

ORDINANCE 6,764–N.S.

AMENDING BERKELEY MUNICIPAL CODE SECTION 9.72.080 BY REPEALING SUBSECTION (G), WHICH HAS BEEN PREEMPTED AND MADE DUPLICATIVE BY PASSAGE OF STATE LAW.

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Section 9.72.080 of the Berkeley Municipal Code is amended as follows:

9.72.080 Permit issuance, conditions–Terms–Right to inspect premises and records.

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 and denial of any application to renew a permit or to obtain a future permit:

A. The business shall be carried on only in the building located at the street address shown on the City of Berkeley permit;

B. The permittee shall observe all federal, state and local constraints on the operation of the permitted business including but not limited to California Penal Code Sections 12072(b), 12073, 12074, 12077, and 12082, to the extent that the provisions remain in effect;

C. The permittee shall keep complete and current records of all firearms transactions. In addition to the requirements in 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 necessary or helpful in tracking the weapon;

D. Whenever prospective purchasers of firearms or supplies conduct themselves in a manner which would lead a reasonable person to conclude that the purchasers may be intending to use the firearms to harm themselves or others, the permittee, or any officer, employee, or agent thereof who will have access and control over firearms, shall inquire further into the reasons for such purchases. If the inquiry provides evidence which would confirm to a reasonable person, under similar circumstances, that the purchasers intend to use the firearms to harm themselves or others, the permittee, officer, agent or employee thereof shall decline to sell such prospective purchasers the firearms or supplies;

E. The permittee consents 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;

F. 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.

G. The law enforcement permit, or a certified copy of it, shall be displayed on the premises where it can be easily seen;

H. The permittee shall not permit any person under 18 years of age to enter or remain within the premises without being accompanied by his or her parent or legal guardian where firearm sales activity is the primary business performed at the site;

I. The permittee shall mail or deliver a copy of each Dealer Record of Sale (DROS) form to the Chief of Police within seven days of the transfer of any firearm. (Ord. 6519-NS, 1999)

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the glass case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley, held on July 15, 2003 this Bill was passed to print and ordered published by posting by the following vote:

Ayes: Councilmembers Breland, Hawley, Maio, Olds, Shirek, Spring, Worthington, Wozniak and Mayor Bates.

Noes: None.

Absent: None.

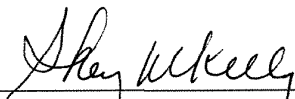
At a regular meeting of the Council of the City of Berkeley held on September 9, 2003, this Ordinance was adopted by the following vote:

Ayes: Councilmembers Breland, Hawley, Maio, Olds, Shirek, Spring, Worthington, Wozniak and Mayor Bates.

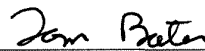
Noes: None.

Absent: None.

ATTEST:



Sherry M. Kelly, City Clerk



Tom Bates, Mayor

In effect: October 9, 2003