any riders' and hikers' trail within the City which is bounded on both sides by privately owned real property.

### **Section 7.12.040. Exceptions.**

The prohibitions in this chapter do not apply in the following circumstances:

- A.** On public lands owned by the United States or the State of California when permission to hunt on such lands has been granted to or reserved to the public.
- B.** To any peace officer acting in the proper performance of his or her official duties.
- C.** In the event the United States Fish and Wildlife Service or the California Department of Fish and Wildlife have issued depredation orders or depredation permits to protect property. Prior to any discharge of firearms in accordance with a depredation order or permit, the permittee must notify the Sheriff's office.

### **Section 7.12.050. Firearms and Explosives in City Premises.**

- A.** It is unlawful to bring or possess a firearm—loaded or unloaded, operable or inoperable—or explosive or explosive device—operable or inoperable—in any premises owned or leased by the City in which public business is conducted, without the written permission of the Mayor or the City Manager.
- B.** The provisions of subsection A of this section do not apply to the following:
  - 1.** City employees or court personnel who use, possess or have custody of firearms, explosives and explosive devices in the course of their official duties; or

**2. Any person exempted from compliance by State law. Saratoga Code of Ordinances**  
Codified through Ordinance Number 377, adopted December 16, 2020. (Supplement Number 471-21)

## **Chapter 4 – Business Regulations**

### **Article 4-30 – Sales of Firearms**

### **Section 4-30.010. Authority for Article.**

This Article is enacted pursuant to the authority granted to the City under Part 4, Title 2, Chapter 1, Article IV, (commencing with Section 12070) of the Penal Code. All references made to "licenses" and "licensing" in the aforementioned statutes shall be deemed to refer to "permits" and "permitting" under this Article.

### **Section 4-30.020. Permit required.**

- (a)** No person shall engage in the business of selling, transferring, advertising or exposing for sale or transfer any firearms without first obtaining a permit to do so pursuant to this Article. For the purposes of this Article, engaging in the business of selling or transferring firearms does not include the infrequent sale or transfer, offering, exposing for sale, or advertising for sale any firearms at a gun show, swap meet or similar event, such as internet sales. As used in this Section, "**infrequent**" means occasional and without regularity.
- (b)** Any person desiring to engage in the business of selling firearms for which a permit is required under the provisions of this Article shall also apply for and obtain a business license pursuant to Article 4-05 of this Chapter and pay the license fee specified in Section 4-05.100. No such business license shall be issued unless and until the applicant has first obtained a valid permit under this Article.

### **Section 4-30.030. Application for permit; fee; investigation by Community Development Director.**

- (a)** Application for a permit hereunder shall be made to the Community Development Director on such form as he may prescribe, which shall include the following:
  - (1)** Name and address of the applicant.
  - (2)** Where the applicant has resided and where he has engaged in business for five years next preceding the date of application, the length of time at each address, the number of any telephone maintained by him and the character of such business.
  - (3)** The particulars in regard to any felony or misdemeanor offense for which the applicant or any principal of the applicant has been convicted.
  - (4)** A recent passport type photo of the applicant and his fingerprints.
  - (5)** Address or other description of the property at which the business will be conducted, and the name and address of the owner of such property.
  - (6)** Such other information and documents as the Community Development Director may require.

- (b)** The application shall be accompanied by a processing fee in such amount as established from time to time by resolution of the City Council.

(c) Upon receipt of the application and other documents and the fee as required in subsections (a) and (b) of this Section, the Community Development Director shall conduct such investigation as he deems appropriate to determine whether a permit should be issued. In connection therewith, the Community Development Director shall forward a copy of the application to the County Sheriff, for determination as to background of the applicant and whether the applicant has ever been convicted of a felony or misdemeanor offense involving theft, dishonesty, violence or moral turpitude, and determination as to whether the sale of firearms by the applicant would constitute a violation of State law.

The County Sheriff shall indicate on the application that the proposed permit is either approved or disapproved or approved subject to specified conditions, and shall return the application to the Community Development Director.

**Section 4-30.040. Grounds for denial of application.**

The Community Development Director shall deny issuance of a permit based upon any of the following grounds:

(a) Disapproval of the application by the County Sheriff.

(b) A determination that the conduct of the business at the proposed location would not be in compliance with all zoning requirements and other rules, regulations and ordinances of the City.

**Section 4-30.050. Issuance of permit; term; conditions.**

If a permit is issued by the Community Development Director, it shall be in the form as prescribed by the State Attorney General, to be effective for not more than one year from the date of issue. The permit shall be subject to all of the conditions as set forth in Section 12071 of the Penal Code and such other conditions as may be imposed by the County Sheriff.

**Section 4-30.060. Renewal of permit.**

A permit issued under this Article may be renewed for a period not exceeding one year upon application to the Community Development Director, accompanied by payment of a renewal fee in such amount as established from time to time by resolution of the City Council. The Community Development Director shall renew the permit if he finds that all of the requirements of this Article have been satisfied by the permittee and no conditions of the permit have been violated.

**Section 4-30.070. Transferability of permit.**

No permit issued under this Article shall be transferable and any attempted transfer shall invalidate the permit.

**Section 4-30.080. Suspension or revocation of permit.**

(a) Any permit issued under this Article may be suspended or revoked by the Community Development Director for any reason that would justify a refusal to issue the permit originally, or by reason of any failure by the permittee to comply with all of the provisions of this Article, or any other provision of this Code, or any condition of such permit.

(b) The holder of the permit shall be given prompt notice of the intention to suspend or revoke his permit. Such notice shall fix a time and place, not less than five nor more than thirty days after service thereof, at which the holder of the permit may appear before the Community Development Director and be granted a hearing upon the merits of the suspension or revocation. If, after such hearing the permit is ordered suspended or revoked, the holder shall have the right to appeal such action to the City Council.

**Section 4-30.090. Appeals to City Council.**

Any decisions rendered pursuant to this Article with respect to the issuance, denial, suspension or revocation of a permit, or the conditions thereof, may be appealed to the City Council by the applicant or permittee or other interested person in accordance with the procedure set forth in Section 2-05.030 of this Code.

**Section 4-30.100. Compliance with State law.**

The holder of any permit issued pursuant to this Article shall be subject to and shall comply with the regulations and conditions as set forth in Part 4, Title 2, Chapter 1, Article IV (commencing with Section 12070) of the Penal Code.

**Section 4-30.110. Violations of Article.**

The violation of any provision contained in this Article, or the violation of any condition of a permit issued hereunder, is hereby declared to be unlawful and shall constitute a misdemeanor, subject to the penalties as prescribed in Chapter 3 of this Code and the penalties as prescribed in the Penal Code. The enforcement of this Article pursuant to Chapter 3 shall be in addition to any proceedings conducted under Section 4-30.070 for revocation or suspension of the permit or any proceedings conducted under Article 4-05 of this Chapter to revoke a business license by reason of the same violation.

**Chapter 6 – Public Safety**  
**Article 6-15 – Miscellaneous Offenses**

**Section 6-15.090. Weapons; sale to persons under eighteen years of age.**

(a) No person shall sell or give to any minor in the City who is at least sixteen years of age but not over the age of eighteen years, without the written consent of the parent or legal guardian of such minor, or to any minor under the age of sixteen years, any rifle, gun, pistol, revolver, air rifle, BB or pellet gun, crossbow, slingshot, or other instrument of any kind from which or by means of which any bullet or other missile of any kind may be projected capable of causing bodily harm.

(b) Any violation of this Section shall constitute a misdemeanor.

**Scotts Valley Code of Ordinances**

Codified through Ordinance Number 197, enacted February 17, 2021. (Supplement Number 31)

**Title 5 – Business Taxes, Licenses and Regulations**  
**Chapter 5.38 – Firearms Dealers**

**Section 5.38.010. Purpose.**

This chapter is enacted pursuant to state law, as set forth in Article 1, Chapter 2, Division 6, Title 4, Part 6 of the California Penal Code beginning with Section 26700 et seq.

**Section 5.38.020. Definitions.**

As used in this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**A. "Firearm"** means a device as defined by California Penal Code Section 16520.

**B. "City license"** means a license issued by the local licensing authority pursuant to this chapter authorizing a person to engage in the sale, lease, transfer, delivery, advertisement or offer for sale, lease, or transfer of firearms.

**C. "Local licensing authority" or "licensing officer"** means the City Manager of the City of Scotts Valley, or his or her designee.

**Section 5.38.030. City license.**

On and after the effective date of this ordinance, no person required to obtain a Federal Firearms License and a State Department of Justice License to sell firearms shall establish a business that engages in the sale, lease, transfer, delivery, advertisement or offer for sale, lease, or transfer any firearm without first also obtaining and keeping a one-time city license issued pursuant to this chapter by the local licensing authority. Existing firearms dealers at the effective date of this ordinance have twelve months to comply with the conditions and obtain a city license.

**Section 5.38.040. Application for city license.**

**A.** Each person applying for a city license under this chapter shall submit an application to the local licensing authority.

**B.** In order to obtain a city license, the applicant must first provide the following to the licensing officer:

1. A valid federal firearms license;
2. A valid seller's permit issued by the State Board of Equalization;
3. A valid certificate of eligibility issued by the Department of Justice;
4. Payment of a nonrefundable administrative fee, in an amount to be established by resolution of the city council.

**C.** Where the applicant is a corporation, each of the requirements contained in this chapter must be completed and/or adhered to by a legally recognized corporate officer of said corporation. Where the applicant is a partnership, each of the requirements contained in this chapter must be completed and/or adhered to by a legally recognized general partner of said partnership. Both the individual and the corporation or partnership shall be liable for any violation of the provisions of this chapter.

**D.** Each application shall specify only one location at which the sale or transfer of firearms shall take place. If any firearms dealer licensed under either federal, state or local law changes his or her place of business, an application for the new location shall be submitted, accompanied by a nonrefundable fee (in the form of a check or cash) as set forth in the schedule of fees. That application shall be considered an initial application and not an application for renewal.

**Section 5.38.050. Approval by licensing officer.**

The licensing officer shall have the authority to approve or disapprove the issuance of the city license. For the purpose of considering requests for a city license, the licensing officer shall apply the minimum standards set forth in this chapter.

Factors to be considered by the licensing officer in approval or denial of the application for a city license include, but are not limited to:

- A. Evidence of the applicant's compliance with all applicable city, state and federal laws;
- B. Whether applicant has violated any provisions of this chapter;
- C. Whether the applicant has made any false statements as to any material fact in applying for the city license;
- D. Whether the applicant has done or caused or permitted to be done any act which if done by an authorized firearms dealer would be grounds for suspension or revocation of the city license;

**Section 5.38.060. Denial of application.**

If the applicant does not meet all of the written standards, hereinabove set forth, the licensing officer shall not issue a city license to such applicant.

It shall be the duty of the licensing officer 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(s) 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 city council at which time the applicant may appear, with a representative if so desired, and be heard on the matter. The applicant shall also be given notice that any request for a hearing before the city council must be made in writing to the city clerk within ten calendar days after the date on which such notice is served on the applicant.

**Section 5.38.070. Appeal from denial.**

An applicant whose application has been denied by the licensing officer shall have the right to appeal such decision to the city council. The city council shall hold a hearing thereon pursuant to the procedures set forth in Section 5.38.110.

**Section 5.38.080. Requirements.**

- A. The permitted business location shall be secured by a third party monitored alarm system. The alarm system shall be of sufficient quality to thwart the bypassing of the alarm (e.g., wireless, hardened security of the wire system, etc.).
- B. The permitted business location shall be monitored by a video surveillance system.
- C. Any person licensed under this chapter shall obey all applicable city, state and federal laws; and in addition, comply with the following requirements:
  - 1. The business shall be carried on only in the building designated in the city license;
  - 2. The city license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be seen.
- D. Any time a permitted business is not open for business, every firearm shall be stored in one of the following ways:
  - 1. In a locked safe or vault in the licensee's business premises that meets the standards of 11 California Code of Regulations Section 4100; or
  - 2. Secured with a hardened steel rod or cable of at least one-fourth inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a bolt cutter and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises. No more than five firearms may be affixed to any one rod or cable at any time.
- E. Prior to issuance of a firearms dealer license, the chief of police shall inspect the proposed business location and determine if additional safety measures are necessary to protect the public health, safety and welfare, including, but not limited to, any structural changes to the building in which the firearms are sold or stored that are necessary to secure such firearms from burglary or theft.

**Section 5.38.090. Suspension and revocation.**

Every city license issued under this chapter shall be subject to summary suspension and revocation by the licensing officer if he or she determines that:

- A. The city license holder has failed to meet any of the requirements specified under this chapter;
- B. The city license holder and/or any employee(s) has violated any of the conditions or provisions of this chapter;
- C. The city license holder and/or any employee(s) has violated any provision of federal or state firearms sales laws;
- D. The city license holder's federal firearms sales license has been revoked; or
- E. The city license holder has committed any act which could have resulted in the denial of issuance of a firearms license.



**Section 5.38.100. Notification of suspension or revocation.**

It shall be the duty of the licensing officer or his or her designee to notify any city license holder 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. The letter shall inform such city license holder of the right to a hearing before the city council, at which time the city license holder may appear with a representative if so desired and be heard in defense of the charges. The city license holder shall also be given notice that any request for a hearing before the city council must be made in writing to the city clerk within ten calendar days after the date on which notice is served on the city license holder. The suspension or revocation shall be effective on the date the notice is served on the city license holder. 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 city license holder's address of record.

**Section 5.38.110. Hearing on revocation or suspension.**

**A.** Any applicant or licensee who is aggrieved by any action taken in regard to a city license may request an appeal hearing before the city council. Request for such hearing shall be in writing and filed with the city clerk, and a copy filed with the licensing officer on or before ten calendar days after the action appealed from was taken, and shall state the grounds upon which the aggrieved party claims there was improper denial, suspension or revocation of his or her license.

**B.** Upon receipt of such request for hearing, the city council shall set the matter for hearing not later than twenty calendar days thereafter unless the council is not in session in which case the council shall set the matter for hearing at the next available regular meeting date. The council may also determine whether to stay the denial, suspension or revocation pending decision on the appeal. Written notice of the time and place of hearing on the matter shall be given by the city clerk to the aggrieved party and to the licensing officer, and upon receipt of the notice of hearing the licensing officer shall forward to the city council and provide to the appellant a report on this action with respect to the matter, attaching all relevant notices and any other materials relied upon by the licensing officer in making the decision.

**C.** Upon hearing of the matter, the city council may take such action or make such orders as the council deems just and proper in the disposition of the matter.

**Section 5.38.120. Violations.**

It shall be unlawful and a violation of this chapter for any person, corporation, partnership or other entity to operate a firearms business within the City of Scotts Valley without a valid city license issued pursuant to this chapter.

**Section 5.38.130. Penalties.**

Any person or entity, whether as principal, agent, employee, or otherwise, violating or causing or permitting the violation of any of the provisions of this chapter, shall be guilty of an infraction for the first offense, or of a misdemeanor for any subsequent offense(s) occurring within the one year after the first offense. Upon conviction, the person convicted shall be punished in accordance with Chapter 4.04 of the Scotts Valley Municipal Code.

**Title 17 – Zoning  
Chapter 17.04 – Definitions**

**Section 17.04.090. Definition of "F" terms.**

"Firearms" means a device as defined by California Penal Code Section 16520.

"Firearms retail" means a use providing retail sale of firearms.

**Chapter 17.20 – C-S Service Commercial Zoning District Regulations**

**Section 17.20.030. Conditional uses.**

The following conditional uses may be permitted upon the granting of a use permit in accordance with the provisions of Section 17.50.020 of this title:

**U.** Firearms retail.

**Chapter 17.22 – C-S Shopping Center Commercial Zoning District Regulations**

**Section 17.22.030. Conditional uses.**

The following conditional uses may be permitted upon the granting of a use permit in accordance with the provisions of Section 17.50.020 of this title:

**L.** Firearms retail.

## Seaside Municipal Code

Codified through Ordinance Number 2010, passed October 7, 2021.

### Title 5 – Business Licenses and Regulations Chapter 5.36 – Firearms Sales

#### Section 5.36.010. Firearms defined.

The term "firearms," as used in this chapter, includes, but is not limited to, handguns, rifles, shotguns, gas or air guns, springloaded guns and other weapons coming under the definition of firearms as defined in the California Penal Code.

#### Section 5.36.020. Applicability.

Private persons selling their own firearms shall be exempted from the purview of this chapter. For the purposes of this chapter, a person selling three or more firearms in any calendar year shall be presumptively deemed to be engaged in the commercial sale of firearms and shall be required to comply with the terms of this chapter.

#### Section 5.36.030. Requirements generally.

No person shall engage in the business of selling, offering for sale, or displaying for sale, or storing preparatory for sale, any firearm within the city limits of Seaside unless the person has fully complied with all of the following conditions:

**A.** The seller shall hold a Federal Firearms Permit and shall meet all the provisions of the Gun Control Act of 1968.

**B.** The seller shall comply with all applicable sections of the California Penal Code relating to registration of sales of firearms.

**C.** The seller shall have obtained a permit from the chief of police authorizing the storage of firearms within the city of Seaside. The permit shall be renewable annually and shall be issued only upon a showing that the seller has a Federal Firearms Permit and has taken steps to insure the safety of his firearms from burglary, theft and fire. The chief of police shall have the right, in conjunction with the building inspector, to require as a condition for the issuance of a permit, structural changes to the building in which the firearms are sold or stored, with the structural changes, specifically including, but not limited to, the installation of burglar alarms and other warning devices, to be such as are reasonably related to the purpose of insuring the safety of such firearms from burglary or theft.

#### Section 5.36.040. Permit, fee.

The fee for issuance of an annual permit shall be twenty-five dollars. The annual fee shall be paid at the time the application is obtained from the chief of police and is nonrefundable.

#### Section 5.36.050. Permit, duration, nontransferable.

Permits issued by the chief of police shall be valid for a period of one year from the date of issuance and shall not be transferable from one person to another or from one location to another.

#### Section 5.36.060. Permit, revocation.

A permit issued under the provisions of this chapter shall be revoked by the chief of police upon proof to his satisfaction of a violation by the holder of such permit of this chapter, or any ordinance of the city or law of the state regulating or establishing standards for the commercial sale of firearms.

#### Section 5.36.070. Permit, appeal of suspension or revocation.

**A.** Any such person, whose permit issued under the provisions of this chapter having been so suspended or revoked, shall have the right to appeal to the city council in writing within three days after notification of such suspension or revocation, or within thirty days after denial thereof, and to be heard by the city council with relation thereto at its next regular or regular-adjourned meeting, or at a special meeting of the city council called for such purpose, and the action of the city council upon such appeal shall be final and conclusive with respect to the suspension or revocation of such permit.

**B.** In the event that such appeal is taken as provided in subsection A of this section, such business or occupation, where such permit has already been granted, shall not be suspended or revoked until the final disposition of the appeal by the city council.

#### Section 5.36.080. Violation, penalty.

Any person violating any part of this chapter shall be guilty of an infraction and, upon conviction thereof, shall be punishable as provided in SMC 1.16.030.

**Title 15 – Buildings and Construction**  
**Chapter 15.24 – Minimum Building Security Standards**

**Section 15.24.070. Minimum security standards for nonresidential buildings.**

**I. Alarm Systems-Tenant Requirements.**

1. Establishments listed in this subdivision and those businesses reasonably similar in nature should be protected by a silent robbery and intrusion alarm, direct-connect, unless otherwise specified by the police department prior to occupancy.

j. Gun and ammunition stores;

**Shafter Code of Ordinances**

Codified through Ordinance Number 725, passed February 16, 2021. (Supplement Number 20, Update 2)

**Title 9 – Public Peace, Morals and Welfare**  
**Chapter 9.24 – Offenses By or Against Minors**

**Section 9.24.017. Firearms, tobacco and narcotics prohibited in a school safety zone.**

It is unlawful for any person to offer for sale, or provide any person with any firearms, any form of tobacco or any drug from any schedule of the Health and Safety Code while in a school safety zone, while instruction is in progress. This prohibition does not apply to peace officers or licensed medical personnel performing their official duties.

**Sierra County Code of Ordinances**

Codified through Ordinance Number 1113, passed August 2, 2022.

**Title 6 – Business Licenses and Regulations**  
**Chapter 6.15 – Firearms Dealer Licenses**

**Section 6.15.010. Purpose.**

The Board of Supervisors finds that in order to comply with this chapter and the requirements of Part 4, Title 2, Chapter 1 of the California Penal Code (Cal. Penal Code §§ 12071 et seq.), it is necessary to require any person wishing to sell firearms within the county to obtain a special firearms dealer's license from the Sierra County Sheriff's office.

**Section 6.15.020. Restrictions.**

No person shall engage in the business of selling, transferring, advertising, offering, or exposing for sale or transfer any pistol, revolver or other firearm capable of being concealed upon the person unless he has been issued a license pursuant to the Cal. Penal Code § 12071, and this chapter of the Sierra County Code. As used in this chapter, engaging in the business of selling or transferring concealable firearms does not include the infrequent sale or transfer, offering, exposing for sale, or advertising for sale any handgun at a gun show, swap meet or similar event.

**Section 6.15.030. Compliance with statute.**

Any license hereunder shall at all times comply with Cal. Penal Code § 12071.

**Section 6.15.040. Term of license.**

This license shall be valid for a period not to exceed one year from the date of issue, and shall be subject to those conditions required by Cal. Penal Code § 12071.

**Section 6.15.050. Record check.**

The Sierra County Sheriff will require each applicant for a firearms dealer's license to submit an application, obtained from their office, and fingerprint cards to be submitted to the Department of Justice for review prior to the issuance of the license.

**Section 6.15.060. Conditions for license issuance.**

If the Sheriff finds that the applicant has a criminal record involving one or more felonies, or one or more misdemeanors which involve the use or misuse of firearms or a crime involving moral turpitude, or the applicant's conduct history falls below the standard set forth in Cal. Penal Code § 12050, the Sheriff shall not issue a license. Residency shall not be a requirement for issuance of firearms dealer's license.

**Section 6.15.070. Revocation.**

Violation of this chapter, or the conviction of any licensee of a felony, or any crime involving moral turpitude shall be grounds for revocation or nonrenewal of any license issued hereunder.

**Section 6.15.080. Fees.**

Each applicant for a special business license to sell firearms will pay a fee, determined by the Sheriff's office, that adequately reimburses the Sheriff's office for the application processing costs.

**Section 6.15.090. Appeal.**

Any applicant or licensee who disputes a decision of the Sheriff in connection with this chapter may file an appeal to the Sierra County Uniform Appeal Committee, which appeal shall be governed by the terms of the Sierra County Uniform Appeal Procedure.

**Sierra Madre Code of Ordinances**

Codified through Ordinance Number 1442, passed May 25, 2021. (Supp. No. 34)

**Title 17 – Zoning**

**Chapter 17.36C – Commercial Zone**

**Section 17.36.020. Permitted uses and uses permitted by conditional use permit.**

The following uses shall be permitted in the Commercial Zone where the symbol "P" appears, and shall be permitted upon approval of a conditional use permit where the "CUP" symbol appears, pursuant to Section 17.60. All such uses shall be within an enclosed building unless specifically stated otherwise. All other uses are prohibited, provided, however, that the director of development services may determine that any use not listed is similar to a listed use and to be treated in a similar manner. In the event that there is ambiguity as to the appropriate classification of a particular use, the planning commission shall consider the matter and shall recommend to the city council the appropriate clarification of such ambiguity, pursuant to Section 17.12.030. A list of all approved similar use determinations shall be kept on file in the development services department.

A	Retail Sales	
	Gun shops	CUP

**Signal Hill Code of Ordinances**

Current through Ordinance 2022-03-1533, passed April 12, 2022, and effective May 12, 2022. (Supplement Number 48)

**Title 20 – Zoning**

**Chapter 20.20 – Commercial Districts**

**Section 20.20.010. Purpose of districts.**

The commercial and industrial districts listed below shall have the following purposes:

- A.** The CO commercial office district is intended to provide areas for the development of professional offices and limited commercial uses. Other permitted uses will include commercial offices, medical offices and hospitals.
- B.** The CTC commercial town center district is intended to serve as a concentrated commercial core for the city. Retail outlets typical of community shopping centers or districts along with general retail uses and professional offices will be among the uses permitted in this district.
- C.** The CG commercial general district is intended to provide for a wide variety of service and retail uses, many of which are highway-oriented. The portion of this district along Pacific Coast Highway should be treated with special zoning and development standards due to unique characteristics including, but not limited to small lot sizes, substantial existing nonconforming development, nonconforming and illegal sign proliferation, and lack of off-street parking.
- D.** The CR commercial residential district is intended to provide for limited small scale commercial and office uses along, or in conjunction with, medium density residential uses. Such mixed uses on a single parcel shall be compatible and where possible, mutually supportive.
- E.** The CI commercial industrial district is intended to provide for a wide variety of commercial uses and limited compatible light industrial uses. Commercial or industrial uses which might create offensive levels of noise, air pollution, glare, radioactivity or other nuisances shall be prohibited from this district.
- F.** The LI light industrial district is designed to accommodate a variety of light industrial uses which are nonpolluting and which can coexist with surrounding land uses. In addition, limited complimentary commercial uses shall be permitted.
- G.** The GI general industrial district is intended to provide for the development of a variety of general industrial and service uses which do not generate obnoxious or offensive impacts which might affect persons residing or conducting business in the city.

**Section 20.20.020. Use classifications.**

The uses stated below shall be classified and authorized in each district as shown on the table. Unlisted uses shall be prohibited.

Uses	Districts						
	CO	CTC	CG	CR	CI	LI	GI
Retail							
Firearms (SBP)	X	X	X	X	X	X	X

X - Prohibited

**Chapter 20.30 – SP-10 Pacific Coast Highway Specific Plan**

**Section 20.30.030. Use classification.**

The uses stated below shall be classified and authorized in each area within the SP-10, PCH specific plan as shown on the table. Unlisted uses shall be prohibited.

X = prohibited

Uses	Districts		
	Area 1	Area 2	Area 3
Firearms (SBP)	X	X	X

**Simi Valley Code of Ordinances**

Codified through Ordinance Number 1336, passed November 6, 2018, and Ordinance No. 1335, passed January 24, 2022. (Supp. No. 44)

**Title 5 – Public Welfare  
Chapter 22 – Weapons**

**Section 5-22.01. Firearm defined.**

For the purposes of this chapter, "firearm" shall mean and include rifle, shotgun, pistol, revolver, bow and arrow, or any air, gas, or spring weapon, or any other device from which any shot, bullet, or projectile is discharged by force of gunpowder, pressure, or other explosive, including any projectile which carries or contains its own fuel and is propelled by reaction.

**Section 5-22.10. Use by minors.**

It shall be unlawful for any person under eighteen (18) years of age to possess in a public place in the City any firearm, bow and arrow, or air, gas, or spring weapon, except as follows:

- (a) Under supervision. When such person is in the immediate charge of a parent, guardian, or adult person having the responsibility for the conduct of such person under eighteen (18) years of age;
- (b) Hunting. When such person is lawfully hunting pursuant to the provisions of the Fish and Game Code of the State;
- (c) Training. When such person is engaged in marksmanship training or firearm safety training under the supervision of a competent adult instructor at an established range or shooting area; and
- (d) Dismantled. When such person is carrying a firearm unloaded and either in a dismantled or "take-down" condition, or completely wrapped, or in a carrying case made for the purpose of carrying such firearm.

**Section 5-22.12. Reporting lost or stolen firearms.**

- (a) Any person residing or doing business in the City, who owns or possesses a firearm, as defined in the Penal Code, shall report the theft or loss of the firearm to the Simi Valley Police Department within seventy-two (72) hours after his or her discovery or knowledge of the theft or loss.
- (b) Any person residing or doing business in the City, who has experienced the loss or theft of a firearm, as defined in the Penal Code, in the City within the five (5) years prior to September 13, 2007, without the firearm having been recovered during such time, shall report the theft or loss to the Simi Valley Police Department within ninety (90) days of September 13, 2007.
- (c) Any person who fails to report a lost or stolen firearm pursuant to this section, when the person knew or should have known of the theft or loss, is guilty of a misdemeanor and is punishable as provided in Chapter 2 of Title 1 of this Code.

**Siskiyou County Code of Ordinances**

Codified through Ordinance Number 22-12, adopted June 14, 2022. (Supp. No. 59)

**Title 6 – Businesses, Professions, and Trades**

**Chapter 1 – Business Licensing**

**Section 6-1.21. License fees.**

Every person conducting or maintaining any business, occupation, or service set forth in this section shall pay an annual license fee in the amount of Seventy-six (\$76.00) Dollars:

(ar) Firearms and Ammunition Dealers;

**Solana Beach Code of Ordinances**

Codified through Ordinance Number 523, passed May 11, 2022.

**Title 4 – Business Taxes, Licenses and Regulations**

**Chapter 4.24 – Firearms Dealers**

**Section 4.24.010. Firearms dealers.**

Subject to the provisions of Chapters 4.02 and 4.04 SBMC, the provisions of Title 2, Division 1 of the County Code of Regulatory Ordinances, commencing with Section 21.1201, relating to firearms dealers, as amended to October 26, 2007, are adopted by reference.

**Title 7 – Public Peace, Morals and Welfare**

**Chapter 7.20 – Firearms**

**Section 7.20.020. Ammunition sales.**

**A. “Firearm ammunition,”** as used in this section, shall include any ammunition for use in pistols, revolvers, rifles, shotguns, 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 or D of this section, no person, including retail gun dealers, shall sell, give, lend or transfer ownership of any firearm ammunition during the period of seven days prior to the first day of January of each year or on the first day of January of each year, or during the seven 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 from which the propellant has been removed and the primer has been permanently deactivated.

**D.** Nothing in this section shall prohibit sales to or acquisitions by any person described in Section 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 firearm ammunition when such sale is prohibited by Title 2, Part 4, of the Penal Code of the state of California.

**Soledad Code of Ordinances**

Codified through Ordinance Number 738, passed April 7, 2021. (Supp. No. 6)

**Title 9 – Public Peace, Morals and Welfare**

**Chapter 9.18 – Firearms/weapons discharge or operation\***

**Section 9.18.030. Firearms possession by minors.**

No minor under the age of sixteen years shall possess or use firearms of .22 caliber or greater, or air guns, BB guns, blow guns, slingshots, or bow or crossbow, except under the direct supervision and control of an adult.

**Section 9.18.040. Penalty for violation.**

Any person or persons violating any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars and not more than one thousand dollars, or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment. Notwithstanding the foregoing, any violation of this chapter constituting a misdemeanor may, in the discretion of city, be charged and prosecuted as an infraction.

**Sonoma County Code of Ordinances**

Codified through Ordinance Number 6388, adopted August 9, 2022. (Supp. No. 61, Update 1)

**Chapter 19A – Small Arm Device Ordinance**

**Article I – Small Arm Device Ordinance**

**Section 19A-1. Definitions.**

(a) For purposes of this ordinance, the term "**small arm device**" shall mean any pistol, revolver, gun, rifle of any caliber, shotgun of any gauge, air gun, BB gun, blow gun, slingshot, longbow, crossbow, or any weapon or instrument which throws or propels bullets, pellets or missiles of any kind by means of explosive powder, compressed or forced air or gas, springs, elastic rubber or like substance or force.

**Section 19A-3. Possession and use of small arm device by minor.**

(a) No minor under the age of twelve (12) years may be in possession of a small arm device in the county of Sonoma unless such minor is accompanied by his parent, guardian or a responsible adult.

(b) No minor over the age of twelve (12) years and under the age of fourteen (14) years may be in possession of a small arm device in the county of Sonoma unless such minor (1) is accompanied by his parent, guardian or a responsible adult or (2) is on the private property of his parent or guardian and has on his person both the dated written permission of his parent or guardian to be in possession of said small arm device and one of the following: (i) a valid California Hunting License, or (ii) a California Hunter's Safety Certificate, or (iii) if in possession of a speargun, a valid California Fishing License.

(c) No minor over the age of fourteen (14) years and under the age of eighteen (18) years may be in possession of a small arm device in the county of Sonoma unless such minor (1) is accompanied by his parent, guardian or responsible adult, or (2) has on his person the dated written permission of his parent or guardian to be in possession of said small arm device and one of the following: (i) a valid California Hunting License, or (ii) a California Hunter's Safety Certificate, or (iii) if in possession of a speargun, a valid California Fishing License.

(d) No minor in possession of a small arm device may be on private property in the county of Sonoma unless such minor is accompanied by the owner or controller of such property or is in possession of the dated written consent of the owner or controller of such property.

(e) For purposes of this section, the term "**responsible adult**" shall mean a person over eighteen (18) years of age in immediate possession of (1) a valid California Hunting License, or (2) a California Hunter Safety Certificate or (3) a California Fishing License if the small arm device which is possessed by the minor is a speargun.

(f) Violation of this section is a misdemeanor and shall be punishable on first offense by fine of twenty-five dollars (\$25.00) and on each subsequent offense by fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

**Section 19A-4. Responsibility of parent or guardian.**

(a) Any parent or guardian who permits or suffers a minor in his care and custody to violate any provisions of this ordinance shall be guilty of a misdemeanor punishable on first offense by fine of twenty-five dollars (\$25.00) and on any subsequent offense by fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). Any such parent or guardian shall be liable for any damages suffered by third persons or agencies by reason of violation of this ordinance by the said minor to the full extent provided by state law.

**Article II License to Sell Firearms**

**Section 19A-10. Sheriff designated as licensing authority.**

The Sheriff is designated as the licensing authority for the regulation of the business of selling, leasing or transferring firearms pursuant to the provisions of the Penal Code Section 12071.

**Section 19A-11. Licensing fees.**

The Sheriff is authorized and directed to collect a fee for the administration of the licensing required by Penal Code Section 12071. The fee will be established by ordinance of the board of supervisors of the county.

**Chapter 26 – Sonoma County Zoning Regulations**  
**Article 88 – General Exceptions and Special Use Standards**

**Section 26-88-121. Home occupations.**

(b) Limitations on Use. The following business activities are prohibited as home occupations:

(8) Gun and weapon sales or repairs, gunsmithing;

**Section 26-88-122. Live/work uses.**

(b) Limitations on Uses. The following business activities are prohibited as live/work uses:

- (8) Gun and weapons sales;

**South El Monte Municipal Code**

Codified through Ordinance Number 1259, passed September 2022.

**Title 5 – Business Taxes, Licenses and Regulations**

**Chapter 5.04 – County Business Licensing Ordinance Adopted**

**Section 5.04.045. Section 7.04.010 amended.**

Notwithstanding the provisions of Section 5.04.010 of this Code, the county license ordinance is amended by amending Section 7.04.010 to read:

7.04.010 License, Required. A license shall be procured immediately before the continuance under the provisions of this title, or the commencement of any business, occupation or other activity hereafter specified, from the Finance Director of the city, which license shall authorize the party obtaining the same to transact the business or engage in the activity described in such license for the period named therein in the city. Businesses, occupations or other activities requiring licenses in the city are as follows:

- 21. Gun Dealers

**Title 9 – Public Peace, Morals and Welfare**

**Chapter 9.36 – Weapons**

**Article III – Possession and Use of Weapons by Minors**

**Section 9.36.060. Sale or gift of weapon to minor.**

Except as otherwise provided in Section 9.36.090, it shall be unlawful in the city for any person to sell, give, loan or in any way furnish, or cause or permit to be sold, given, loaned, or in any way furnished to any person under the age of eighteen years any gun, revolver, pistol, firearm, spring gun, air gun, sling, sling shot, or device designed or intended to discharge, or capable of discharging, any dangerous missile.

**Section 9.36.070. Furnishing ammunition to minor.**

Except as otherwise provided in Section 9.36.090, it shall be unlawful in the city for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to any person under the age of eighteen 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 firearm.

**Section 9.36.090. Exception, approval of parent or guardian.**

Nothing in this chapter shall be deemed or construed to prohibit the selling, giving, loaning or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 9.36.060 and 9.36.070; nor to prohibit any such person under the age of eighteen years from having in his possession, care, custody and control any article mentioned in Section 9.36.080 in the event that such possession, care, custody or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person; nor to prohibit any such person under the age of eighteen years from firing, discharging, shooting or operating any article mentioned in Section 9.36.080 when such person is accompanied by, and under the direct care and control of, some adult person 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 trap shooting device, while accompanied by, and under the direct care and control of, some such adult person.

**Article V – Saturday Night Specials**

**Section 9.36.130. Saturday Night Specials, sale prohibited.**

**A. Definition.** Except as provided in subsection B of this section, the term "Saturday Night Special," as used in this section shall mean any of the following:

1. A pistol, revolver, or firearm capable of being concealed upon the person, as those terms are defined in California Penal Code Section 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. 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 this subsection (2), "semi-automatic pistol" shall mean a firearm, as defined in California Penal Code Section 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 weapon designated in California Penal Code Section 12276.

3. A pistol, revolver, or firearm capable of being concealed upon the person, as those terms are defined in California Penal Code Section 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 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 safety guard surrounding the trigger; or

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

e. For purpose of this subsection (3), "action mechanism" shall mean the mechanism of a firearm by which it is loaded, locked, fired and unloaded.

**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 Section 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.

3. Children's pop guns or toys; or

4. An "unconventional pistol" as defined in California Penal Code Section 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."

**C. Roster of Saturday Night Specials.** The city manager or his/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 city manager or his/her designee determines satisfy the definition of Saturday night special set forth in Section 9.36.060(A).

**D. Publication.** The city manager or his/her designee shall publish the roster of Saturday night specials on a semi-annual basis and shall send a copy of the roster to every dealer within the city who is licensed to sell and transfer firearms pursuant to Section 12071 of the Penal Code of the state of California.

**E. Sale Prohibited.** No wholesale or retail gun dealer 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 Section 12072(d) of the Penal Code of the state of California. This section shall not be enforced until the roster of Saturday night specials has been completed and published in accordance with subsections (C) and (D) of this section.

**F. Exemptions.** Nothing in this section shall prohibit the disposition of any Saturday night special by police departments, sheriff's offices, marshals offices, the California Highway Patrol, other local, state and federal law enforcement agencies, or the military and naval forces of this state or the United States for use in the discharge of their official duties; nor shall anything in this section prohibit the use of any Saturday night special by regular, salaried, full-time officers, employees or agents thereof when on duty and the use of such firearms is within the scope of their duties.

## **Chapter 9.60 – Lodging Establishment Excessive Service Calls**

### **Section 9.60.030. Certain activities at lodging establishments prohibited.**

**A.** It shall be unlawful for any person to cause or allow any of the following activity at or in any lodging establishment owned or occupied by him or her:

10. The manufacture, sale, possession, or use of a firearm in violation of the Dangerous Weapons Control Law (Penal Code 12000 et seq.).

**South Gate Municipal Code**

Current through Ordinance Number 2022-03-CC, passed May 10, 2022.

**Title 2 – Licenses – Business Regulations  
Chapter 2.10 – Business Regulation**

**Section 2.10.630. Gun dealer.**

**A. Definitions.** For purposes of this section, the following term shall have the following meaning:

“**Gun dealer**” means any person who sells or otherwise transfers to members of the public any pistol, revolver or other firearm, new or used, capable of being concealed upon the person.

**B. Application Information.**

1. **Permit Form.** Any permit issued to operate a business as a gun dealer shall be on a form provided by the State Attorney General.
2. **Application Form.** Notwithstanding any other provision of this chapter, every applicant for a business permit as a gun dealer shall complete the application form provided by the State Attorney General.

**C. Operating Requirements.** All permits issued under this section are subject to the following conditions, breach of any of which shall subject the business permit to revocation:

1. The business activity shall be carried on only in the building designated in the permit.
2. The permit, or a copy thereof, shall be posted in a conspicuous place on the premises in which the business is being conducted.
3. No pistol, revolver or other firearm capable of being concealed upon the person shall be delivered within fifteen days of the application for the purchase, or, after notice by the Department of Justice (“Department”) pursuant to subdivision (c) of Section 12076 of the State Penal Code, within fifteen days after submission to the Department of corrected copies of the register, or within fifteen days after submission to the Department of any fee required pursuant to subdivision (d) of Section 12076 of the State Penal Code, whichever is later:
  - i. Unless unloaded and securely wrapped, or unloaded and in a locked container;
  - ii. Unless the purchaser or transferee is either personally known to the dealer or presents clear evidence of his or her identity to the dealer.
4. No pistol, revolver or other firearm capable of being concealed upon the person shall be delivered whenever the dealer is notified by the Department that a purchaser is in a prohibited class described in Section 12021 or 12021.1 of the Penal Code, or Section 8100 or 8103 of the Welfare and Institutions Code.
5. 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.
6. The permittee shall agree to and shall act properly and promptly in processing transfers of pistols, revolvers, and other firearms capable of being concealed upon the person.
7. The permittee shall comply with Sections 12073 and 12077 and subdivision (b) of Section 12072 of the State Penal Code.

**South Lake Tahoe Code of Ordinances**

Current through Ordinance Number 1163, passed May 3, 2022.

**Title 4 – Police/Code Enforcement  
Chapter 4.75 – Dangerous Weapons Control**

**Section 4.75.010. Definitions.**

For the purposes of this chapter, the term “**dangerous weapon**” shall mean and include:

**F.** Any rifle, gun, pistol, revolver, air rifle, BB gun, air gun, slingshot or other similar instrument or device designed or intended to discharge or cap able of discharging a bullet, shot, or other missile of any kind.

**Section 4.75.040. Use, possession, discharge, sale of dangerous weapons by minors – Generally.**

Except as otherwise provided in SLTCC 4.75.050, it shall be unlawful for any person to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to a minor, or to allow any minor to use or possess or discharge, or for any minor to use or possess or discharge a dangerous weapon. For the purposes of this chapter only, a minor is a person who is under the age of 18 years.

**Section 4.75.050. Use, possession, discharge, sale of dangerous weapons by minors – Exceptions.**

Nothing in this chapter shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any minor, upon written consent of the parent or guardian of such minor, any dangerous weapon as defined in SLTCC 4.75.010(F); nor to prohibit such minor from using or having in his possession, care, custody or control any such dangerous weapon as so defined in the event that such possession, care, custody, control or use is had with the consent of the parent or guardian of such minor and is under the direct supervision and control of some person over the age of 21 years.

**Section 4.75.070. Public offense by state law.**

The provisions of this chapter shall not apply to the commission of any act which is made a public offense by any law of this state.

**South Pasadena Code of Ordinances**

Current through Ordinance Number 2366, passed June 15, 2022.

**Chapter – Business, Professions and Trades**

**Article I – License Requirements**

**Section 18.2. Definitions.**

For the purpose of Articles I through IV of this chapter, certain words and phrases are defined and certain provisions shall be construed as herein set forth, unless it is apparent from the context that a different meaning is intended.

**16. “Firearms sale”** means the business of selling at retail, pistols, revolvers, or other firearms capable of being concealed upon the person. The license issued hereunder shall be issued in a form prescribed by the Attorney General of the state, and shall be issued in the manner and upon the conditions required by the statutes of California.

**Section 18.60. Specialty business classification.**

The license tax for specialty businesses shall be as set and adjusted by resolution of the city council.

(10) Firearms;

**Section 18.80. Permit required for certain businesses.**

No person shall operate, and no license shall be issued for, any of the following businesses until a permit has first been obtained upon application in writing for such permit pursuant to this article:

(j) Firearms;

**South San Francisco Municipal Code**

Current through Ordinance Number 1634-2022 and the July 2022 code supplement.

**Title 8 – Health and Welfare**

**Chapter 8.66 – Video Surveillance at Businesses**

**Section 8.66.020. Definitions.**

**“Firearms sales”** means an establishment that is required to obtain a federal firearms permit to sell firearms, or an establishment engaged in the selling, dealing in, trading, or transferring of firearms.

**Section 8.66.030. Video surveillance system required.**

Every business establishment, as defined by this chapter, is hereby required to install and maintain a video surveillance system in accordance with this chapter. All businesses with a video surveillance system installed prior to the effective date of the ordinance codified in this chapter are required to ensure the video surveillance system is in full compliance with this chapter. Video surveillance systems shall be maintained in proper working order at all times and shall be in operation twenty-four hours a day, seven days a week, and shall meet the minimum technological standards established in this chapter.

**Title 15 – Buildings and Construction**

**Chapter 15.48 – Minimum Security Standards**

**Section 15.48.070. Minimum security standards for nonresidential buildings.**

(i) Alarm Systems.

(1) Establishments listed in this subdivision and those businesses reasonably similar in nature shall be protected by a central station silent robbery alarm, unless otherwise specified by the police department.

(K) Gun and ammunition stores;

(2) Establishments listed in this subdivision and those businesses reasonably similar in nature shall be protected by a central station silent intrusion alarm, unless otherwise specified by the police department.

(J) Gun and ammunition stores;

**Title 20 – Zoning**  
**Division II – Base and Overlay District Regulations**  
**Part I – Base Districts**  
**Chapter 20.110 – Employment Districts**

**Section 20.110.002. Land use regulations.**

Table 20.110.002 below prescribes the land use regulations for “Employment” Districts. The regulations for each district are established by letter designations as follows:

“C” designates use classifications that are permitted after review and approval of a Conditional Use Permit by the Planning Commission.

“-” designates uses that are not permitted.

Use classifications are defined in Chapter 20.620 (“Use Classifications”). In cases where a specific land use or activity is not defined, the Chief Planner shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. The table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this Ordinance.

Table 20.110.002 Land Use Regulations—Employment Districts

Use Classification	BC	BTP	FC	MI	Additional Regulations
Commercial Use					
Retail Sales	See sub-classifications below				
Firearm Sales	-	-	-	C	

**Division IV – Regulations Applying to Some or All Districts**  
**Part II – Standards and Requirements for Specific Uses**  
**Chapter 20.350 – Standards and Requirements for Specific Uses and Activities**

**Section 20.350.023. Home occupations.**

S. The following uses are not permitted as a home occupation:

- 6. Firearms manufacture, sales, or repair;

**Section 20.350.039. Pawnbrokers.**

E. Customer Circulation and Display. The business shall dedicate at least 25% of the gross floor area to customer circulation and the display of goods for sale to the public. The display of firearms is prohibited and any firearm sales shall be an accessory use to the operation of the Pawnbroker business.

**Division IV – General Terms**  
**Chapter 20.620 – Use Classifications**

**Section 20.620.004. Commercial use classifications.**

Retail Sales.

Firearm Sales. An establishment engaged in the selling, dealing in, trading, or transferring firearms.

**Chapter 20.630 – Terms and Definitions**

**Section 20.630.002. Definitions.**

**Firearm.** A gun, pistol, revolver, rifle or any devise, 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.

**St. Helena Municipal Code**  
 Current through Ordinance Number 22-5, passed April 12, 2022.

**Title 17 – Zoning**  
**Chapter 17.52 – Service Commercial (SC) District**

**Section 17.52.030. Conditional uses.**

The following list of uses requires approval of a use permit as regulated by Chapter 17.168. A use permit is also required for a business which consists of two or more of the permitted uses listed in Section 17.52.020. Approval of a use permit is subject to finding the use consistent with the policies of the general plan and the purpose of the SC zoning district. When a use permit is considered for a use in the SC district the standard use permit findings included in Section 17.168.050 shall be made to determine consistency of the use with the policies of the general plan and the purpose of the SC zoning district:

Gunsmith;

### **Stockton Municipal Code**

Current through Ordinance Number 2022-07-12-1601-04 C.S. and the July 2022 code supplement.

#### **Title 9 – Public Peace and Welfare Chapter 9.52 – Dangerous or Deadly Weapons**

##### **Section 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**

##### **Section 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.

##### **Section 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.

##### **Section 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.

##### **Section 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.

### **Sunnyvale Municipal Code**

Current through Ordinance No 3197-22 and the August 2022 code supplement.

#### **Title 9 – Public Peace, Safety or Welfare Chapter 9.43 – Firearms Sales**

##### **Section 9.43.010. Definitions.**

The following words and phrases, whenever used in this section, shall be construed as follows:

(a) **“Engaged in the 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 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 the selling, transferring, or leasing of any firearms in quantity, in series or in individual transactions, or in any other manner indicative of trade.

(b) **“Firearm”** means any revolver, rifle, shotgun or any 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. A “firearm” includes any device defined as a firearm by the California Penal Code as said definition now reads or may hereafter be amended to read.

(c) “**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.

(d) “**Person**” means natural person, association, partnership, firm, or corporation.

(e) “**Semiautomatic centerfire rifle**” means any repeating rifle that is fired by a strike from a firing pin in the center of a flat cartridge head, 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. (Ord. 3135-18 § 1).

**Section 9.43.020. License required.**

No person shall 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 within this city any firearm unless that person has been issued a license pursuant to the provisions of this chapter.

**Section 9.43.030. Application – Form – Fees.**

(a) An applicant for a license under this chapter shall file with the chief of public safety 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 public safety, or the application will not be deemed complete. The application shall be accompanied by a nonrefundable fee as set forth in the city’s fee schedule.

(b) Any person proposing to engage in business as a firearms dealer within this city shall secure the applicable federal license and shall have thirty calendar days after approval of such federal license to apply for a city license in compliance with the provision of this chapter and shall not engage in the business as a firearms dealer within the city until the city license is issued.

**Section 9.43.040. Application – Investigation.**

The chief of public safety shall conduct an appropriate investigation of the applicant to determine for the protection of the public safety whether the license may be issued. The chief of public safety may require additional information of an applicant which he or she deems necessary to complete the investigation.

**Section 9.43.050. Application – Denial.**

(a) The chief of public safety shall issue a license to an applicant unless he or she finds any of the following:

- (1) The applicant, or an officer, employee, or agent thereof is under the age of twenty-one years;
- (2) The applicant is not licensed as required by all applicable federal, state, and local laws;
- (3) The applicant, or an officer, employee, or agent thereof has had a similar type of license previously revoked or denied for good cause within the immediately preceding year;
- (4) The applicant, or an officer, employee, or agent thereof has knowingly made any false or misleading statement of a material fact or omission of a material fact in the application for a license;
- (5) The applicant, or an officer, employee, or agent thereof has been convicted of:
  - (A) Any offense so as to disqualify the applicant, or an officer, employee, or agent thereof from owning or possessing a firearm under applicable federal, state, and local laws,
  - (B) Any offense relating to the manufacture, sale, possession, use, or registration of any firearm or dangerous or deadly weapon,
  - (C) Any offense involving the use of force or violence upon the person of another,
  - (D) Any offense involving theft, fraud, dishonesty, or deceit,
  - (E) 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;
- (6) The applicant, or an officer, employee, or agent thereof is 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 is an excessive user of alcohol, to the extent that such use would impair his or her fitness to be a firearms dealer;
- (7) 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 to be a firearms dealer;
- (8) The operation of the business as proposed will not comply with all applicable federal, state, and local laws;
- (9) 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;

(10) The operation of the firearm dealer business as proposed in the application for the license will violate any applicable building, fire, health or zoning requirements set forth in this code.

**Section 9.43.060. License – Duration – Renewal.**

All licenses issued pursuant to this chapter shall expire one year after the date of issuance; provided, however, that such licenses may be renewed by the chief of public safety for additional periods of one year upon approval of an application for renewal by the chief of public safety payment of the renewal fee. Such renewal application must be received by the chief of public safety, in completed form, no later than forty-five days prior to the expiration of the current license.

**Section 9.43.070. License – Assignment.**

The assignment or attempt to assign any license issued pursuant to this chapter is unlawful and any such assignment or attempt to assign a license shall render the license null and void.

**Section 9.43.080. License – Conditions.**

Any licenses 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 license by the chief of public safety:

- (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 license or a copy thereof, certified by the chief of public safety, shall be displayed on the premises where it can easily be seen;
- (c) The licensee shall comply with all federal and state firearms laws;
- (d) The licensee shall comply with all provisions of California Penal Code Section 26700 et. seq. regarding business regulations and building specifications for firearm security, as well as any other security plan or requirements imposed by the chief of public safety;
- (e) The licensee shall not operate in a manner that is detrimental to the public health or safety or otherwise constitutes a nuisance;
- (f) The licensee shall comply with all federal, state and local laws and ordinances;
- (g) The licensee shall not sell, supply, deliver, or give possession or control of any semiautomatic centerfire rifle to any person under twenty-one years of age. This prohibition does not apply to the sale, supplying, delivery, or giving possession or control of a semiautomatic centerfire rifle to any of the following persons who are at least eighteen years of age:
  - (1) An active peace officer, as described in Penal Code Section 830 et seq., who is authorized to carry a firearm in the course and scope of his or her employment.
  - (2) An active federal officer or law enforcement agent who is authorized to carry a firearm in the course and scope of his or her employment.
  - (3) A reserve peace officer, as defined in Penal Code Section 832.6, who is authorized to carry a firearm in the course and scope of his or her employment as a reserve peace officer.
  - (4) A person who provides proper identification of his or her active membership in the United States Armed Forces, the National Guard, the Air National Guard, or active reserve components of the United States. For purposes of this subparagraph, proper identification includes an Armed Forces Identification Card or other written documentation certifying that the individual is an active member.

Any license issued pursuant to this chapter shall be subject to such additional conditions as the chief of public safety finds are reasonably related to the purposes of this chapter. (Ord. 3135-18 § 1).

**Section 9.43.090. License – Grounds for modification, suspension or revocation.**

A license may be modified, suspended or revoked by the chief of public safety for any of the following grounds:

- (a) The licensee has violated a condition of the license or any provision of this code.
- (b) The licensee has knowingly made any false, misleading or fraudulent statement of material facts in the application for a license, or in any report or record required to be filed with the city.
- (c) The licensee has continued to operate after the license has been suspended.
- (d) The existence of the condition of the premises that constitutes a nuisance or is hazardous or unsafe for human occupancy.

**Section 9.43.100. License – Hearing.**

(a) Any person whose application for a license has been denied, or whose license has been revoked pursuant to the provisions of this chapter, shall have the right to a hearing before the chief of public safety prior to final denial or prior to revocation.

(b) The chief of public safety shall give the applicant or licensee written notice of his or her intent to deny the application or to modify, suspend or 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 modify, suspend or revoke the license, and shall inform the applicant or licensee 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 license modified, suspended or revoked if a written hearing request is not received within the ten-day period.

(c) If the applicant or licensee files a timely hearing request, the chief of public safety shall set a time and place for the hearing. All parties involved shall have the right to offer testimony, 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 public safety whether to deny the application or to modify, suspend or revoke the license is final.

**Section 9.43.110. License – Liability insurance.**

No license 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 deems proper, executed by an insurance company approved by the city.

**Section 9.43.120. 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 to observe and enforce compliance with building, mechanical, fire, electrical, plumbing, or health regulations, or provisions of this chapter. A public safety investigator may conduct compliance inspections to ensure conformance with all federal, state, and local laws, and the provisions of this chapter. A warrant shall be obtained whenever required by law.

**Section 9.43.130. 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 on the effective date of the ordinance codified in this chapter shall have a period of sixty days after such effective date to comply with the provisions of this chapter.

**Chapter 9.44 – Firearms**

**Section 9.44.030. Duty to report theft or loss of firearms.**

Any person who owns or possesses a firearm (as defined in Penal Code Section 16520 or as amended) shall report the theft or loss of the firearm to the Sunnyvale Department of Public Safety within forty-eight hours of the time he or she knew or reasonably should have known that the firearm had been stolen or lost, whenever: (1) the person resides in the city of Sunnyvale; or (2) the theft or loss of the firearm occurs in the city of Sunnyvale.

**Section 9.44.040. Safe storage of firearms.**

Except when carried on his or her person, or in his or her immediate control and possession, no person shall keep a firearm (as defined in Penal Code Section 16520 or as amended) in any residence owned or controlled by that person unless the firearm is stored in a locked container, or the firearm is disabled with a trigger lock that is listed on the California Department of Justice's list of approved firearms safety devices.

**Section 9.44.060. Ammunition sales.**

(a) It is unlawful for any person to engage in the business of selling, leasing, or otherwise transferring firearm ammunition within the city of Sunnyvale except in compliance with this code.

(b) Definitions.

(1) **"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.

(2) **"Ammunition vendor"** means any person engaged in the business of selling, leasing, or otherwise transferring firearm ammunition.

(3) **"Person"** means a natural person, association, partnership, firm, corporation, or other entity.

(c) Every ammunition vendor shall maintain an ammunition sales log which records all ammunition sales made by the vendor. The transferee shall provide, and the ammunition vendor shall record on the ammunition sales log, at the time of sale, all of the following information for each sale of firearms ammunition:

(1) The name, address, and date of birth of the transferee;



- (2) The date of the sale;
- (3) The transferee’s driver’s license number, state identification card number, passport number, or other valid government-issued photographic identification;
- (4) The brand, type, and quantity of firearms ammunition transferred;
- (5) The identity of the person transferring the firearms ammunition on behalf of the ammunition vendor;
- (6) The transferee’s signature and right thumbprint.

(d) The ammunition sales log shall be recorded on a form approved by the chief of public safety. All ammunition sales logs shall be kept at the location of the firearms ammunition sale for a period of not less than two years from the date of the sale. Ammunition sales logs shall be open to reasonable inspection by peace officers at all times the ammunition vendor is regularly open for business.

(e) No person shall knowingly provide false, inaccurate, or incomplete information to an ammunition vendor for the purpose of purchasing firearms ammunition. No ammunition vendor shall knowingly make a false, inaccurate, or incomplete entry in any ammunition sales log, nor shall any ammunition vendor refuse any reasonable inspection of an ammunition sales log subject to inspection.

**Sutter County Code of Ordinances**

Codified through Ordinance No 1682, enacted April 13, 2021. (Supp. No. 5) Title 400 – Public Peace – Morals

**Chapter 425 – Dangerous or Deadly Weapons**

**Section 425-010. Dangerous or deadly weapons defined.**

**Dangerous or Deadly Weapons** as defined in this Chapter include:

"Dangerous or deadly weapons" includes, but is not limited to: Any dirk or dagger; ...; and any firearm other than (1) carried pursuant to a valid permit; issued by a duly authorized governmental authority, or (2) any ordinary rifle or shotgun lawfully carried for purposes of hunting or other lawful sport.

**Section 425-050. Certain conduct 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 be upon or about any school, school yard, playground or public place at or near which school children attend.

**Temecula Municipal Code**

Current through Ordinance 2022-09 and the May 2022 code supplement.

**Title 17 – Zoning**

**Chapter 17.08 – Commercial/Office/Industrial Districts**

**Section 17.08.020. Description of commercial/office/ industrial districts.**

The purpose and intent of the zoning districts are described as follows:

- |   |   |   |
|---|---|---|
| <b>A.</b> Neighborhood Commercial (NC).<br><b>B.</b> Community Commercial (CC). | <b>C.</b> Highway/Tourist Commercial (HT).<br><b>D.</b> Service Commercial (SC).<br><b>E.</b> Professional Office (PO). | <b>F.</b> Business Park District (BP).<br><b>G.</b> Light Industrial District (LI). |
|---|---|---|

**Section 17.08.030. Use regulations.**

The land uses list in the following Table 17.08.030 shall be permitted in one or more of the commercial zoning districts as indicated in the columns corresponding to each residential district. Where indicated with a letter “P,” the use shall be a permitted use. Where indicated with a “-,” the use is prohibited within the zone. A letter “C” indicates the use shall be conditionally permitted subject to the approval of a conditional use permit.

Table 17.08.030 Schedule of Permitted Uses

Commercial/Office/Industrial Districts							
Description of Use	NC	CC	HT	SC	PO	BP	LI
Guns and firearm sales	-	P	-	P	-	-	-

**Chapter 17.22 – Planned Development Overlay Zoning District (PDO-)  
Article II – Pala Road Planned Development Overlay District-1**

**Section 17.22.106. Use regulations.**

The list of permitted land uses for the Pala Road planned development overlay district is contained in Table 17.22.106. Where indicated with a letter “P” the use shall be a permitted use. A letter “C” indicates the use shall be conditionally permitted subject to the approval of a conditional use permit. Where indicated with a “-” the use is prohibited within the zone.

Table 17.22.106 Schedule of Permitted Uses

Pala Road Planned Development Overlay District-1	
Description of Use	PDO-1
Guns and firearm sales	-

**Article IV – Nicholas/Winchester Planned Development Overlay District-3**

**Section 7.22.126. Use regulations.**

The list of permitted land uses for the Nicolas/Winchester planned development overlay district is contained in Table 17.22.126. Where indicated with a letter “P” the use shall be a permitted use. A letter “C” indicates the use shall be conditionally permitted subject to the approval of a conditional use permit. Where indicated with a “-”, the use is prohibited within the zone.

Table 17.22.126 Schedule of Permitted Uses

Northwest Corner of Nicolas and Winchester Roads Planned Development Overlay District -3	
Description of Use	PDO-3
Guns and firearm sales	-

**Article V – Temecula Creek Village Planned Development Overlay District-4**

**Section 17.22.136. Use regulations.**

The list of permitted land uses for the Temecula Creek Village planned development overlay district is contained in Table 17.22.136B. Planned development overlay-4 contains three different planning areas. Two of the areas are commercial, the third is residentially based. A copy of the planning area map for this PDO is contained in Exhibit 17.22.136A. The three areas are identified as follows:

Retail/support commercial (identified as planning area PDO-4R in Table 17.22.136B);

Village commercial area (identified as planning area PDO-4V In Table 17.22.136B); and

Multifamily residential planning areas. Unless specific standards are provided for this planning development overlay, the residential development standards for the high density zoning district contained in Chapter 17.06 shall apply to this planning area.

Table 17.22.136B Schedule of Permitted Uses

Temecula Creek Village Planned Development Overlay District-4		
Description of Use	PDO-4R	PDO-4V <sup>6</sup>
Guns and firearm sales	P	-

**Article VII – Rancho Pueblo Planned Development Overlay District-6**

**Section 17.22.166. Land uses.**

**A. Use Matrix.** The land uses listed in the following table will be permitted in the Rancho Pueblo planned development overlay (RPPDO), only as indicated. Where indicated with a letter “P” the use will be a permitted use. A letter “C” indicates the use will be conditionally permitted subject to the approval of a conditional use permit. Where indicated with the symbol “-“ the use is prohibited within the Rancho Pueblo PDO area.

Table 17.22.166A

Rancho Pueblo Matrix of Permitted Uses	
Guns and firearm sales	-

**Article IX – De Portola Road Planned Development Overlay District-8**

**Section 7.22.196. Use regulations.**

The list of permitted land uses for the De Portola Road planned development overlay district is contained in Table 17.22.196. Where indicated with a letter “P”, the use shall be a permitted use. A letter “C” indicates the use shall be a conditionally permitted subject to the approval of a conditional use permit. Where indicated with a “-”, the use is prohibited within the zone.

Table 17.22.196 Schedule of Permitted Uses

De Portola Road Planned Development Overlay District-8	
Description of Use	PDO-8
Guns and firearm sales	-

**Thousand Oaks Municipal Code**

Current city legislation passed through July 5, 2022. (Supplement Number 65).

**Title 3 – Finance**

**Chapter 17 – Swap Meets**

**Section 3-17.06. Prohibited sales, trades, exchanges, or bartering.**

No person, firm, or corporation at any swap meet, whether the operator, or an exhibitor, or any other person or entity, shall sell, exchange, or display, or offer for sale or exchange or barter, at any swap meet any of the following items of personal property:

- (b) Any handgun, rifle, shotgun, or other type of firearm by whatever name, or any deadly weapon; and

**Title 5 – Public Welfare, Morals and Conduct**

**Chapter 11 – Weapons\***

**Section 5-11-02. Discharge or possession by minors.**

(b) No minor shall possess in any public place any gun, rifle, or pistol as described in Section 5-11.01 of this chapter, except as follows:

(1) When such minor is in the immediate charge and supervision of a parent, guardian, or adult person having the responsibility for the conduct of such minor, regardless of whether the gun, rifle, or pistol is capable of being immediately discharged or whether it is unloaded or in a dismantled or “take-down” condition or completely wrapped or in a carrying case made for the purposes of carrying such firearm; and

(2) When such minor is engaged in marksmanship training or firearm safety training at an established range or shooting area, as provided and regulated in Section 5-11.01 of this chapter, under the supervision of a competent adult instructor.

**Section 5-11-03. Reporting lost or stolen firearms.**

(a) Any person residing or doing business in the City, who owns or possesses a firearm, as defined in the Penal Code, shall report the theft or loss of the firearm to the Thousand Oaks Police Department within seventy-two (72) hours after his or her discovery or knowledge of the theft or loss.

(b) Any person residing or doing business in the City, who has experienced the loss or theft of a firearm, as defined in the Penal Code, in the City within the five years prior to 4/19/2007, without the firearm having been recovered during such time, shall report the theft or loss to the Thousand Oaks Police Department within ninety (90) days of 4/19/2007.

(c) Any person who fails to report a lost or stolen firearm pursuant to this Section 5-11.03, when the person knew or should have known of the theft or loss, is guilty of a misdemeanor and is punishable as provided in Section 1-2.01 of this code.

**Tiburon Code of Ordinances**

Codified through Ordinance Number 597 N.S., passed May 18, 2022. (Supp. No. 33, 9-22)

**Title IV – Land Improvement and Use**

**Chapter 16 – Zoning**

**16-22 – Commercial Zones**

**Section 16-22.030. Commercial zones allowable land uses and permit requirements.**

2. Conditional uses permitted in the NC zone. The following uses shall be permitted only when a conditional use permit is granted, as provided in section 16-52.040 (conditional use permit). Additional uses, similar or accessory to those listed below, may be conditionally permitted by resolution of the commission.

Firearms sales

**16-52 – Permit Review and Decisions**

**Section 16-52.110. Home occupations.**

B. General criteria. Home occupations shall be limited to the following uses:

4. Firearms sales, as defined in article X (Definitions) of this chapter, are not permitted as a home occupation.

**16-100 – Definitions**

**Section 16-100.020. Definitions of specialized terms and phrases.**

As used in the zoning ordinance, the following terms and phrases shall have the meaning ascribed to them in this section unless the context in which they are used clearly requires otherwise.

**F. Definitions, "F".**

**"Firearms sales"**. A business licensed to sell, lease or transfer firearms or ammunition pursuant to California Penal Code Sections 26700 to 26915 and 30300 to 30365, or successor sections thereto.

**Title VI – Public Health, Safety and Welfare  
Chapter 32 – Regulation of Firearms  
Article I – Regulation of Firearms Dealers**

**Section 32-1. Definition of firearm.**

**"Firearm"** 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 force of explosion or other means of combustion.

**Section 32-2. Definition of firearm dealer.**

**"Firearm dealer"** and **"licensee"**, as used in this article, means any person licensed to sell, lease or transfer firearms pursuant to California Penal Code Section 12071(a)(1).

**Section 32-2A. Definition of Police, Chief, Sheriff.**

**"Police"** or **"police department"** as used in this chapter shall mean the Town of Tiburon Police Department. **"Chief"** as used in this chapter shall mean the chief of police or his designee. **"Sheriff"** as used in this chapter shall mean the Marin County sheriff or his designee.

**Section 32-3. Chief's permit required.**

It is unlawful for any firearms dealer to sell, lease or transfer firearms without a permit issued by the chief.

**Section 32-4. Application.**

(a) An applicant for a permit or renewal of a permit under this chapter shall file with the chief an application in writing, signed under penalty of perjury, on a form prescribed by the town. The applicant shall provide all relevant information requested to demonstrate compliance with this chapter including:

- (1) The name, including any aliases or prior names, age and address of the applicant;
- (2) The applicant's Federal Firearms License and California Firearms Dealer numbers;
- (3) The address of the proposed location for which the permit is required, together with the business name, and the name of any corporation, partnership or association that has ownership in, or control over, the business, if any;
- (4) The names, ages and addresses of:
  - (A) All persons who will have access to or control of workplace firearms, including but not limited to, the applicant's employees, agents and/or supervisors, if any;
- (5) Proof 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;
- (6) A floor plan of the proposed business, which illustrates the applicant's compliance with security provisions as outlined in Section 32-7 of this chapter;

(7) Proof of compliance with town zoning requirements at the proposed location by presentation of a zoning clearance letter from the planning director of the Town of Tiburon or his designee. The planning department may adopt an appropriate fee to implement this requirement;

(8) Proof of compliance with all federal and state licensing laws;

(9) Information relating to every license or permit to sell, lease, transfer, purchase, or possess firearms sought by the applicant from any jurisdiction in the United States, including, but not limited to, the date of application; whether each application resulted in the issuance of a license and the date and circumstances of any revocation or suspension;

(10) Information relating to every revocation of a license or permit relating to firearms, including, but not limited to, date and circumstances of the revocation;

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

(12) Certification of satisfaction of insurance requirements;

(13) The date, location, and nature of all criminal convictions of the applicant, if any, in any jurisdiction in the United States.

(b) The application shall be accompanied by a nonrefundable fee of twenty-five dollars for administering this chapter. The fee may be increased by resolution of the town council upon evidence of the actual cost of administering the application. The council finds that the twenty-five dollar fee is reasonable and proper for administering this chapter and, in fact, represents a fraction of the cost that will be incurred by the police in processing the application.

#### **Section 32-5. Investigation by chief.**

The chief shall conduct an appropriate investigation of the applicant to determine for the protection of the public safety whether the permit may be issued. The chief shall require an applicant, or any officer, agent or employee thereof, that will have access to or control of firearms to provide fingerprints, a recent photograph, a signed authorization for the release of pertinent records, a complete personal history set forth on a questionnaire provided by the chief, and any other additional information which the chief considers necessary to complete the investigation.

#### **Section 32-6. Conditions of approval.**

In addition to other requirements and conditions of this chapter, a permit by the chief is subject to the following conditions, the breach of any of which is sufficient cause for revocation of the permit by the chief:

(a) The business shall be carried on only in the building located at the street address shown on the permit. This requirement, however, does not prohibit the permittee from participating in a gun show or event that is authorized by federal, state and local law upon compliance with that law and upon compliance with any Town of Tiburon ordinance regulating the permissible locations of gun shows;

(b) The chief's permit or a certified copy of it shall be displayed on the premises and at gun shows where it can be easily seen;

(c) The applicant shall not permit any person under eighteen years of age to enter or remain within the premises without being accompanied by the parent, grandparent, or legal guardian for the minor child where the firearm sales activity is the primary business performed at the site.

#### **Section 32-7. Requirement of a secured facility.**

Firearms dealers must comply with California Penal Code Section 12071(b)(14) which provides:

At any time the licensee is not open for business, the licensee shall store all firearms kept in his or her licensed place of business using one of the following methods as to each particular firearm:

(a) Store the firearm in a secure facility as defined by Penal Code Section 12071(c)(3) that is part of, or that constitutes, the licensee's business premises;

(b) Secure the firearm with a hardened steel rod or cable of at least one-eighth inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a bolt cutter and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises.

(c) Store the firearm in a locked fireproof safe or vault on the licensee's premises.

#### **Section 32-8. Liability insurance.**

(a) No permit issued by the chief shall be issued or reissued unless there is in effect a policy of insurance in a form approved by the town and executed by an insurance company approved by the town, whereby the applicant is insured

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 offering for sale, lease or transfer of a firearm. The minimum liability limits shall not be less than one million dollars for each incident of damage to property or incident of injury or death to a person; provided, however, that increased limits of liability may be required by the town attorney if deemed appropriate in his or her sole discretion.

(b) The policy of insurance shall contain an endorsement providing that the policy shall not be canceled until notice in writing has been given to the town manager at least thirty days prior to the time the cancellation becomes effective;

(c) Upon expiration of a policy of insurance and if no additional insurance is obtained immediately, the permit is considered canceled without further notice.

#### **Section 32-9. Issuance of permit issued by chief, duration.**

(a) The police department may grant a chief's permit to the applicant if it finds that the applicant complies with all applicable federal, state and local laws including but not limited to, the State Penal Code, Town Building Code, fire, zoning and planning codes;

(b) A permit issued by the chief expires one year after the date of issuance. A permit may be renewed for additional one-year periods upon the permittee's submission of an application for renewal, accompanied by a nonrefundable twenty-five dollar renewal fee. The renewal application and the renewal fee must be received by the police department no later than forty-five days before the expiration of the current permit;

(c) A decision regarding issuance or renewal of a permit may be appealed in the manner provided pursuant to Section 32-12.

#### **Section 32-10. Grounds for permit denial.**

The chief shall deny the issuance or renewal of a chief's permit when one or more of the following conditions exist:

(a) The applicant has not complied with the requirements of this chapter or, has violated the provisions of Section 32-20 of the municipal code pertaining to prohibited activity in connection with the sale, display or transfer of "Saturday night specials";

(b) The applicant, or any officer, employee or agent thereof who will have access to and control of firearms is under twenty-one years of age;

(c) The applicant is not licensed as required by federal and state law;

(d) The applicant or any officer, employee or agent thereof who will have access to or control of firearms has had a license or firearms permit to sell, lease, transfer, purchase or possess from any jurisdiction in the United States revoked, suspended or denied for good cause within the immediately preceding five years;

(e) The applicant or any officer, employee or agent thereof who will have access to or control over firearms has made a false or misleading statement of a material fact or omission of a material fact in the application for a police permit. If a permit is denied on this ground, the applicant is prohibited from reapplying for a permit for a period of five years;

(f) The applicant or any officer, employee or agent thereof who will have access to or control over firearms has been convicted of:

(1) An offense which disqualifies that person from owning or possessing a firearm under federal, state and local law, including, but not limited to, the offenses listed in Penal Code section 12021;

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

(3) An offense involving the use of force or violence upon the person of another with a deadly weapon;

(4) Any felony, misdemeanor burglary or misdemeanor fraud;

(5) An offense involving the manufacture, sale, possession or use of a controlled substance as defined by the State Health and Safety Code.

(g) The applicant or any officer, employee or agent thereof who has control over firearms is within a class of persons defined in Welfare and Institutions Code Sections 8100 or 8103;

(h) The applicant or any officer, employee, or agent thereof who has control over firearms is currently, or has been within the past five years, an unlawful user of a controlled substance as defined by the Health and Safety Code;

(i) The operation of the business as proposed would not comply with federal, state or local law.

#### **Section 32-11. Grounds for permit revocation.**

In addition to the violation of any other provisions contained in this chapter, circumstances constituting grounds for denial of a chief's permit also constitute grounds for revocation.

**Section 32-12. Hearing for permit denial or revocation.**

- (a) A person whose application for a permit is denied or revoked by the chief has the right to a hearing before the chief before final denial or revocation.
- (b) Within ten days of the mailing of written notice of intent to deny the application or revoke the permit, the applicant may appeal by requesting a hearing before the chief. The request must be made in writing, setting forth the specific grounds for appeal. If the applicant submits a timely request for an appeal, the chief should set a time and place for the hearing within thirty days.
- (c) The decision of the chief shall be in writing within ten days of the hearing. An applicant may appeal the decision of the chief to the town manager or his designee.

**Section 32-13. Nonassignability.**

A chief's permit issued under this section is not assignable. An attempt to assign a chief's permit renders the permit void.

**Section 32-14. Compliance by existing dealers.**

A person engaging in firearm sales activity on the effective date of this chapter or any amendment to it shall, within sixty days after the effective date, comply with this chapter and any amendment to it.

**Section 32-15. Record of ammunition sales.**

Every holder of a business license to sell ammunition shall maintain records pertaining to ammunition sales prescribed by this chapter on the licensed premises and in the manner prescribed herein. The record shall show:

- (a) The date of the transaction;
- (b) The purchaser's name, address and date of birth;
- (c) The purchaser's driver's license number or other identification and state where issued;
- (d) The brand of ammunition purchased;
- (e) The type and amount of ammunition purchased;
- (f) The purchaser's signature; and
- (g) Log of ammunition sales.

The information required by this subsection 32-15(g) shall be completed in the logbook at the time of the purchase. Such information shall be recorded in the following format:

Ammunition Sales Registration Log Store:

Date	Name	Address	Date of Birth	License/ID & State	Ammunition Brand	Ammunition Type & Amount	Purchaser Signature
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(1) The record shall be maintained in chronological order by date of sale of the ammunition, and shall be retained on the licensed premises of the business licensee for a period of two years following the date of the purchase of the ammunition.

(2) At the direction of the chief, Town of Tiburon police officers may enter the premises of any licensed vendor of ammunition during regular business hours for the purpose of examining or inspecting any record required by this chapter.

Exception. The provisions of this section shall not apply to the sale of firearm ammunition by a firing range licensed to do business in the Town of Tiburon when the ammunition so purchased is expended on the premises of the range and not removed for use outside the range premises.

**Section 32-16. Penalty.**

(a) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment. Each 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 section is committed, continued or permitted by such person.

The Marin County district attorney is hereby designated as the prosecuting agency for violations of this article whenever such violations are to be charged as misdemeanors.

(b) Any person found to be in violation of this chapter shall be subject to the revocation of his or her law enforcement permit to sell, lease or transfer firearms.

(c) In addition to any other penalty or remedy, the county counsel or town attorney may commence a civil action to seek enforcement of these provisions. The town attorney may also elect to enforce this chapter by administrative citation pursuant to Chapter 31 of the municipal code.

#### **Article IV – Reporting Loss or Theft of Firearms**

##### **Section 32-27. Reporting of loss or theft of firearm.**

It is unlawful for any person to fail to report to the police department the theft or loss of a firearm he or she owns or possesses within forty-eight hours of the time he or she knew or reasonably should have known that the firearm has been stolen or lost, if the person resides in the town or the loss or theft occurs in the town.

After July 5, 2016, it is unlawful for any person to fail to report to the police department the theft or loss of a firearm he or she owned or possessed within the five years prior to May 6, 2016 if the person resided in the town at the time of the loss or theft, or the loss or theft occurred in the town, unless the firearm has been recovered.

Pursuant to California Penal Code Section 11108, the chief of police shall submit a description of each firearm that has been reported lost or stolen directly to the California Department of Justice automated property system for firearms.

##### **Section 32-28. Exceptions to reporting of loss or theft of firearm.**

Section 32-27 shall not apply to the following persons:

- (a) Law enforcement officials while engaged in their official duties;
- (b) Members of the armed forces of the United States or the National Guard while engaged in their official duties;
- (c) Firearms dealers and manufacturers licensed under federal and state law while engaged in the course and scope of their activities as licensees.

##### **Section 32-29. Penalty for failing to report loss or theft of firearm.**

- (a) Any person violating section 32-27 is guilty of a misdemeanor;
- (b) Any person who reports to any law enforcement officer, pursuant to section 32-27 of this chapter that a firearm has been lost or stolen, knowing the report to be false, is guilty of a misdemeanor.

#### **Article V – Regulating Handgun Storage**

##### **Section 32-30. Required storage of handgun in residence.**

No person shall keep a handgun within a residence owned or controlled by that person unless the handgun is stored in a locked container or disabled with a trigger lock that has been approved by the California Department of Justice.

##### **Section 32-31. Definitions related to handgun storage requirements.**

- (a) **"Residence."** As used in this section, "residence" is any structure intended or used for human habitation including but not limited to houses, condominiums, rooms, in-law units, motels, hotels, time-shares, recreational and other vehicles where human habitation occurs.
- (b) **"Locked container."** As used in this section, "locked container" means a secure container that is fully enclosed and locked by a padlock, key lock, combination lock or similar locking device.
- (c) **"Handgun."** As used in this section, "handgun" means 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 sixteen inches in length.
- (d) **"Trigger lock."** As used in this section, a "trigger lock" means a trigger lock that is listed in the California Department of Justice's list of approved firearms 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 California Penal Code Section 12088(d).

##### **Section 32-32. Exceptions to handgun storage requirements set forth in section 32-30.**

Section 32-31 shall not apply in the following circumstances:

- (a) The handgun is carried on the person of an individual over the age of 18.
- (b) The handgun is under the control of a person who is a peace officer under California Penal Code Section 830.

##### **Section 32-33. Penalty for failing to properly store handgun in residence.**

Every violation of section 32-30 shall constitute a misdemeanor and upon conviction shall be punished by a fine not to exceed one thousand dollars or by imprisonment in the county jail not to exceed six months, or by both.



**Torrance Code of Ordinances**

Codified through Ordinance Number 3905, passed July 12, 2022.

**Division 4 – Public Health and Welfare**

**Chapter 5 – Offenses – Miscellaneous**

**Article 3 – Firearms; Weapons**

**Section 45.3.6. Firearms, air guns, etc. In possession of minors.**

It shall be unlawful for any person under the age of eighteen (18) years of age to have in his possession, custody or control, within the corporate limits of 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.

**Tustin Code of Ordinances**

Codified through Ordinance Number 1527, adopted September 26, 2022. (Rev. No. 23-2022)

**Article 3 – Business Regulations**

**Chapter 1 – General Business Regulations**

**Part 4 – Definitions**

**Section 3141. Definitions**

As used in this Article, the following terms and phrases shall have the meanings ascribed to them in this Part, unless the context in which they are used clearly requires otherwise. Terms and phrases that are not defined shall have the common meanings ascribed to them in Webster's or other dictionaries recognized as "standard."

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

**Weapon.** Any firearm or explosive device, or any device designed to be used in offensive or defensive combat or for sport, whether or not the weapon will be so used, and which is otherwise allowed by law to be possessed or sold.

**Chapter 5 – Sale and Exchange of Property**

**Part 3 – Weapons Business**

**Section 3531. Weapons business permit required**

No person shall engage in the business of repairing, modifying, customizing, restoring, cleaning, purchasing, selling, leasing or transferring weapons, whether new or used, without first having obtained a weapons business permit therefor from the Director.

**Section 3532. Prerequisites for weapons business permit**

A person shall be disqualified from receiving a permit pursuant to this Part if he or she has been convicted of a felony.

The applicant shall file the following with the Director:

- (1) A valid Federal Firearms License (FFL) issued by the Bureau of Alcohol, Tobacco, and Firearms.
- (2) A valid sellers permit issued by the State Board of Equalization.
- (3) A valid Certificate of Eligibility (COE) issued by the Department of Justice.
- (4) A statement indicating all criminal convictions, including pleas of nolo contendere, within the last five (5) years, including those dismissed or expunged pursuant to Penal Code Section 1203.4 but excluding minor traffic violations, and the date and place of each such conviction and reason therefor.

**Section 3533. Investigation**

Upon receiving an application for a weapons business permit, the Director may cause an investigation of the applicant to be conducted by the Chief of Police.

**Section 3534. Weapons business operations**

**a. Location**

The business shall be carried on only at the location designated on the weapons business permit. Property of the business may be stored at other locations only with written consent of the Director and Chief of Police.

**b. Weapons Storage and Safes**

Weapons shall be stored in accordance with all Federal and State requirements.

**c. Home Occupations**

Weapons businesses shall not be conducted as, or as part of, a home occupation.

**d. Display of Permit**

The City's weapons business permit or a copy thereof, approved by the City, shall be displayed on the premises in plain view at all times.

**Twentynine Palms Code of Ordinances**

Codified through Ordinance Number 299, passed May 24, 2022. (Supp. No. 17, Update 2)

**Title 19 – Development Code**

**Article 2 – Land Use/Zoning Districts**

**Chapter 19.16 – Commercial Districts (CO, CG, CN and CT)**

**Section 19.16.020. Description and intent of land uses.**

**A. Office Commercial (CO).**

**C. Neighborhood Commercial (CN).**

**B. General Commercial (CG).**

**D. Tourist Commercial (CT).**

**Section 19.16.030. Allowed uses and permit requirements.**

Use	CO	CG	CN	CT	Notes
Retail/Wholesale Sales					
Guns and ammunition stores	-	P	CUP	AUP	

- = Prohibited

P = Permitted

AUP = Administrative Use Permit

CUP = Conditional Use Permit

**Chapter 19.18 – Service Commercial (CS) and Community Industrial (IC) Districts**

**Section 19.18.030. Allowed uses and permit requirements.**

Allowed Use	CS	IC	Notes
Retail/Wholesale Sales			
Guns and ammunition stores	CUP	-	

- = Prohibited

P = Permitted

AUP = Administrative Use Permit

CUP = Conditional Use Permit

**Ukiah Code of Ordinances**

Codified through Ordinance Number 1224, passed April 6, 2022.

**Division 1 – Government**

**Division 9 – Planning and Development**

**Chapter 2 – Zoning**

**Article 18 – Downtown Zoning Code**

**Section 9224.4. Home occupations.**

**K. Prohibited Uses:** The following uses and similar activities as determined by the Planning Director are prohibited as home occupations:

gun repair, sale of guns or ammunition;

**Union City Municipal Code**

Codified through Ordinance Number 899-22, effective July 14, 2022.

**Title 9 – Peace, Safety and Morals**

**VIII – Offenses by or Against Minors**

**Chapter 9.72 – Dangerous Weapons**

**Section 9.72.010. Dangerous weapon defined.**

“**Dangerous weapon**” means and includes any firearm, air rifle, BB gun, or other similar instrument designed or intended to discharge a projectile which could injure a person or an animal.

**Section 9.72.020. Use, possession, discharge or sale.**

Except as otherwise provided in this chapter it is unlawful for any person in the City to sell, give, loan or in any way furnish or cause or permit to be sold, given, loaned or in any way furnished to a minor, or to allow any minor to use or possess or discharge, or for any minor to use or possess or discharge a dangerous weapon.

**Section 9.72.030. Exceptions.**

Nothing in this chapter shall be deemed or construed to prohibit the selling, giving loaning or furnishing to any minor, upon written consent of the parent or guardian of such minor, any dangerous weapon as defined in Section 9.72.010; nor prohibit such minor from using or having in his or her possession, care, custody or control any such dangerous weapon as so defined in the event that such possession, care, custody, control or use is had with the consent of the parent or guardian of such minor and is under the direct supervision and control of some adult person; nor to prohibit any minor from using or having in his or her possession or control any dangerous weapon which is in good faith in his or her possession or control or use for his or her lawful occupation or employment or for the purpose of lawful recreation.

**Section 9.72.050. Public offense by State law.**

The provisions of this chapter shall not apply to the commission of any action which is made a public offense by any law of this State.

**IX – Weapons**

**Chapter 9.81 – Regulating the Use of firearms and Ammunition**

**Section 9.81.030. Ammunition.**

No person shall, within the City of Union City, sell, loan or give any ammunition to any person under eighteen years of age.

**Section 9.81.040. Confiscation.**

Any firearm or ammunition being used in violation of this chapter may be confiscated by any law enforcement officer and retained at the Police Department until claimed by the owner thereof in person and in the event the equipment so confiscated is a firearm and the owner is a minor, until he/she is accompanied by one of his or her parents.

**Chapter 9.82 – Permit Requirements for Firearms Dealers and Gunsmiths**

**Section 9.82.030. 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 12071(a)(1) of the California Penal Code.
- B. “Chief of Police”** means the Chief of Police of the City or his or 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 Section 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 the 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 any firearm, or the 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 a 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, or offering or exposing 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 the 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 Section 9.82.040A of this chapter.

**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.

**Section 9.82.040. Permit required.**

**A. Firearms Dealers.** No person, partnership, cooperative, corporation, firm or association may 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 dealers permit from the Chief of Police of the Union City Police Department. Application for any such permit shall be made in writing to the Chief of Police of the City 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 Section 9.82.030 of this chapter 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 of the Union City Police Department. Application for any such permit shall be made in writing to the Chief of Police of the City in such form as 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.

**Section 9.82.050. Application fee.**

Applications for gun dealers or gunsmith permits shall be accompanied by a nonrefundable permit fee as set forth in the City master fee resolution.

**Section 9.82.060. 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 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.

**C.** The background check and investigation shall be completed within sixty days of the receipt of a gun dealer or gunsmith application.

**Section 9.82.070. 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 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 twenty-one years old.

**B.** The applicant must hold all applicable Federal, State, and local licenses and authorizations.

**C.** The applicant has no prior revocation or denial of a similar permit, for good cause within the last two years.

**D.** The applicant has provided accurate statements of fact on his or her application.

**E.** The applicant must have paid all applicable fees as provided in the Union City 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 State Health and Safety Code.

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

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 or her ability to be a firearms dealer or gunsmith.

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 the proposed use is conditionally permitted and the applicant has obtained all required permits or approvals as prescribed by the Union City Municipal Code and general law, under a conditional use permit.

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

**Section 9.82.080. 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 the 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 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 Union City Municipal Code hazardous material storage ordinance.

**Section 9.82.090. Permit forms.**

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 one year. The permittee shall file a renewal application and pay all applicable fees as specified in the Union City 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 one 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 thirty days prior to the expiration of the current permit.

**Section 9.82.100. 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, or offering or exposing 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 Section 9.82.070(A), (E), (F), (G), and (H) of this chapter.
4. The permittee shall comply with Sections 12073, 12074, 12076, 12077 and 12082 and subdivision (b) of Section 12072 of the California Penal Code, 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.

**Section 9.82.110. 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 Section 9.82.070, Permit approval, renewal, suspension, conditions and revocation criteria, Section 9.82.080, Security requirements, Chief of Police authority to adopt administrative regulations, Section 9.82.100, Permit conditions, Section 9.82.140, Permit liability insurance, and Section 9.82.150, Inspection authority, of this chapter.

**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.

**Section 9.82.120. Appeal of adverse action.**

**A.** Within thirty days after the date of deposit of the decision of the Chief of Police in the mail in accordance with Section 9.82.110, Permit denial, suspension, conditioning, revocation, denial of renewal, the applicant or permittee may appeal the decision in writing to the City Manager (or designee), 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. Notify the applicant or permittee in writing of such date and time not later than thirty working days from the date the appeal was received by the City Manager.

**C.** The hearing shall be conducted within forty-five 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 Manager (or designee) may:

1. Refer the matter back to the Chief of Police for a new investigation and decision consistent with direction provided by the City Manager (or designee);
2. Affirm the decision of the Chief of Police;
3. Approve the application for a permit subject to any conditions the City Manager (or designee) may prescribe; or
4. May approve the application for a permit without conditions.

**E.** The decision of the City Manager (or designee) shall be the final administrative determination and is subject to judicial review.

**Section 9.82.130. Cost of appeal and attorney fees.**

In any appeal hearing conducted under this chapter, the City Manager (or designee) shall assess all costs of the hearing, including direct and indirect staff costs and overhead and attorney fees, to the appellant whenever the City prevails.

**Section 9.82.140. 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. This policy must be 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 result of the sale, transfer or lease, or advertising for sale, transfer or lease, or advertising for lease of any firearm. The minimum liability limits shall not be less than one million dollars for damages to, or destruction of property in any one incident; and one million dollars for the death or injury to any one person; provided, however, that additional amounts may be required by the City Attorney if deemed necessary.

**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 cancelled until notice in writing has been given to the Chief of Police sixty days prior to cancellation.

**Section 9.82.150. Inspection authority.**

**A.** The Chief of Police or his 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.

**B.** The Police Department shall conduct an on-site inspection, and review the gun dealer or gunsmith, every six months.

**C.** The cost of the inspection and review shall be charged at an hourly rate with a minimum of one hour. The hourly rate shall be specified in the City master fee resolution.

**Section 9.82.160. 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 the ordinance codified in this chapter shall have sixty days from the effective date to comply with the provisions of this chapter.

**Section 9.82.170. Temporary suspension.**

**A.** If a firearm dealer violates any Federal, State or local County or City laws, 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 Section 9.82.110, Permit denial, suspension, conditioning, revocation, denial of renewal, Section 9.82.120, Appeal of adverse action, and Section 9.82.130, Costs of appeal and attorney fees, of this chapter.

**Section 9.82.180. 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 the chapter is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

**B.** The City Council of the City 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, subsection, clauses, phrases or portions should be declared invalid or unconstitutional.

**Title 18 Zoning  
Chapter 18.32 – Residential Districts**

**Section 18.32.020. Permitted uses.**

**G.** Home occupations, subject to the following conditions:

**13.** That the following uses shall not be permitted:

**d.** The sale and trade of goods or products such as firearms, ammunition, fireworks, hazardous chemicals, or any product that has the potential to cause injury if improperly handled and is therefore unsuitable for home occupation as determined by the Zoning Administrator;

**Chapter 18.36 – Commercial Districts**

**Section 8.36.015. Purpose.**

**A.** CPA District – Professional and Administrative Commercial.

**D.** CVR District – Visitor and Recreation Commercial.

**B.** CN District – Neighborhood Commercial.

**F.** CS District – Specialty Commercial District.

**C.** CC District – Community Commercial.

**Section 18.36.030. Conditional uses.**

The following conditional uses shall be permitted in a C district, upon the granting of a use permit, when the symbol “X” is marked in the column beneath the C district:

**B.** Approval by Planning Commission (refer to Chapter 18.56 for a detailed description of the use permit process).

Conditional Uses	CPA	CN	CC	CVR	CS
Guns and/or ammunition sales			X		

**Upland Municipal Code**  
Current through Ordinance 1955 and the October 2021 code supplement.

**Title 9 – Public Peace and Welfare  
Chapter 9.24 – Firearms**

**Section 9.24.010. Definitions.**

“**Deadly or dangerous weapon**” as used in this chapter, means and includes, but is not limited to: any dirk or dagger; ..., and any firearm.

“**Firearm**” as used in this chapter means a “firearm” as defined at subdivision (a) of Section 16520 of the California Penal Code.

**Section 9.24.030. Minors – Possession of firearms, BB device, deadly or dangerous weapon.**

No person under 18 years of age shall have in his or her possession, care, custody or control any firearm or BB device as defined in Section 9.24.010 of this chapter or any deadly or dangerous weapon as defined in Section 9.24.010 of this chapter.

**Section 9.24.040. Minors – Giving firearms, etc., prohibited.**

It is unlawful for any person to sell, exchange, give or loan to any person under 18 years of age, any firearm or firearms as defined in Section 9.24.010 of this chapter.

**Section 9.24.090. Exceptions.**

The foregoing shall not apply or be deemed to apply in the following cases:

- A.** When the firearm or weapon is in the possession of any peace officer for use in the enforcement of law;
- B.** When the firearm or weapon is in the possession of a person who has a valid permit to possess and carry the same issued by a duly authorized governmental authority;
- C.** When any such firearm is being used at or in connection with the operation of any lawful pistol or rifle range in accordance with rules and regulations approved by the chief of police of the city, or the city council of the city; and
- D.** In the case of ordinary rifles, shotguns, tools or sports equipment possessed or carried in good faith for uses of honest work, trade or business or for the purpose of legitimate game hunting, sport or recreation.

**Section 9.24.100. Firearms possession declared a nuisance.**

Any firearm or firearms or deadly or dangerous weapon which is being used by any person, or which is in the possession or under the custody or control of any person contrary to any of the provisions of this chapter, is declared to be a nuisance, and may be forthwith confiscated by any police officer of the city, who shall surrender the same to the chief of police of the city who shall hold and/or dispose of the same in the same manner as is contemplated for the holding and/or destruction of the nuisances referred to in Section 12028 of the Penal Code of the state of California.

**Section 9.24.110. Penalties.**

Any person, firm or corporation violating any provision of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, may be punished by a fine not to exceed \$1,000.00 or by imprisonment in the city jail of the city, as the committing magistrate may direct, for a period of not more than six months, or by both such fine and imprisonment in the discretion of the court. Each and every day during any part of which any violation of this chapter continues shall be deemed a separate offense hereunder.

**Vacaville Municipal Code**

Codified through Ordinance Number 1977, passed July 26, 2022.

**Title 14 – Land Use and Development Code**

**Chapter 14.09 – Zoning**

**Chapter 14.09.120 – Land Use Permits and Approvals, Home Occupation Permits**

**Section 14.09.120.070. Excluded occupations.**

Certain occupations which have a tendency to change the residential character of the neighborhood and the City have been identified. These occupations shall not be considered as incidental and secondary to the use of a residence for dwelling purposes.

**A.** The occupations listed below, and occupations which, in the opinion of the Director are of similar character, shall not be allowed as home occupations:

- 9.** Sale, manufacture, or distribution of firearms, explosives, or other weapons which would require a state or federal license to provide such services; and



**Vallejo Code of Ordinances**

Codified through Ordinance Number 1865 N.C. (2d), passed June 14, 2022. (Supp. No. 6-22)

**Title 16 – Zoning**

**Part IV – General Regulations**

**Chapter 16.60 – Home Occupations**

**Section 16.60.050. Exclusions.**

The following activities shall not in any case qualify as a home occupation:

**E.** Any on-premises retail sales including, but not limited to, firearms, weaponry, ammunition, liquor, tobacco, or medicinal marijuana, and any off-premises sales of tobacco or tobacco related products.

**Victorville Code of Ordinances**

Codified through Ordinance Number 2429, passed May 17, 2022. (Supp. No. 50, Update 2)

**Title 13 – Public Peace, Safety and Morals**

**Chapter 13.2 – Weapons**

**Section 13.24.030. Furnishing to minors.**

No person except a parent or guardian shall purchase from, sell, exchange, give, lend, or furnish to any person under the age of eighteen years a revolver or pistol of any description, shotgun, or rifle, which may be used for the explosion of cartridges, or any airgun, "B-B" gun, gas-operated gun or spring gun, or any knife or knives having the appearance of a pocket knife, the blade or blades of which can be opened by a flick of a button, pressure on the handle or other mechanical devices; or any instrument, toy or weapon commonly known as a "slingshot," or any bow made for the purpose of throwing or projecting missiles of any kind or by any means whatsoever, whether such instrument is called by any name set forth above or by any other name. Any such weapon possessed in violation of this chapter may be confiscated by any peace officer.

**Section 13.24.040. Possession by minors.**

No person under the age of eighteen years shall have in his possession, care, custody or control any of the articles mentioned in Section 13.24.030 except within his own domicile or except when accompanied by and under the immediate supervision of a parent, guardian, or responsible adult. This section shall not apply to any person possessing a valid California hunting license.

**Section 13.24.050. Confiscation.**

Every peace officer taking a weapon used in violation of Sections 13.24.030 or 13.24.040 shall deliver the same to the chief of police to be held by him until the final determination of the prosecution for said offense; and upon the finding of guilt it shall then be the duty of the chief of police on a first offense to return the weapon to the owner and on a second offense the chief of police is authorized to confiscate and destroy it.

**Title 16 – Development Code**

**Chapter 3 – Zoning and Land Use Requirements**

**Article 7 – Land Use and Special Requirements**

**Section 16-3.07.010. Permitted and conditional land uses – all zoning districts**

Land and facilities shall only be developed, divided and/or used for those activities listed in Table 7-1 (Permitted, Conditional, Accessory and Temporary Land Uses - All Districts). Table 7-1 establishes uses that are permitted, conditionally permitted or not permitted within each Zoning District established by Article 6 (Zoning Districts and Boundaries) of this Chapter. Article 2 of this Chapter describes the procedures required to obtain a Conditional Use Permit.

Table 7-1 Permitted, Conditional, Accessory and Temporary Land Uses - All Zoning Districts

Zoning Categories:			
Residential Zoning Districts	Commercial Zoning Districts	Industrial Zoning Districts	Other Zoning Districts
AE: Exclusive Agricultural	C1: Neighborhood Service	IPD: Industrial Park	PC: Public and Civic
A: Agriculture Residential	C2/C4: General Commercial	M1: Light Industrial	SP: Specific Plan*
SR: Suburban Residential	CA: Administrative Professional Offices	M2: Heavy Industrial	PUD: Planned Unit Development*
R1: Single-Family Residential	CM: Commercial Manufacturing		MU: Mixed-Use>*
R2: Medium-Density Residential			FP: Conservancy and Flood Plain*
R3: High-Density Residential			
R4: Very-High-Density Multiple Residential			
MDR: Mixed-Density Residential			
RMPD: Residential-Mobile Home Planned Development			

Omitted Zone Districts: Zone Districts delineated above by an asterisk (\*) were not included in this Land Use Table due to their unique development process and/or land uses as discussed below.

- SP: Land uses and development standards are outlined by the Specific Plan itself, which vary with each existing and future SP.
- PUD: Land uses and development standards are outlined by the Planned Unit Development itself, which vary with each existing and future PUD.
- MU: Allows for a variety of uses to be determined through the Planned Unit Development of Specific Plan process.
- FP: All areas of the City zoned FP are within the Mojave River, which does not allow for any permanent development with the exception of flood control structures. Grazing, crops, wildlife & forest preserves and similar agricultural or open space uses are permitted at the discretion of the Development Director and the San Bernardino County Flood Control District.

Use Legend:

- P: Permitted Use
- C: Conditional Use Permit required
- : Not Permitted

Type/Use	Zone																
	AE	A	SR	R1	R2	R3	R4	MDR	RMPD	C1	C2/C4	CA	CM	IPD	M1	M2	PC
Commercial 23) Retail																	
Guns & ammunition	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-

Type/Use	Zone																
	AE	A	SR	R1	R2	R3	R4	MDR	RMPD	C1	C2/C4	CA	CM	IPD	M1	M2	PC
Accessory 31) Accessory Uses (Subject to Sections 16-3.07.030 & 16-3.07.040 of the V.M.C.																	
Guns & ammunition	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-

**Section 16-3.07.030. Accessory uses for residential**

(d) Home occupations

**(3) Prohibited Home Occupations**

- (ii) Sales or production of weapons (i.e. guns, knives, swords, etc.);**

**Walnut Municipal Code**

Current through Ordinance Number 22-03 and the April 2022 code supplement.

**Title 3 – Public Health, Safety and Welfare  
Chapter 3.48 – Offenses – Miscellaneous**

**Section 3.48.110. Firearms, etc.**

**A. Persons Under 18 Years of Age – Furnishing To.**

1. Except as otherwise provided in subsection C of this section, it is unlawful in the City for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, lent or in any way furnished, to any person under the age of 18 years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, slingshot or device designed or intended, to discharge, or capable of discharging, any dangerous missile.

2. Except as otherwise provided in subsection C of this section, it is unlawful in the City for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, lent or in any way furnished, to any person under the age of 18 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 firearm.

**C. Exceptions.** Nothing in this code shall be deemed or construed to prohibit in the City the selling, giving, lending or furnishing to any person under the age of 18 years, upon the written consent of the parent or guardian of such person, any article mentioned in subsection A of this section; nor to prohibit any such person under the age of 18 years from having in his or her possession, care, custody or control any article mentioned in subsection B of this section in the event that such possession, care, custody or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person.

**D. License to Sell.** No person shall engage in the business of selling or otherwise transferring, or advertising for sale, or offering or exposing for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon the person without first having received a license from the County Sheriff.

**Wasco Code of Ordinances**

Codified through Ordinance Number 717, passed December 7, 2021.

**Title 5 – Business Taxes, Licenses and Regulations  
Chapter 5.18 – Pawnbrokers and Secondhand Dealers**

**Section 5.18.070. Minors – Sale of firearms to prohibited – Exception.**

It is unlawful for any person, firm or corporation to sell, hire or deliver to any minor under the age of eighteen years, any gun, rifle, pistol, shotgun or other firearm, without the written permission of such minor's parents or guardian.

**Watsonville Municipal Code**

Codified through Ordinance Number 1436-22 (CM), passed June 28, 2022.

**Title 4 – Public Safety  
Chapter 7 – Weapons**

**Section 4-7.05. Firearm locking device requirements.**

All Dealers as defined in Penal Code Section 12071 and employees of Dealers are prohibited from the following:

- (a)** Selling, giving, lending, or transferring ownership of any firearm without equipping that firearm with an effective trigger lock. "**Effective**" means a device, which has been approved by the Watsonville Chief of Police as being adequate to prevent the unintentional discharge of the firearm.
- (b)** Selling, giving, lending, or transferring ownership of any firearm without providing to the person to whom the firearm is transferred printed material that advises the user on safe storage practices.
- (c)** The expense of the trigger lock shall be borne by the person selling, giving, lending, or transferring the firearm.

**West Covina Code of Ordinances**

Codified through Ordinance Number 2499, adopted June 7, 2022. (Supp. No. 91) Chapter 26 Zoning

**Article XII – Special Regulations for Unique Uses  
Division 21 – Theme Shopping Uses**

**Section 26-685.6200. Development standards.**

(k) Prohibited merchandise. Sales, exchange, barter or trade of the following items is prohibited:

- b. Firearms, ammunition, explosives, fireworks or other weaponry.

**West Hollywood Municipal Code**

Current through Ordinance Number 22-1176 and the February 2022 code supplement.

**Title 5 – Business Licenses, Regulations and Permits**

**Article 2 – Specific Businesses Regulated**

**Chapter 5.60 – Gun Dealers**

**Editor’s Note:** Gun dealers holding a valid business license on May 4, 1994 shall not be required to comply with Section 5.08.070 (the public hearing requirement for gun dealers desiring to obtain a new license) and subsection (6) of Section 5.60.030 (demonstration of a need and distancing requirements from a public or private school or day care, a public park, or other gun dealer licensee), and subsection (2) of Section 5.60.040 (the requirement that the applicant obtain landlord approval prior to the granting of a business license for a gun dealer business). Existing gun dealer licensees, however, must comply with all other provisions of this chapter.

**Section 5.60.010. Definitions.**

For purposes of this chapter, the following terms shall have the following meanings:

1. **“Engages in the business”** shall mean the conducting of a business by selling, leasing, or otherwise transferring, for a consideration, any firearm, firearm munition or firearm ammunition component; or the holding of one’s self out as engaged in the business of selling, leasing or otherwise transferring for a consideration any firearm, firearm munition, or firearm ammunition component in quantity, in series, or in individual transactions, or in any other manner indicative of trade.
2. **“Firearm”** shall include, without limitation, any revolver, pistol or any other 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.
3. **“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.
4. **“Firearm ammunition component”** shall mean any cartridge or encasement, bullet or projectile, primer or propellant or explosive material used to manufacture ammunition.
5. **“Gun dealer”** shall mean any person who engages in the business of selling, leasing or otherwise transferring for a consideration to members of the public any new or used firearm, as well as any firearm ammunition or any firearm munition component.
6. **“Person”** shall mean a natural person, association, partnership, firm or corporation or combination thereof.

**Section 5.60.020. Application Information.**

1. License Form. Any license issued to operate as a gun dealer shall be on a form approved by the city.
2. Application Form. Notwithstanding any other provision of this chapter, every applicant for a gun dealer license shall fill out the application form prescribed by the California State Attorney General in addition to the city’s application for a business license pursuant to 5.08.040.

**Section 5.60.030. Minimum criteria for issuance of a license.**

In addition to the applicant’s compliance with all other requirements of this title, a background check and recommendation pertaining to the applicant will be referred to and conducted by the Los Angeles County Sheriff’s Department on behalf of the city. The applicant must obtain a favorable background recommendation from the Los Angeles County Sheriff’s Department. In addition to compliance with all the requirements of this title, the applicant, manager(s), and employee(s) must meet the following criteria as applicable:

1. The applicant, and any existing or prospective manager(s) and employee(s), must be at least twenty-one years of age.
2. The applicant, and any existing or prospective manager(s) and employee(s), must be properly licensed as required by all applicable federal and California laws.
3. The applicant, and any existing or prospective manager(s) and employee(s), must not have had a similar type of license previously revoked or denied for good cause within the immediately preceding two years prior to the license application.
4. The applicant, and any existing or prospective manager(s) and employee(s), must not have been convicted of:
  - (a) Any offense so as to disqualify the applicant, manager or employee from owning or possessing a firearm under applicable federal and California laws;

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

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

(d) Any offense involving theft, fraud, dishonesty or deceit;

(e) Any offense involving the manufacture, sale, possession or use of any drug or controlled substance itemized on any schedule pertaining to drugs and other controlled substances of the California Health and Safety Code.

5. The applicant, and any existing or prospective manager(s) and employee(s), must not have been adjudicated to be mentally incompetent, or have been committed to a mental institution.

6. The applicant must demonstrate that, on or after May 4, 1994, there is a need for an additional firearm dealer to be located within the city, and that:

(a) The location for which the license is sought is not located within one thousand feet of a public or private day care center or school, or a public park.

(b) The location for which the license is sought is not located within one thousand feet from any other premises operated by a gun dealer licensee.

7. The applicant must provide a copy of each of the following:

(a) Valid federal firearms license;

(b) Valid seller's permit issued by the state Board of Equalization; and

(c) Valid certificate of eligibility issued by the Department of Justice.

8. Existing or prospective manager(s) and employee(s) shall hold and maintain a valid certificate of eligibility from the Department of Justice as a condition of their employment and submit an "Employee Certificate of Eligibility Report of Employment" form (BOF 117) to the Department of Justice upon employment.

9. Upon renewal of the business license, the applicant shall provide to the city copies of valid certificates of eligibility for all manager(s) and employee(s).

#### **Section 5.60.040. Issuance of license subject to conditions.**

Any and all licenses granted pursuant to this chapter are subject to the following conditions, in addition to any conditions imposed by the Commission, breach of any of which subjects the license to revocation:

1. The business activity shall be carried on only in the building designated in the license, which shall be located in a properly zoned commercial district, unless the gun dealer qualifies as a home occupation under federal and state law and is in full compliance with the home occupation provisions contained in the Zoning Ordinance. In no event shall a licensee, operating as a home occupation, store or maintain firearms, ammunition, or any firearms ammunition component within the residential dwelling in which the business is being conducted. Notwithstanding any other provision of this title, a license under this chapter shall be required for gun dealers operating as a home occupation.

2. If the applicant is not the owner of record of the building within which, and the real property upon which, the gun dealer business is to be located and conducted, then he or she shall obtain prior written consent from the owner of record of such building and real property to operate a gun dealer business, and such written consent from the owner of record shall be attached to the city's business license application.

3. All federal, California and city-issued licenses, permits or copies thereof, certified by the issuing authority, shall be posted in a conspicuous manner on the premises in which the business is being conducted.

4. No firearm, firearm ammunition or reproduction of either advertising the sale, lease or transfer, for a consideration of either, shall be displayed in any part of the premises where it can readily be seen from the outside.

5. The licensee shall maintain on the licensed premises accurate records of all firearm and ammunition sales, as well as a complete inventory of all firearms in stock, by classification and serial number, for a period of not less than three years.

(a) The records required by this subsection (5) pertaining to the recordation of firearm and ammunition sales shall indicate:

(1) The date that the purchaser purchased the firearm(s) and/or ammunition;

(2) The purchaser's name, address and date of birth;

(3) The purchaser's driver's license number or other identification number and state where issued;

(4) The make, brand, model and/or type of firearm(s) purchased;

(5) The brand of ammunition purchased;

- (6) The type and amount of ammunition purchased;
- (7) The purchaser's thumbprint, from both the right hand and left hand; and
- (8) The purchaser's signature.

(b) This information required by this subsection (5) shall be recorded at the time of purchase and shall be maintained in a log book in a form substantially as follows:

Ammunition/Firearm Sales Records Log

Store: \_\_\_\_\_

Date	Name	Address	Date of Birth	Driver's License/ ID Number and State	Firearm Make/Brand/Model/Type	Ammunition Brand and Amount Purchased	Purchaser's Signature
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(c) The licensee's firearm and ammunition sales records and firearm and ammunition inventory records shall be open to inspection at the request of the city or the Los Angeles County Sheriff's Department.

(d) The licensee shall also provide the city with an annual report of the gross revenue received during the previous year itemized by the quantity and classification of firearms and ammunition sold on a form provided by the city signed under penalty of perjury.

6. The licensee shall comply with any city continuing education requirement relating to firearms as the city may from time to time impose.

7. The licensee shall provide all firearm purchasers comprehensive instructions, prepared by the licensee and approved by the city, pertaining to the use, maintenance, storage and safety precautions relating to the firearm purchased.

8. The licensee shall comply with all security measures imposed by the license issued pursuant to this chapter upon recommendation of the Los Angeles County Sheriff, including, but not limited to, locks, lighting, alarms, storage and access to firearms.

9. The licensee shall comply with Section 9.04.210 of the West Hollywood Municipal Code as well as all applicable sections of the California Penal Code, including, but not limited to, Sections 16130, 16150, 16300, 16400, 16550, 16810, 17110, 26700-26915, 27500-27590, 28100, 28150-28180, 28200-28250, 30300, 30305, and 30310.

10. The licensee shall conduct a criminal background check on any existing or prospective manager(s) or employee(s).

11. The licensee shall post conspicuously within the licensed premises in an area where guns and ammunition are sold the following warning in block letters not less than one inch in height:

WARNING: THE CITY OF WEST HOLLYWOOD HAS DETERMINED THAT GUNS IN THE HOME ARE MUCH MORE LIKELY TO BE USED TO KILL OR INJURE A HOUSEHOLD MEMBER THAN TO PROTECT AGAINST AN ATTACKER. IT IS SAFEST NOT TO KEEP A GUN IN THE HOME. IF A GUN IS KEPT IN THE HOME, IT SHOULD BE KEPT UNLOADED AND SECURELY LOCKED AND AMMUNITION SHOULD BE LOCKED SEPARATELY.

12. The licensee shall also provide all firearm purchasers with a bill of sale for the purchase of a firearm which includes the warning language required in subsection (11) of this section. The warning shall be conspicuously placed on the bill of sale in block letters.

**Section 5.60.050. Duration of gun dealer license – Renewal.**

All licenses issued pursuant to this chapter shall expire one year after the date of issuance; provided, however, that a license may be renewed pursuant to Section 5.08.130 for additional one-year periods upon approval of an application for renewal that complies with all provisions of the Business License Ordinance.

**Section 5.60.060. Assignment of license prohibited.**

The assignment of or attempt to assign any license issued pursuant to this chapter is unlawful and any such assignment or attempt to assign a license shall render the license null and void.

**Title 9 – Public Peace and Safety  
Article 1 – Prohibited Conduct and Offenses  
Chapter 9.04 – General Offenses**

**Section 9.04.210. Sale of certain ammunition prohibited.**

a. The wholesale or retail gun dealer shall not sell, lease or otherwise transfer, for a consideration, to any person, other than any authorized law enforcement personnel, any firearm ammunition that has no hunting or marksmanship purpose

and which is designed to expand upon impact. Such firearm ammunition includes, but is not limited to, Black Talon bullets, 9 millimeter bullets, .50 caliber bullets, teflon-coated bullets and hollow-point bullets.

b. The wholesale or retail gun dealer shall not sell, lease or otherwise transfer, for any consideration, any firearm ammunition to any person who is forbidden by city, state or federal law from buying or possessing a firearm.

**Article 2 – Miscellaneous  
Chapter 9.27 – Lost or Stolen Firearms**

**Section 9.27.010. Reporting lost or stolen firearms.**

Any person residing or doing business in West Hollywood who owns, or possesses a firearm, as defined in the Penal Code, shall report the theft or loss of the firearm to the Los Angeles County Sheriff’s Department within 48 hours after his or her discovery or knowledge of the theft or loss.\*

**Section 9.27.020. Penalty – Misdemeanor.**

Any person who fails to report a lost or stolen firearm pursuant to Section 9.27.010, when the person knew or should have known of the theft or loss, is guilty of a misdemeanor and is punishable as provided in Section 1.08.010 of this code.

\* **Editors Note:** Section 2 of Ordinance 07-44 provides further reporting requirements, as follows:

“Any person residing or doing business in West Hollywood who has experienced the loss or theft of a firearm, as defined in the Penal Code, in West Hollywood within the five years prior to March 7, 2007, without the firearm having been recovered during such time, shall report the theft or loss to the Los Angeles County Sheriff’s Department within ninety (90) days of March 7, 2007.”

**Title 19 – Zoning Ordinance  
Article 19-2 – Zoning Districts and Allowable Land Uses  
Chapter 19.10 – Commercial and Public Zoning Districts**

**Section 19.10.030. Commercial and public district land uses and permit requirements.**

Table 2-5 identifies the uses of land allowed by this Zoning Ordinance in the commercial and public zoning districts, and the land use permit required to establish each use, in compliance with Section 19.04.040 (Zoning District Regulations). Permit requirements for additions to existing structures are determined by floor area; see Chapters 19.42 (Zone Clearances), 19.44 (Administrative Permits), and 19.48 (Development Permits).

Note: where the last column in the table (“Specific Use Regulations”) includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Zoning Ordinance may also apply.

Table 2-5  
Allowed Uses and Permit Requirements for Commercial and Public Zoning Districts

P	Use Permitted <sup>1</sup>	CUP	Conditional Use Permit Required
MCUP	Minor Conditional Use Permit Required	PCR	Project Conformity Review
RI	Rehabilitation Incentives	—	Use Not Allowed

Permit Required by Zone							
Land Use <sup>2</sup>	CN	CC/SSP	CA	CR	PDCSP	PF <sup>3</sup>	Specific Use Regulations
Firearm sales	—	CUP	CUP	CUP	—	—	19.36.134

**Article 19-3 – Site Planning and General Development Standards  
Chapter 19.36 – Standards for Specific land Uses**

**Section 19.36.134. Firearm sales.**

No establishment that offers firearms for sale shall be located within 1,000 feet of any other establishment that offers firearms for sale, either within or outside the city.

**Article 19-6 – Definitions  
Chapter 19.90 – Definitions/Glossary**

**Section 19.90.020. Definitions of specialized terms and phrases.**

As used in this Zoning Ordinance, the following terms and phrases shall have the meaning ascribed to them in this section, unless the context in which they are used clearly requires otherwise.

**F. Definitions, “F”.**

**Firearm Sales.** Firearm sales include the retail sales of guns, ammunition, and related products and accessories.

**West Sacramento Municipal Code**

Current through Ordinance Number 21-21 and the December 2021 code supplement.

**Title 17 – Zoning**

**Division III – Citywide Regulation**

**Chapter 17.30 – Standards for Specific Uses and Activities**

**Section 17.30.120. Home occupations**

Home occupations shall be located, developed, and operated in compliance with the following standards:

**C. Prohibited Home Occupations.** The following specific businesses are not permitted as home occupations:

7. Firearm sales, including firearms brokers;

**Division V – Terms and Definitions**

**Chapter 17.51 – List of Terms and Definitions**

**Section 17.51.020. Definitions**

**F. “F” Terms.**

Firearms. 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.

**Westlake Village Code of Ordinances**

Codified through Ordinance Number 293-22, passed June 8, 2022. (Supp. No. 31)

**Article 9 – Zoning Regulations**

**Chapter 9.28 – Home Occupations**

**Section 9.28.030. Prohibited home occupation uses.**

The following uses, either by operation or nature, are not incidental to or compatible with residential activities and shall therefore not be permitted as home occupations:

8. Sale of firearms, including engaging in activities as a "gun dealer," as defined in Section 6.3.005 of this Code.

**Westminster Municipal Code**

Current through Ordinance Number 2588 and the July 2022 code supplement.

**Title 17 – Land Use**

**Article 4 – Standards for Specific Land Uses and Accessory Uses**

**Chapter 17.400 – Standards for Specific Land Uses and Accessory Uses**

**Section 17.400.075. Home-based businesses.**

**C. Prohibited Home-Based Businesses.** Certain uses by the nature of their operation are not compatible with residential uses, are not incidental or compatible with residential activities and shall therefore not be permitted as a home-based business.

Prohibited home-based businesses include, but are not limited to, the following uses:

13. Firearms and ammunition sale, lease, trade or service;

**Windsor Code of Ordinances**

Codified through Ordinance Number 2022-363, adopted June 15, 2022. (Supp. No. 45)

**Title III – Public Welfare\***

**Chapter 10 – Miscellaneous Prohibitions**

**Article 17 – Small Arms Device**

**Section 3-10-1700. Definitions.**

As used in this section:

**Small arm device** shall mean any pistol, revolver, gun, rifle or any caliber, shotgun of any gauge, air gun, BB gun, blow gun, slingshot, longbow, crossbow, or any weapon or instrument which throws or propels bullets, pellets or missiles of any kind by means of explosive powder, compressed or forced air or gas, springs, elastic rubber or like substance or force.

**Section 3-10-1710. Possession and use of small arms device by minor.**



- a.** No minor under the age of twelve (12) years may be in possession of a small arms device in the Town of Windsor unless such minor is accompanied by his parent, guardian or a responsible adult.
- b.** No minor over the age of twelve (12) years and under the age of fourteen (14) may be in possession of a small arms device in the Town of Windsor unless such minor (1) is accompanied by his/her parent, guardian or a responsible adult or (2) is on the private property of his/her parent or guardian and has on his/her person both the dated written permission of his/her parent or guardian to be in possession of the small arm device and one (1) of the following (i) a valid California Hunting License, or (ii) a California Hunter's Safety Certificate, or (iii) if in possession of a spear gun, a valid California Fishing License.
- c.** No minor over the age of fourteen (14) years and under the age of eighteen (18) years may be in possession of a small arms device in the Town of Windsor unless such minor (1) is accompanied by his/her parent, guardian or a responsible adult, or has on his/her person and dated written permission of his/her parent or guardian to be in possession of the small arms device and one (1) of the following: (i) a valid California Hunting License, or (ii) a California Hunter's Safety Certificate, or (iii) if in possession of a spear gun, a valid California Fishing License.
- d.** No minor in possession of a small arms device may be on private property in the Town of Windsor unless such minor is accompanied by the owner or controller of such property or is in possession of the dated written consent of the owner or controller of such property.
- e.** For purposes of this section, the term "**responsible adult**" shall mean a person over eighteen (18) years of age in immediate possession of (1) a valid California Hunting License, or (2) a California Hunter Safety Certificate or (3) a California Fishing License if the small arms device which is possessed by the minor is a speargun.
- f.** Violation of this section is a misdemeanor and shall be punishable on first offense by a fine of one hundred (\$100.00) dollars and on each subsequent offense by a fine of not less than one hundred (\$100.00) dollars nor more than one thousand (\$1,000.00) dollars.

**Section 3-10-1715. Responsibility of parent or guardian.**

Any parent or guardian who permits or suffers a minor in his care and custody to violate any provisions of this article shall be guilty of a misdemeanor punishable on first offense by a fine of one hundred (\$100.00) dollars and on any subsequent offense by a fine of not less than one hundred (\$100.00) dollars nor more than one thousand (\$1,000.00) dollars. Any such parent or guardian shall be liable for any damages suffered by third persons or agencies by reason of violation of this section by the minor to the full extent provided by State law.

**Article 18 – Sales of Concealable Weapons**

**Section 3-10-1800. Licensing authority.**

The Chief of Police is hereby designated as the licensing authority for the regulation of the business of selling, transferring, advertising, offering, or exposing for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon a person pursuant to the provisions of the Penal Code Section 12071.

**Section 3-10-1805. Licensing fee.**

The Chief of Police is authorized and directed to collect a fee established by resolution of the Town Council for the administration of the licensing required by Penal Code Section 12071.

**Woodside Municipal Code**

Codified through Ordinance Number 2022-626, adopted April 12, 2022. (Supp. No. 9)

**Title XIII – General Offenses**

**Chapter 130 – Offenses Against Town Regulations**

**Article II – Weapons Offenses**

**Section 130.15. Firearm defined.**

For the purpose of this chapter firearm shall mean any cannon, gun, pistol, revolver, automatic pistol, rifle, shotgun, "BB" gun, air gun, pellet gun, or other weapon of a similar nature designed to discharge a projectile propelled by the expansion of a gas.

**Section 130.17. Possession by minors; exceptions.**

**(A)** It shall be unlawful for any person under the age of 18 years to have in his/her possession in a public place any firearm, except as otherwise provided in division (B) below of this section.

**(B)** The provisions of division (A) above of this section shall not apply to the following persons under the age of 18 years:

- (1)** When such persons are in the immediate charge of a parent, guardian, or adult person having the responsibility for the conduct of such person under the age of 18 years;

(2) When the firearm is unloaded and either in a dismantled or "take-down" condition or completely wrapped or in a carrying case made for the purpose of carrying such firearm. A gun shall be deemed to be unloaded only when no ammunition or propellant is in any part of the gun or magazine or clip thereof; and

(3) When such persons are lawfully hunting pursuant to the provisions of the Cal. Fish & Game Code and in possession of a hunting license issued as prescribed by said Cal. Fish & Game Code.

## **Yucaipa Code of Ordinances**

Current through Ordinance Number 405-U and the May 2022 code supplement.

### **Title 8 – Health and Safety**

#### **Chapter 8.32 – Firearms**

##### **Section 8.32.040. Purchase of firearms.**

No person except a parent or guardian shall purchase from, sell, exchange, give, lend or furnish to any person under the age of eighteen (18) years, a revolver or pistol of any description, shotgun or rifle, which may be used for the explosion of cartridges, or any airgun; "B-B" gun, gas-operated gun or spring gun, or any knife or knives having the appearance of a pocketknife, the blade or blades of which can be opened by a flick of a button, pressure of the handle or other mechanical devices, or any instrument, toy or weapon commonly known as a "sling slot," or any

bow made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such instrument is called by any name set forth above or by any other name. Any such weapon possessed in violation of this chapter may be confiscated by any peace officer.

##### **Section 8.32.050. Prohibiting firearms – Possession by minors.**

No person under the age of eighteen (18) years shall have in his possession, care, custody or control, any of the articles mentioned in Section 8.32.040 of this chapter except within his own domicile or except when accompanied by and under the immediate supervision of a parent, guardian, or responsible adult. This section shall not apply to any person possessing a valid California hunting license.

##### **Section 8.32.060. Disposition of confiscated firearms.**

Every peace officer taking a weapon used in violation of this chapter, shall deliver the same to the sheriff to be held by him until the final determination of the prosecution for the offense, and upon the finding of guilt it shall then be the duty of the sheriff on a first offense to return the weapon to the owner and on a second offense the sheriff is authorized to confiscate and destroy it.

##### **Section 8.32.080. Retail licenses.**

The community development director of the city shall be the licensing authority for the city responsible for accepting applications and granting licenses under the provisions of California Penal Code, Section 12071. The director shall collect an annual license fee of fifty dollars (\$50.00) for each license issued pursuant to Penal Code Section 12071. License fees collected under this section shall be deposited in the city general fund.