

ORDINANCE NUMBER O- 16422 (NEW SERIES)

ADOPTED ON MAY 6 1985

AN ORDINANCE AMENDING CHAPTER III,
ARTICLE 3, OF THE SAN DIEGO MUNICIPAL
CODE BY ADDING DIVISION 42 SECTIONS
33.4201, 33.4202, 33.4203, 33.4204,
33.4205, 33.4206, 33.4207, 33.4208, AND
33.4209 RELATING TO THE REGULATION OF
FIREARM DEALERS.

BE IT ORDAINED, by the Council of The City of San Diego as follows:

Section 1. That Chapter III, Article 3, of the San Diego Municipal Code be and the same is hereby amended by adding Division 42, Sections 33.4201, 33.4202, 33.4203, 33.4204, 33.4205, 33.4206, 33.4207, 33.4208, and 33.4209 relating to the regulation of firearm dealers to read as follows:

SEC. 33.4201 PERMIT REQUIRED

(a) No person, association, partnership, or corporation shall engage in business as a firearm or ammunition dealer until he has filed an application and received a permit to do so from the Chief of Police.

(b) The application shall be in such form as prescribed by the Chief of Police.

SEC. 33.4202 DEFINITIONS

For the purpose of this Division, the following words shall mean:

(a) "Firearm" shall mean any weapon including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.

(b) "Dealer" shall mean any person, association, partnership, or corporation who engages in the business of selling new or used firearms or ammunition at wholesale or retail.

SEC. 33.4203 PERMIT NOT TRANSFERABLE

Each permit issued hereunder shall be issued to a specific person, association, partnership, or corporation to conduct business as a firearm dealer at a specific location. In no event shall the permit be transferred from one owner to another or from one location to another without prior approval of the Chief of Police.

SEC. 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 omission of a material fact in the application; or

(b) The operation of the business as proposed pursuant to the issuance or renewal of a permit will not be in compliance with the building, fire, health, and zoning requirement as set forth in this Code; or

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

(d) 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; or

(e) The applicant has not been licensed as required by federal law and the State of California.

(f) The applicant has within five (5) years immediately preceding the date of filing of the application 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 of any controlled substance specified in Sections 11054, 11055, 11056, 11057, or 11058 of the Health and Safety Code; or

(4) Any offense in another state which, if committed in this state, would have been punishable as one or more of the heretofore mentioned offenses.

SEC. 33.4205 PERMIT RENEWAL

A valid permit issued pursuant to the provisions of this Code must be renewed annually 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 thirty (30) days prior to the expiration of the existing permit.

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

SEC. 33.4206 REGULATIONS

(a) All firearm dealers shall be open to police inspection during all hours of operations.

(b) The business shall be carried on only in the building designated in the permit.

(c) The permit or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can be easily read.

(d) No firearm dealer shall sell, deliver, or otherwise transfer any firearm in violation of state or federal law.

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

(f) The business shall be carried on, maintained, or conducted entirely inside an enclosed building or buildings; and such building shall be protected with adequate security to deter theft or unlawful entry.

SEC. 33.4207 REVOCATION OF PERMIT

In addition to the grounds enumerated in Section 33.0401, the Chief of Police may revoke a firearm dealer's permit if he finds that the permittee or any agent or representative thereof is not operating in full compliance with all provisions of this Division; or in the event the person holding a permit is convicted of any of those offenses enumerated in Section 33.4204; or in the event any of the conditions listed on the permit are violated.

SEC. 33.4208 PENALTIES

Any person violating any of the provisions or failing to comply with any of the requirements of this Division shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine not to exceed five hundred dollars (\$500) or by imprisonment in the county jail for a period of not more than six (6) months or by both such fine and imprisonment.

SEC. 33.4209 SEVERABILITY

If any provision, clause, sentence, or paragraph of this Division or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or applications of the provisions of this Division which can be given effect without the invalid provision or application, and to this end the provisions of this Division are hereby declared to be severable.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By *Susan M. Heath*
Susan M. Heath, Deputy

SMH:mem:3/22/85
Or.Dept:Police
O-85-161

Passed and adopted by the Council of The City of San Diego on MAY 6 1985,
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

APR 22 1985, and on MAY 6 1985.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16422 Adopted MAY 6 1985

RECEIVED
CITY CLERK'S OFFICE

1985 APR 12 PM 2 07

SAN DIEGO, CALIF.

APR 11 1985

APR 11 1985

00629

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE

1985 MAY 28 AM 8:59
SAN DIEGO, CALIF.

CITY OF SAN DIEGO
CITY ADMINISTRATION
202 C Street, 12th Fl.
San Diego, CA 92101

IN THE MATTER OF
AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, OF THE SAN DIEGO
MUNICIPAL CODE BY ADDING DIVISION 42 SECTIONS 33.4201, 33.4202,
33.4203, 33.4204, 33.4205, 33.4206, 33.4207, 33.4208, AND 33.4209
RELATING TO THE REGULATION OF FIREARM DEALERS

NO.

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ADOPTED ON MAY 6, 1985
AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, OF
THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 42
SECTIONS 33.4201, 33.4202, 33.4203, 33.4204, 33.4205,
33.4206, 33.4207, 33.4208, AND 33.4209 RELATING TO THE
REGULATION OF FIREARM DEALERS.
This ordinance adds Division 42 to the San Diego Municipal Code
relating to police licensing and regulation of firearm dealers.
A complete copy of the ordinance is available for inspection in the
office of the City Clerk of The City of San Diego, 12th Floor, City
Administration Building, 202 "C" Street, San Diego, CA 92101.
Adopted on April 22, 1985.
Approved and adopted by the Council of The City of San Diego on
May 6, 1985.
CERTIFICATED BY
LESTER HEDGECOCK
City Clerk of The City of San Diego, California.
WILLIAM G. ABDELNOUR
Deputy City Clerk of The City of San Diego, California.
WITNESSED BY
ELEN BOYARD, Deputy
City Clerk
Published May 20, 1985

I, Michael L. Ungashick, am a citizen
of the United States and a resident of the County aforesaid; I am over the
age of eighteen years, and not a party to or interested in the above-entitled
matter. I am the principal clerk of the San Diego Daily Transcript, a
newspaper of general circulation, printed and published daily, except
Saturdays and Sundays, in the City of San Diego, County of San Diego, and
which newspaper has been adjudged a newspaper of general circulation by
the Superior Court of the County of San Diego, State of California, under
the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER 0-16433 (NEW SERIES)
ADOPTED ON MAY 6, 1985

is a true and correct copy of which the annexed is a printed copy and was
published in said newspaper on the following date(s), to wit:

May 20, 1985

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 20th day of May, 19 85.

Michael L. Ungashick
(Signature)

2 1/8" x 2 x 9.76 = 41.48

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