

Article 3: Police Regulated Occupations and Businesses**Division 42: Regulation of Firearm Dealers**

*(“Regulation of Firearm Dealers”
added 5-6-1985 by O-16028 N.S.)*

§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 Section 33.4201.

(Amended 2-6-1995 by O-18158 N.S.)

§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 Section 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.

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“Person” has the same meaning as that in San Diego Municipal Code section 11.0210.

(Amended 2-6-1995 by O-18158 N.S.)

§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 thirty (30) calendar days after receipt of such federal license to apply for a City permit in compliance with the provisions of this Division.

(“Application for Permit” added 2-6-1995 by O-18158 N.S.)

§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 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 a Firearm Dealer as required by federal law and the State of California; or
- (f) The applicant, within five (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:

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

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

(Amended 2-6-1995 by O-18158 N.S.)

§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 thirty (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 Section 33.4205(a), the permit shall expire one (1) year after the date of its issuance or last renewal.

(“Permit Renewal” added 2-6-1995 by O-18158 N.S.)

§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.

(Amended 2-6-1995 by O-18158 N.S.)

§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 section 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.

(“Permit Not Transferable” added 2-6-1995 by O-18158 N.S.)

§33.4208 Permit Restricted to One Location

The Firearm Dealer business may be carried on only in the location designated in the permit. Only one Firearm Dealer permit may be issued per location.

(Amended 2-6-1995 by O-18158 N.S.)

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§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.

(Amended 2-6-1995 by O-18158 N.S.)

§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 section 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.

(“Business and Security Regulations” added 2-6-1995 by O-18158 N.S.)

§33.4211 Revocation of Permit

In addition to the grounds enumerated in Section 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 Section 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 five (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

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employee has been convicted of any of the offenses enumerated in Section 33.4204; or

- (d) Any of the conditions listed on the permit are violated.
(*“Revocation of Permit” added 2-6-1995 by O-18158 N.S.*)

§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 section 33.4212(a) of this Municipal Code, and the printed material required by section 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 section 33.4212 shall be in force and effect, and shall apply to all firearms dealers now or hereafter licensed, ninety 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 sections 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 section 178.
- (h) The requirements in sections 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.

(“Provision of Trigger Locks” added 3-17-1998 by O-18472 N.S.)