



## Planning Services Division

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Firearms Ordinance No. 433-434

6-421 Firearm sales.

“Firearm sales” means the sale, transfer, lease, offer or advertising for sale or lease of a firearm, which includes a gun, pistol, revolver, rifle or 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. (Ord. 443 § 1, 1995: Ord. 433 § 2, 1994)

8-601 Definition of firearm.

In this Article 1, “firearm” means a gun, pistol, rifle, revolver, air rifle or air gun, b-b gun and bow and arrow or crossbow, or any other instrument of any kind, character or description which throws or projects a bullet or missile or substance by means of elastic force, air or explosive substance likely to cause bodily harm. (Ord. 439 § 2 (part), 1995: Ord. 433 § 9 (part), 1994: Ord. 23 § 1 (part), 1968)

8-602 Unlawful to discharge firearm within the city.

No person may fire or discharge a firearm, as defined by Section 8-601, within the city, nor may a parent, guardian or person having the care, custody or control of a minor permit the minor to fire or discharge a firearm within the city. (Ord. 439 § 2 (part), 1995: Ord. 433 § 9 (part), 1994: Ord. 23 § 1 (part), 1968)

8-603 Exceptions to prohibition of Section 8-602.

Section 8-602 does not apply to the use of a firearm by:

- (a) A peace officer or person in the military service in the discharge of his duties;
- (b) A person using a firearm in the defense of their person or the life of another person or in defense of his livestock or domestic animal or his property, to the extent authorized by law.

(Ord. 433 § 9 (part), 1994: Ord. 23 § 1 (part), 1968)

8-604 Reserved.

Article 2. Sale of Firearms and Munitions

8-605 Police permit required.

- (a) Except as provided in Penal Code § 12070(b), as it may be amended from time to time, it is unlawful for a person to engage in the activity of “firearm sales” as that term is defined under Section 6-421 without a police permit as required by this chapter.
- (b) The requirement for a police permit is in addition to the requirement under Section 6-533 for a land use permit for firearm sales activity. No person may engage in firearm sales activity without both a land use permit from the planning commission or city council on appeal and a police permit.

(Ord. 433 § 9 (part), 1994)

8-606 Application.

- (a) An applicant for a permit or renewal of 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:

- (1) The 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 Section 8-609;

(5) Proof of the issuance of a land use permit at the proposed location required under Section 6-533;

(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) Certification of satisfaction of insurance requirements under Section 8-610;

(11) All convictions of the applicant for any of the offenses listed in Section 8-612(5).

(b) The application shall be accompanied by a nonrefundable fee for administering this chapter established by city council resolution.

(Ord. 433 § 9 (part), 1994)

#### 8-607 Investigation by 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 considers necessary to complete the investigation.

(Ord. 433 § 9 (part), 1994)

#### 8-608 Conditions of approval.

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

(1) 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, which is authorized by federal and state law upon compliance with federal and state law;

(2) The police permit, or a certified copy of it, shall be displayed on the premises and at gun shows where it can be easily seen;

(3) 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 firearms sales activity is the primary business performed at the site;

(4) The permittee shall not deliver a firearm to a purchaser earlier than is allowed by applicable state and federal law;

(5) The permittee shall not deliver a firearm to another purchaser, lessee or other transferee unless the firearm is unloaded and securely wrapped or unloaded in a locked container;

(6) The permittee shall not deliver a firearm to a purchaser, lessee or other transferee under the age of 18 years, or a firearm capable of being concealed upon the person to another person under the age of 21 years. Clear evidence of the identity and age of the purchaser shall be required before delivery of a firearm to a purchaser, lessee or other

transferee. Evidence of identity may include, but is not limited to, a motor vehicle operator's license, a state identification card, an armed forces identification card, an employee identification card containing the bearer's signature and photograph, or similar documentation which provides the permittee or seller reasonable assurance of the identity and age of the purchaser;

(7) The permittee shall not sell, lease or otherwise transfer a firearm to a person whom the permittee or seller has reason to believe is within any of the classes prohibited by Penal Code sections 12021 or 12021.1, or Welfare and Institutions Code sections 8100 or 8103;

(8) No firearm or imitation of one or placard advertising its sale or other transfer shall be displayed in any part of the premises where it can readily be seen from the outside;

(9) 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;

(10) The permittee shall properly and promptly process firearms transactions as required by Penal Code section 12082;

(11) The permittee shall keep a register of sales as required by Penal Code sections 12073 and 12077;

(12) The permittee shall post conspicuously within the licensed premises all charges and fees required by Penal Code section 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.”

(13) No firearm capable of being concealed on the person shall be delivered to a purchaser or transferee, unless that person presents to the permittee or seller a current basic firearm safety certificate, unless otherwise exempted by state law;

(14) The permittee shall offer to provide to the purchaser or transferee of a firearm 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;

(15) The permittee shall report the loss or theft of a firearm that is merchandise of the permittee, a firearm that the permittee takes possession of pursuant to Penal Code section 12082, or a firearm kept at the permittee's place of business within 48 hours of discovery to the police department.

(Ord. 439 § 3, 1995; Ord. 433 § 9 (part), 1994)

8-609 Repealed by Ordinance 490.

8-610 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 \$1,000,000 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.

(Ord. 433 § 9 (part), 1994)

8-611 Issuance of police permit—Duration.

(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 and planning codes.

(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, 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 45 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 8-614.

(Ord. 433 § 9 (part), 1994)

8-612 Grounds for permit denial.

The police chief shall deny the issuance or renewal of a police permit when one or more of the following conditions exist:

(1) The applicant is under 21 years of age;

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

(3) The applicant has had a firearms permit or 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 a police permit. If a permit is denied on this ground, the applicant is prohibited from reapplying for a permit for a period of two years;

(5) The applicant has been convicted of:

(A) 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,

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

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

(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 state Health and Safety Code, as it now reads or may hereafter be amended to read;

(6) The applicant is within a class of persons defined in the Welfare and Institutions Code sections 8100 or 8103;

(7) 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;

(8) The operation of the business as proposed would not comply with federal, state and local law.

(Ord. 433 § 9 (part), 1994)

8-613 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 permit also constitute grounds for revocation. (Ord. 433 § 9 (part), 1994)

8-614 Hearing for permit denial or revocation.

(a) A person whose application for a 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 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 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 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 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 Section 1-215.

(Ord. 433 § 9 (part), 1994)

8-615 Nonassignability.

A police permit issued under this chapter is not assignable. An attempt to assign a police permit makes the permit void. (Ord. 433 § 9 (part), 1994)

8-616 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 60 days after the effective date, comply with this chapter and any amendment to it, except for the requirement for a land use permit under Section 8-605(b). (Ord. 433 § 9 (part), 1994)