

## ORDINANCE NO. 2527

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDWOOD CITY AMENDING CHAPTERS 37 AND 37A OF THE MUNICIPAL CODE TO ADOPT LICENSING AND SECURITY REQUIREMENTS FOR RETAIL ESTABLISHMENTS SELLING FIREARMS OR AMMUNITION

**WHEREAS**, federal law requires firearm dealers to obtain a license from the Bureau of Alcohol, Tobacco, Firearms & Explosives (“ATF”) and to comply with all state and local dealer laws as a condition for retaining their federal licenses; and

**WHEREAS**, as of March 2023, there were 9,672 individuals federally licensed to sell firearms in California;<sup>1</sup> and

**WHEREAS**, federal laws are silent regarding many important aspects of the firearm dealer’s business, such as its location (leaving dealers free to operate out of their homes and near schools and other places children frequent, absent state or local regulation) and security requirements during business hours, which are currently inadequate to protect the public safety; and

**WHEREAS**, California is among a minority of states that impose licensing requirements on firearms dealers, provide for the issuance of local firearms dealer licenses, and emphasize the authority of cities and counties to regulate firearms dealers; and

**WHEREAS**, under California Constitution Article XI, section 5, charter cities such as the City of Redwood City have reserved powers to regulate with respect to municipal affairs; and

**WHEREAS**, California Constitution Article XI, section 7 gives cities and counties the power to pass zoning regulations by providing that they “may make and enforce within its limits all police, sanitary, and other ordinances and regulations not in conflict with general laws”; and

**WHEREAS**, the California Court of Appeal in *Suter v. City of Lafayette* (1997) 57 Cal.App.4th 1109 reaffirmed that state law authorizes local governments in California to impose additional licensing requirements on firearms dealers; and

**WHEREAS**, the Ninth Circuit Court of Appeals in *Teixeira v. County of Alameda* (9th Cir. 2017) 873 F.3d 670 upheld a zoning ordinance that imposed conditional use permit requirements for firearms and ammunition retailers, and that also prohibited such retail uses within 500 feet of certain sensitive zoning districts or uses (e.g., residential zoning districts, schools, other firearms retailers, and liquor stores), explaining that the

---

<sup>1</sup> U.S. Dep’t of Justice, Bureau of Alcohol, Tobacco, Firearms & Explosives, *Federal Firearms listings*, at <https://www.atf.gov/firearms/docs/undefined/0323-ffl-list-type-statepdf/download>, (last visited April 24, 2023).

Second Amendment does not independently protect retailers' rights to sell firearms and ammunition and that the ordinance did not unconstitutionally infringe on prospective purchasers' Second Amendment rights; and

**WHEREAS**, the U.S. Supreme Court decision in *N.Y. State Rifle & Pistol Ass'n v. Bruen* (2022) 142 S.Ct. 2111 concerned individuals' rights to possess or carry firearms in public and held that New York's very restrictive licensing requirements for carrying firearms in public violated individuals' Second Amendment rights, but it did not concern zoning regulations for retailer uses or retailer-license requirements; moreover, the concurring opinion noted that state and local governments may lawfully impose objective safety regulations regarding carrying and possessing firearms in public; and

**WHEREAS**, the U.S. Supreme Court decision in *City of L.A. v. Alameda Books* (2002) 535 U.S. 425, 439-40, which concerned regulations that affected First Amendment rights to free speech, held that local governments enacting zoning laws must be given the chance to "experiment with solutions to admittedly serious problems," even when constitutional rights are at issue; local governments considering an "innovative solution" to reduce crime and other secondary effects "may not have data" to directly prove "the efficacy of [their] proposal[s] because the solution would, by definition, not have been implemented previously"; and

**WHEREAS**, the California Supreme Court has held, in *California Building Industry Assn. v. City of San Jose* (2015) 61 Cal.4th 435, that zoning regulations are presumptively constitutional; and

**WHEREAS**, the International Association of Chiefs of Police recommends that local governments impose their own licensing requirements on firearms dealers because local requirements can respond to specific community concerns, and local review of licensees provides additional resources to identify and stop corrupt dealers;<sup>2</sup> and

**WHEREAS**, a 2009 study, *Effects of State-Level Firearm Seller Accountability Policies on Firearms Trafficking*, found that cities in states that comprehensively regulate retail firearms dealers and cities where these businesses undergo regular compliance inspections have significantly lower levels of gun trafficking than other cities;<sup>3</sup> and

**WHEREAS**, while California law requires a digital video surveillance system, no federal or California law imposes any other security requirements on firearms dealers during business hours or requires firearms dealers or ammunition sellers to install burglar alarms. California law explicitly allows local jurisdictions to impose security requirements

---

<sup>2</sup> International Association of Chiefs of Police (IACP), *Taking a Stand: Reducing Gun Violence in Our Communities* p. 14 (Sept. 2007), available at: <https://www.theiacp.org/sites/default/files/all/a/ACF1875.pdf>, (last visited April 24, 2023).

<sup>3</sup> Daniel W. Webster et al., *Effects of State-Level Firearm Seller Accountability Policies on Firearms Trafficking*, *J. Urb. Health* (July 2009), available at: [https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2704273/pdf/11524\\_2009\\_Article\\_9351.pdf](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2704273/pdf/11524_2009_Article_9351.pdf) (last visited April 24, 2023).

on firearms dealers that are stricter or at a higher standard than those imposed by state law; and

**WHEREAS**, no federal or California law prohibits firearms dealers or ammunition sellers from operating in residential neighborhoods or near schools, daycare centers, parks, or other places children frequent, or requires firearms dealers or ammunition sellers to obtain a land use permit; and

**WHEREAS**, a 2020 study, *Proximity of Gun Stores to High Schools and Student Gun Carrying*, found that the proximity of gun stores to schools is significantly associated with self-reported gun carrying at school;<sup>4</sup> and

**WHEREAS**, according to data from Giffords Law Center, as of December 13, 2022, in California:<sup>5</sup>

- 89 cities and 17 counties require firearms dealers to obtain a license or permit.
- 37 cities and four counties require firearms dealers to obtain liability insurance.
- 75 cities and eight counties expressly prohibit firearms dealers from operating as a home occupation.
- 33 cities and five counties prohibit firearms dealers from being located near sensitive areas, such as daycare centers, schools, parks, places of worship, community/recreation centers, and other places children frequent; and

**WHEREAS**, firearms dealers are considered a high-value target for criminals and have been magnets for break-ins, theft, and destruction of property.<sup>6</sup> According to the ATF, a total of 4,691 firearms were stolen from gun dealers in 2019.<sup>7</sup> This number significantly increased in 2020, with 7,180 guns stolen from FFLs nationwide;<sup>8</sup> and

---

<sup>4</sup> Zhang, G., Nakamoto, J., & Wendt, S. (2021). "Proximity of Gun Stores to High Schools and Student Gun Carrying." *Crime & Delinquency*, 67(9), 1381–1403, <https://doi.org/10.1177/0011128720902694>, (last visited April 25, 2023.)

<sup>5</sup> Giffords Law Center to Prevent Gun Violence, *Communities on the Move*, at: <https://giffords.org/lawcenter/report/communities-on-the-move-local-gun-safety-legislation-in-california/>, (last visited April 24, 2023).

<sup>6</sup> According to the Special Agent in Charge of ATF's Sacramento office, "When people break into homes or businesses, guns are often the target. ... [O]f the commodities that we find that people that are involved in criminal activity are looking for, guns are very high on the list." Lynn Walsh, Dave Manoucheri and Mari Payton, *Stolen Guns Fuel Underground Market For Criminals in California*, NBC7 San Diego, Aug. 9, 2016, <http://www.nbcsandiego.com/investigations/Stolen-Guns-Fuel-Underground-Market-For-Criminals-in-California-389352802.html>, (last visited April 24, 2023).

<sup>7</sup> U.S. Dep't of Justice, Bureau of Alcohol, Tobacco and Firearms, *Federal Firearms Licensee Burglary and Robbery Statistics - Calendar Year 2015 – 2019* (Jan. 2020), available at: <https://www.atf.gov/infographics/federal-firearms-licensee-burglary-and-robbery-statistics-calendar-year-2015-2019>, (last visited April 24, 2023).

<sup>8</sup> U.S. Dep't of Justice, Bureau of Alcohol, Tobacco, Firearms & Explosives, *Federal Firearms Licensee (FFL) Theft/Loss Report* (Jan. 4, 2021) at

**WHEREAS**, an ATF report revealed that 83 firearms were stolen from California dealers in 2019.<sup>9</sup> This number more than doubled in 2020, as 229 firearms were stolen from California dealers in 2020;<sup>10</sup> and

**WHEREAS**, federal and California laws require firearms dealers to report the loss or theft of any firearm within 48 hours of discovery to the local law enforcement agency where the dealer's business premises are located but do not otherwise require dealers to provide inventory reports to local law enforcement agencies; and

**WHEREAS**, a 2009 study, *Homicide and Geographic Access to Gun Dealers in the United States*, found that gun homicide rates in major cities were higher in areas where firearm dealers were more prevalent.<sup>11</sup> The authors analyzed ATF data showing that guns "are often found to have been used for criminal purposes not far from the gun dealer where they were first obtained";<sup>12</sup> and

**WHEREAS**, in 2020 and 2021, there were numerous reports of robberies or attempted robberies of firearms dealers in California. A sampling of incidents includes:

- Attempted smash-and-grab at Marin County Arms in Novato, CA. One rifle was stolen. March, 2021.<sup>13</sup>
- 29 firearms were stolen from Richardson Tactical in Hayward, CA. June, 2020.<sup>14</sup>
- 70 firearms, including 13 pistols, were stolen from Guns, Fishing and Other Stuff in Vacaville, CA. June, 2020.<sup>15</sup>

---

<https://www.atf.gov/firearms/docs/undefined/federalfirearmslicenseeffltheftlossreportjan2020-dec2020508pdf/download>, (last visited April 24, 2023).

<sup>9</sup> U.S. Dep't of Justice, Bureau of Alcohol, Tobacco, Firearms & Explosives, Federal Firearms Licensee (FFL) Theft/Loss Report (Jan. 2, 2020) at <https://www.atf.gov/file/142186/download>, (last visited April 24, 2023).

<sup>10</sup> U.S. Dep't of Justice, Bureau of Alcohol, Tobacco, Firearms & Explosives, Federal Firearms Licensee (FFL) Theft/Loss Report (Jan., 2021),

<https://www.atf.gov/firearms/docs/undefined/federalfirearmslicenseeffltheftlossreportjan2020-dec2020508pdf/download>, (last visited April 24, 2023).

<sup>11</sup> Douglas J. Wiebe et al., *Homicide and Geographic Access to Gun Dealers in the United States*, BMC Public Health 2009, 9:199, at 2, 6, available at <http://www.biomedcentral.com/1471-2458/9/199>, (last visited April 24, 2023).

<sup>12</sup> *Id.* at 2 (observing that it is "helpful to adopt an urban planning perspective when considering the possibility that [federally-licensed firearms dealers] could be impacting local homicide rates").

<sup>13</sup> *Car Driven Into Novato Gun Store in Attempted Robbery*, KPIX-CBS, Mar. 4, 2021,

<https://sanfrancisco.cbslocal.com/2021/03/04/car-driven-into-novato-gun-store-in-apparent-robbery-attempt/>, (last visited April 24, 2023).

<sup>14</sup> Jake Sheridan, *Amid Bay Area looting, Hayward gun store is robbed of 29 firearms*, LA Times, Jun. 4, 2020,

<https://www.latimes.com/california/story/2020-06-04/amid-bay-area-looting-hayward-gun-store-robbed-of-29-firearms>, (last visited April 9, 2023).

<sup>15</sup> Rick Hurd, *Feds Indict Five Bay Area Residents with Stealing 70 Guns from North Bay Gun Store*, East Bay Times, Jun. 26, 2020, <https://www.eastbaytimes.com/2020/06/26/feds-indict-five-with-stealing-70-guns-from-bay-area-gun-store/>, (last visited April 24, 2023).

- Nine “long guns” were stolen from Alex Imports Gun Shop in La Mesa, CA. June, 2020;<sup>16</sup> and

**WHEREAS**, based on the above evidence, the presence of firearms dealers in residential neighborhoods and sensitive areas may endanger the public (and decrease the public’s sense of safety<sup>17</sup>) by increasing the risk of criminal activity, such as gun thefts, “smash-and-grab” robberies, trafficking, and straw buying, as well as violent crime, including gun homicide; and

**WHEREAS**, the City has a compelling interest in protecting the public health, safety, and welfare of its residents by regulating retail establishments selling firearms or ammunition; and

**WHEREAS**, on July 24, 2023, the City Council held a duly-noticed public hearing on the proposed Municipal Code ordinance amendments and on said date, the public hearing was opened, held, and closed, and all interested members of the public were afforded an opportunity to be heard; and

**WHEREAS**, the proposed amendments to the Municipal Code would require a law enforcement permit for retail establishments selling firearms or ammunition and establish security requirements for such businesses (the “Ordinance Amendments”); and

**WHEREAS**, at the public hearing, the City Council considered the staff reports, oral and written, and the testimony and materials presented by all those wishing to be heard on the Ordinance Amendments; and

**WHEREAS**, the City Council has reviewed and considered the determination under the California Environmental Quality Act (“CEQA”) prior to taking any approval actions.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF REDWOOD CITY DOES ORDAIN AS FOLLOWS:**

**Section 1. Recitals.** The recitals set forth above are true and correct and are hereby incorporated herein by this reference as if fully set forth in their entirety.

**Section 2. Compliance with CEQA.** This Ordinance has been reviewed with respect to applicability of the California Environmental Quality Act (“CEQA”) and the CEQA Guidelines (California Code of Regulations, Title 14, sections 15000 et seq.). The Ordinance is not a project under CEQA Guidelines section 15378 including because it

---

<sup>16</sup> KUSI Newsroom, *\$10,000 Reward for Information on Gun Store Burglary in La Mesa*, KUSI, Jun. 9, 2020, <https://www.kusi.com/10000-reward-for-information-on-gun-store-burglary-in-la-mesa/>, (last visited April 24, 2023).

<sup>17</sup> See *Friedman v. City of Highland Park*, 784 F.3d 406, 412 (7th Cir. 2015) (law that reduces the “perceived risk from a mass shooting, and mak[es] the public feel safer as a result” provides “a substantial benefit”).

involves organizational or administrative activities that will not result in direct or indirect physical changes in the environment.

**Section 3. Amendments to the Municipal Code.** The City Council hereby adopts the Ordinance Amendments as provided in Exhibit "A", deleting Chapter 37 (Weapons) and Chapter 37A (Safe Storage of Firearms in a Residence) in their entirety and replacing them with a new Chapter 37 (Firearms and Ammunition), attached hereto and incorporated by reference. Wording in brackets ([example]) is informational only and is not to be included in the published ordinance.

**Section 4. Severability.** If any section, subsection, clause, or phrase of the Ordinance Amendments is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections of the Ordinance Amendments. The City Council hereby declares that it would have adopted the Ordinance Amendments and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

**Section 5. Effective Date.** The Ordinance Amendments shall go into effect 30 days following their adoption.

**Section 6.** The City Clerk shall publish the Ordinance Amendments in accordance with the provisions of the City Charter.

\* \* \*

## EXHIBIT A

[Chapter 37 (Weapons) and Chapter 37A (Safe Storage of Firearms in a Residence) are deleted in their entirety and replaced with a new Chapter 37 (Firearms and Ammunition).]

### **Chapter 37 – FIREARMS AND AMMUNITION**

#### **Article I. – WEAPONS**

#### **Article II. – SAFE STORAGE OF FIREARMS IN A RESIDENCE**

#### **Article III. – LAW ENFORCEMENT PERMIT FOR RETAIL ESTABLISHMENTS SELLING FIREARMS OR AMMUNITION**

#### **Article I. - WEAPONS**

##### **Secs. 37.1—37.6. - RESERVED:**

##### **Sec. 37.7. - FIREARMS AND WEAPONS—DISCHARGE PROHIBITED:**

No person shall, within the City, discharge or fire or cause to be discharged or fired any firearm, cannon, anvil, gun, pistol, revolver or explosive of similar nature, rifle, shotgun, air rifle, air gun, BB gun, pellet gun, blow gun, slingshot, rubber sling, bow, cross bow, or other instrument, device or apparatus by means of which bullets, missiles or propellants of any kind or description are hurled or projected any distance, except that this Section shall not apply to the cases set forth in the following Section.

##### **Sec. 37.8. - FIREARMS AND WEAPONS—EXCEPTIONS TO SECTION 37.7:**

The provisions of the preceding Section as to the use of any of the firearms or other instruments, devices or apparatuses mentioned therein shall not apply to any of the following cases:

- A. To police, peace officers or persons in military service, in discharge of their duties and using reasonable care.
- B. To persons using firearms or other instruments, devices or apparatuses in necessary defense of self or property.
- C. To persons discharging or firing or causing to be discharged or fired such firearms or other instruments, devices or apparatuses at a regularly established firing, shooting, archery or target range, under competent adult supervision and with the consent of the owner or person in charge of any such firing, shooting, archery or target range.
- D. To persons duly licensed to hunt waterfowl discharging or firing or causing to be discharged or fired shotguns at waterfowl when in season, and in accordance with

the California Fish and Game Code and pertinent regulations of the State or the United States Government, within submerged lands and tidelands (to the point of mean high tide) of San Francisco Bay, excluding and excepting the following:

1. All of Steinberger Slough;
2. All of Smith Slough;
3. All of Belmont Slough;
4. All of Redwood Creek;
5. That portion of Corkscrew Slough lying between the confluence thereof with Redwood Creek and a line perpendicular to the centerline of said Slough one thousand (1,000) yards westerly of said confluence;
6. That portion of Corkscrew Slough lying between the confluence thereof with Steinberger Slough and a line perpendicular to the centerline of Corkscrew Slough one thousand (1,000) yards easterly of said confluence;
7. Within any wild life management area or game preserve managed by an agency of the State or the United States Government not expressly permitting such hunting;
8. Within any such lands on Redwood Peninsula, and within a band of land lying between the toe of that portion of the outboard levee on said Peninsula as said toe extends between the mouths of Belmont Slough and Steinberger Slough, and a line five hundred feet (500') bayward of and parallel with said toe of the levee, and including Bird Island; and provided that, prior to any such discharging or firing of such shotguns within such tidal or submerged lands bayward of such five hundred foot (500') wide band of land, there shall have been posted and maintained on Redwood Peninsula signs giving reasonable notice of the prohibition of shooting or hunting on said peninsula;
9. Within five hundred (500) yards of a residential or industrial building; and
10. Within five hundred (500) yards of any marked navigation channel.

**Sec. 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 their 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.



**Sec. 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.

**Sec. 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.

**Article II. – SAFE STORAGE OF FIREARMS IN A RESIDENCE**

**Sec. 37.12. - APPLICATION OF ARTICLE:**

The provisions of this Article shall apply within the jurisdictional boundaries of the City of Redwood City.

**Sec. 37.13. - DEFINITIONS:**

**FIREARM:** For the purpose of this Article, “firearm” means a firearm as defined in California Penal Code section 16520.

**LOCKED CONTAINER:** A locked container, as defined in California Penal Code section 16850, listed on the California Department of Justice Bureau of Firearms roster of approved firearm safety devices. For purposes of this Article, a “locked container” 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:** Any structure intended or used for human habitation, including but not limited to houses, apartments, condominiums, rooms, accessory dwelling units, motels, hotels, single room occupancy housing, time shares, recreational vehicles, and other vehicles where human habitation occurs.

**TRIGGER LOCK:** 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 23635.

**Sec. 37.14. - SAFE STORAGE OF FIREARMS IN A RESIDENCE REQUIRED:**

- A. Except when carried on the person, no person shall keep a firearm in any residence unless the firearm is stored in a locked container or is disabled with a trigger lock.
- B. To encourage reporting of lost or stolen firearms, a person who complies with California Penal Code section 25250 by reporting the loss or theft of a firearm they own or possess to a local law enforcement agency within five (5) days from the time they knew or reasonably should have known the firearm had been lost or stolen shall not be prosecuted for violation of Subsection A.

**Sec. 37.15. - PENALTY:**

A violation of this Section shall be subject to enforcement through civil penalties, as provided herein.

- A. Civil Penalties: The City may assess civil penalties pursuant to City Code Chapter 1, Article II (Administrative Code Enforcement) Sections 1.30.1—1.30.13 in addition to any other administrative or judicial remedy established by law, which may be pursued to address violations of the City Code.
- B. Each violation shall be deemed a distinct and separate offense.

**Secs. 37.16—37.20. - RESERVED:**

**Article III. - LAW ENFORCEMENT PERMIT FOR RETAIL ESTABLISHMENTS SELLING FIREARMS OR AMMUNITION**

**Section 37.21. - PURPOSE:**

It is the purpose and intent of this Article to establish a local program for the permit and regulation of the sale, lease, or transfer of firearms or ammunition. The provisions of this Article are not intended to contradict or duplicate any applicable state or federal law.

**Sec. 37.22. - DEFINITIONS:**

**AMMUNITION:** Means ammunition or 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 section 921(a)(16) of Title 18 of the United States Code.

**APPLICANT:** Means any person who applies for a law enforcement permit, or the renewal of such a permit, to sell, lease, or transfer firearms or ammunition.

**CHIEF OF POLICE:** Means the Chief of Police of the City of Redwood City or the Chief's designated representative.

**ENGAGE IN THE BUSINESS OF SELLING, LEASING, OR OTHERWISE TRANSFERRING ANY FIREARM OR AMMUNITION:** Means to conduct a business by the selling, leasing, or transferring of any firearm or ammunition, or to hold one's self out as engaged in the business of selling, leasing, or otherwise transferring any firearm or ammunition, or to sell, lease, or transfer 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 explosion or other means of combustion, provided that the term "firearm" shall not include an "antique firearm" as defined in section 921(a)(16) of Title 18 of the United States Code.

**PERMITTEE:** Means any person, corporation, partnership, or other entity engaged in the business of selling, leasing, or otherwise transferring any firearm or ammunition, which person or entity has obtained a law enforcement permit to sell, lease, or transfer firearms or ammunition.

**POLICE DEPARTMENT:** Means the Police Department of the City of Redwood City.

**Sec. 37.23. - LAW ENFORCEMENT PERMIT:**

It is unlawful for any person to engage in the business of selling, leasing, or otherwise transferring any firearm or ammunition within the City without a law enforcement permit, as required by this Article, and a use permit, as required by Article 58 of the Zoning Ordinance.

**Sec. 37.24. - APPLICATION FOR LAW ENFORCEMENT PERMIT:**

An applicant for a law enforcement permit or renewal of a law enforcement permit under this Article shall file with the Chief of Police an application in writing, signed under penalty of perjury, on a form prescribed by the City. The application shall be accompanied by a nonrefundable fee for administering this Article as established by City Council resolution.

**Sec. 37.25. - INVESTIGATION BY CHIEF OF POLICE:**

- A. The Chief of Police shall conduct an investigation of the applicant to determine, for the protection of the public health and safety, whether the law enforcement permit may be issued or renewed.

- B. Prior to issuance or renewal of the law enforcement permit, the Chief of Police may inspect the premises to ensure compliance with this Article.
- C. The Chief of Police shall grant or renew a law enforcement permit if the applicant or permittee is in compliance with this Article and all other applicable federal, state, and local laws.

**Sec. 37.26. - GROUNDS FOR PERMIT DENIAL OR REVOCATION:**

- A. The Chief of Police shall deny the issuance or renewal of a law enforcement permit, or shall revoke an existing law enforcement permit, if the operation of the business would not or does not comply with federal, state, or local law, or if any of the following conditions exist:
  - 1. The applicant, or any person who has or will have access to or control of firearms or ammunition in the workplace, including but not limited to, the applicant's employees, agents, and/or supervisors, if any, is under 21 years of age;
  - 2. The applicant is not permitted as a dealer in firearms under all applicable federal, state, or local laws;
  - 3. The applicant does not obtain an approved use permit for the proposed location as required under Section 37.23;
  - 4. The applicant has failed to fully comply with the application requirements, such as by refusing or failing to provide all of the requested information or refusing to agree to indemnify, defend, and hold harmless the City of Redwood City, its elected and appointed officials, officers, employees, and agents against claims arising from operation of the business;
  - 5. The applicant has made a false or misleading statement of a material fact or omission of a material fact in the application for a law enforcement permit or in any other documents submitted to the Chief of Police pursuant to this Article. If a law enforcement permit is denied on this ground, the applicant is prohibited from reapplying for a law enforcement permit for a period of five years;
  - 6. The applicant, or any person who has or will have access to or control of firearms or ammunition in the workplace, including but not limited to, the applicant's employees, agents, and/or supervisors, if any, has had a license or permit to sell, lease, transfer, purchase, or possess firearms or ammunition from any jurisdiction in the United States revoked, suspended, or denied for good cause within the immediately preceding five years;

7. The applicant, or any person who has or will have access to or control of firearms or ammunition in the workplace, including but not limited to, the applicant's employees, agents, and/or supervisors, if any, has been convicted of:
    - a. An offense which disqualifies that person from owning or possessing a firearm under Federal or California law, including, but not limited to, the offenses listed in Penal Code sections 29800-29875 and 29900-29905;
    - b. An offense relating to the manufacture, sale, possession, or use of a firearm or dangerous or deadly weapon or ammunition therefor;
    - c. An offense involving the use of force or violence upon the person of another;
    - d. An offense involving theft, fraud, dishonesty, or deceit; or
    - e. An offense involving the manufacture, sale, possession, or use of a controlled substance as defined by the State Health and Safety Code.
  8. The applicant is within a class of persons defined in Welfare and Institutions Code sections 8100 or 8103; or
  9. The applicant is currently, or has been within the past five years, an unlawful user of or addicted to a controlled substance as defined by the Health and Safety Code.
- B. The Chief of Police shall deny the renewal of a law enforcement permit if the permittee has repeated accounts of unverified losses totaling 3 or more firearms or 1,000 or more rounds of ammunition within the preceding 12 months. The renewal of the law enforcement permit shall be denied until the firearms or ammunition are located or documentation showing their sale to a person legally capable of receiving such firearms is submitted to the Chief of Police. For the purposes of this Section, any firearms or ammunition missing due to a verified theft, investigated by law enforcement, are exempt.

**Sec. 37.27. - ON-SITE SECURITY:**

- A. If the proposed location is to be used at least in part for the sale of firearms or ammunition, the permitted place of business shall be a secure facility within the meaning of Penal Code section 17110.
- B. If the proposed location is to be used at least in part for the sale of firearms or ammunition, all heating, ventilating, air-conditioning, and service openings shall be secured with steel bars or metal grating and shall meet the requirements under the California Building Code in effect at the time.

C. If the proposed business location is street level, concrete or hardened steel bollards, or other barriers, such as security planters or other devices with a similar structural integrity to bollards, shall be installed to protect the location's front entrance, any floor-to-ceiling windows, and any other doors, that could be breached by a vehicle.

1. The bollards or other barriers shall meet all of the following requirements:
  - a. Be no less than four inches in diameter and thirty-six inches in height from the ground;
  - b. Be spaced so as not to obstruct accessible routes or accessible means of egress in compliance with Standard 206.8 of Chapter 2 of the Federal Americans with Disabilities Act of 1990 (42 U.S.C. Sections 12101 et seq.), and have a clear width of not less than thirty-six inches but no more than sixty inches; and
  - c. Be capable of stopping a five-thousand-pound vehicle traveling at thirty miles per hour, in compliance with ASTM International Standard Test Method F3016.

2. This subsection C shall not apply to elevated loading docks or to locations of a licensee's premises that are fitted with steel roll-down doors.

3. Bollards installed prior to the effective date of this Article shall be considered compliant with this section if they are composed of concrete or hardened steel, do not obstruct accessible routes or accessible means of egress in compliance with Standard 206.8 of Chapter 2 of the Federal Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.), and have a clear width of not less than thirty-six inches but no more than sixty inches.

D. Any time a permittee is not open for business, every firearm shall be stored in one of the following ways:

1. In a locked fireproof safe or vault in the licensee's 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 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. Any time a permittee 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 permittee:
1. Secured within a locked case so that a customer seeking access to the firearm must ask an employee of the permittee for assistance;
  2. Secured behind a counter where only the permittee and the permittee's employees are allowed. During the absence of the permittee or a permittee's 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 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.
- F. Any time a permittee is open for business, all ammunition shall be stored so that it is inaccessible to the public and secured using one of the methods mentioned in Subsection (E)(1) or (2), except in the immediate presence of and under the direct supervision of an employee of the permittee.
- G. The permitted business location shall be monitored by a video surveillance system that, at minimum, meets the requirements under Penal Code section 26806. 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 14 calendar days. The permittee must inspect the system at least weekly to ensure that it is operational, and images are being recorded and retained as required.
- H. 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 & 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 #3 extent of protection. The alarm system requirement under this Subsection is waived if the video surveillance system provided for under Subsection (G) notifies the permittee of any unauthorized intrusions.
- I. The business operating hours shall be limited to hours between 8:00 a.m. to 8:00 p.m. each day the business is open to the public.

**Sec. 37.28. - LIABILITY INSURANCE:**

- A. If the proposed location is to be used for the sale of firearms or ammunition, no law enforcement 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, insuring the applicant against liability for damage to property and for injury to or death of any person as a result of the theft, sale, lease, or transfer or offering for sale, lease, or transfer of a firearm or ammunition, or any other operations of the business. The policy shall also name the City and its officers, officials, employees, and agents as additional insureds. The limits of liability shall not be less than \$5,000,000 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 City's Risk Manager if deemed necessary.
- B. The policy of insurance shall contain an endorsement providing that the policy shall not be canceled until written notice has been given to the City Manager at least 30 days prior to the time the cancellation becomes effective.
- C. Upon expiration of the policy of insurance, and if no additional insurance is obtained, the law enforcement permit is considered revoked without further notice.

**Sec. 37.29. - RESTRICTED ADMITTANCE OF MINORS AND OTHER PROHIBITED PURCHASERS:**

- A. Where the sale of firearms or ammunition is the primary business performed at the business premises, no permittee or any of their agents, employees, or other persons acting under the permittee's authority shall allow the any person under 18 years of age into or remain on the premises unless accompanied by their parent or legal guardian.
- B. Where the sale of firearms or ammunition is the primary business performed at the business premises, the permittee and any of their agents, employees, or other persons acting under the permittee's authority shall be responsible for requiring clear evidence of age and identity of persons to prevent the entry of persons not permitted to enter the premises pursuant to Subsection (A) 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. Where the sale of firearms or ammunition is the primary business performed at the business premises, no permittee or any of their agents, employees, or other persons acting under the permittee's authority shall allow any person to enter into or remain on the premises who the permittee or any of their agents, employees, or other persons



acting under the permittee's authority knows or has reason to know is prohibited from possessing or purchasing firearms pursuant to federal, state, or local law.

**Sec. 37.30. - INVENTORY REPORTS:**

As part of the annual law enforcement permit renewal process pursuant to Section 37.32, 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 section 26885. 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 under Section 37.32. 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 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 five years from the date of the inventory and shall make the copy available for inspection by federal, state, or local law enforcement upon request.

**Sec. 37.31. - DISPLAY OF LAW ENFORCEMENT PERMIT:**

The law enforcement permit, or a certified copy of it, shall be displayed in a prominent place on the permittee's business premises where it can be easily seen by those entering the premises.

**Sec. 37.32. - ISSUANCE OF LAW ENFORCEMENT PERMIT – DURATION:**

- A. A law enforcement permit expires one year after the date of issuance. A law enforcement permit may be renewed for additional one-year periods if the permittee submits a timely application for renewal, accompanied by a nonrefundable renewal fee established by City Council resolution, and an annual inventory report as described under Section 37.30. Renewal of the law enforcement permit is contingent upon the permittee's compliance with the terms and conditions of the original application and the law enforcement permit, as detailed in this Article. Police Department personnel may inspect the permitted business premises for compliance with this Article prior to renewal of the permit. 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.
- B. A decision regarding issuance, renewal, or revocation of the law enforcement permit may be appealed in the manner provided in Section 37.38 of this Article.

**Sec. 37.33. - NONASSIGNABILITY:**

A law enforcement permit issued under this Article is not assignable. Any attempt to assign a law enforcement permit shall result in revocation of the law enforcement permit.

**Sec. 37.34. - LAW ENFORCEMENT INSPECTIONS:**

Permittees shall have their places of business open for inspection by federal, state, and local law enforcement during all hours of operation. The Police Department may conduct periodic inspections of the permittee's place of business without notice to assess the permittee's compliance with this Article. The inspections shall be of the parts of the permittee's place of business that are used to store or sell firearms, ammunition, records, and/or documents. The Police Department shall conduct no more than two inspections of a single place of business during any six-month period, except that the Police Department may conduct follow-up inspections that exceed two in a six-month period if they have good cause to believe that a permittee is violating this Article. Permittees shall maintain all records, documents, firearms and ammunition in a manner and place accessible for inspection by federal, state, and local law enforcement.

**Sec. 37.35. - POSTED WARNINGS:**

- A. A permittee shall comply with California Penal Code section 26835 and post all signs required by that section. A permittee shall also post conspicuously the following warnings in block letters not less than one inch in height within the business premises:
1. Within the permittee's business: "WITH FEW EXCEPTIONS, IT IS A CRIME TO SELL OR GIVE A FIREARM TO SOMEONE WITHOUT COMPLETING A DEALER RECORD OF SALE (DROS) FORM AT A LICENSED FIREARMS DEALERSHIP."
  2. Within the permittee's business: "WARNING: ACCESS TO A FIREARM IN THE HOME SIGNIFICANTLY INCREASES THE RISK OF SUICIDE, DEATH DURING DOMESTIC VIOLENCE DISPUTES, AND THE UNINTENTIONAL DEATH OF CHILDREN, HOUSEHOLD MEMBERS, OR OTHERS. IF YOU OR A LOVED ONE IS EXPERIENCING DISTRESS AND/OR DEPRESSION, CALL 1-800-273-8255."
- B. If a permittee sells, keeps, or displays firearms other than firearms capable of being concealed on the person, the permittee shall post a sign stating: "FIREARMS ARE KEPT, DISPLAYED OR OFFERED ON THE PREMISES, AND PERSONS UNDER THE AGE OF 18 ARE EXCLUDED UNLESS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN."
- C. All warnings required under this Section 37.35 shall be translated and posted in the three languages most commonly spoken according to census data.

**Sec. 37.36. - VIOLATIONS:**

- A. The Chief of Police may revoke the permit of any permittee found to be in violation of any of the provisions of this Article.
- B. In addition to any other penalty or remedy, the City Attorney may commence a civil action to seek enforcement of these provisions.

**Sec. 37.37. - REPORT OF LAW ENFORCEMENT PERMIT REVOCATION TO FEDERAL AND STATE AUTHORITIES:**

In addition to any other penalty or remedy, the Chief of Police shall report any permittee whose law enforcement permit is 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.

**Sec. 37.38. - HEARING FOR PERMIT DENIAL OR REVOCATION:**

- A. Any applicant whose application for the law enforcement permit has been denied, or any permittee whose law enforcement permit has been revoked pursuant to the provisions of this Article, shall have the right to a hearing before a hearing officer appointed by the City Manager prior to final denial or prior to revocation.
- B. The Chief of Police shall give the applicant or permittee a written notice of their intent to deny the application or to revoke the law enforcement 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 law enforcement permit.
- C. Within ten days of mailing a written notice of intent to deny the application or revoke the law enforcement permit, the applicant or permittee may appeal by requesting a hearing before a hearing officer. The request must be made in writing, setting forth the specific grounds for the appeal. If the applicant or permittee submits a timely request for an appeal, the hearing officer shall set a time and place for the hearing within thirty days. The application will be denied, or the law enforcement permit revoked if a written hearing request is not received within the ten-day period.
- 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 hearing officer, whether to deny the application or revoke the law enforcement permit, shall be in writing and shall be issued within ten days of the hearing. The decision of the hearing officer will be final.

**Secs. 37.39—37.40. - RESERVED:**

ORDINANCE NO. 2527

At a Joint City Council/Successor Agency Board/Public Financing Authority Meeting thereof held on the 28<sup>th</sup> day of August 2023 by the following votes:

AYES, and in favor of the passage and adoption of the foregoing ordinance:

AYES: Aguirre, Eakin, Howard, Martinez Saballos, Sturken, Vice Mayor Espinoza-Garnica, and Mayor Gee

NOES: None

ABSENT: None

ABSTAINED: None

RECUSED: None



---

Jeff Gee  
Mayor of the City of Redwood City

Attest:



---

Yessika Castro, CMC, CPMC  
Interim City Clerk of Redwood City

I hereby approve the foregoing Ordinance  
this 29<sup>th</sup> day of August 2023.



---

Jeff Gee  
Mayor of the City of Redwood City