

ORDINANCE NO. 1011

AN ORDINANCE OF THE COUNCIL OF THE TOWN OF
SAN ANSELMO ADDING CHAPTER ~~22~~²⁸ TO THE TOWN
OF SAN ANSELMO MUNICIPAL CODE PERTAINING TO
THE REGULATION OF FIREARMS

THE COUNCIL OF THE TOWN OF SAN ANSELMO HEREBY MAKES
THE FOLLOWING FINDINGS:

A. The Need for Trigger Locks or Similar Devices:

1. In the years 1987 to 1996, nearly 2,200 children in the United States under the age of 15 years died in unintentional shootings. In 1996 alone, 138 children were shot and killed unintentionally. Thus, more than 11 children every month, or one child every three days, were shot or killed unintentionally in firearms-related incidents.

2. The United States leads the industrialized world in the rates of children and youth lost to unintentional, firearms-related deaths. A 1997 study from the Federal Centers for Disease Control and Prevention reveals that for unintentional firearm-related deaths for children under the age of 15, the rate in the United States was nine times higher than in 25 other industrialized countries combined.

3. While the number of unintentional deaths from firearms is an unacceptable toll on America's children, nearly eight times that number are treated in U.S. hospital emergency rooms each year for nonfatal unintentional gunshot wounds.

4. Thirty percent of all unintentional shootings could be prevented by the presence of two safety features: Trigger locks and loaded chamber indicators.

5. More than 1.2 million elementary aged, latch-key children have access to guns in their homes.

6. Guns kill more California children than car crashes, drugs and diseases combined.

7. At the age of three, a child has enough strength to squeeze the trigger of a handgun.

8. Most children who accidentally kill themselves or a friend do so while playing with a loaded gun found in their home or a friend's home.

9. The Town of San Anselmo wishes to take all practical steps to prevent injuries and deaths resulting from the accidental discharge of firearms.

10. Trigger locks, or similar devices, when used properly, prevent the unintended discharge of a firearm.

11. On August 27, 1999, Governor Davis signed AB 106, which will require the sale of a firearm safety device with all firearms. However, this law will not become effective until January 1, 2002.

B. The Need for Regulation of Firearms Dealers:

1. There were 21,985 shootings, which either resulted in death or hospitalization in California during 1995 and 1996. In 1997 alone, there were 1,835 homicides committed with a firearm in California and approximately 25,000 firearms-related injuries. The vast majority of these deaths and injuries were attributable to handguns.

2. The widespread availability of illegally obtained firearms has resulted in a significant rise in the number of shooting incidents in the Bay Area through 1997, and the number of shooting incidents continues to be alarming.

3. Because of the range and effectiveness of firearms, the use of firearms in violent crimes is more likely to lead to the death or injury of bystanders.

4. On average, 11 people in California were killed with a gun every day in 1996. In 1996, there were 4,405 firearm deaths in California. More Californians died from firearm deaths in 1996 (4,045) than in motor vehicle related deaths (4,022).

5. 669 young people, ages 0-19, died as a result of the firearms in California in 1996. Of these: 520 were firearm homicides, 107 were firearm suicides, 35 were unintentional shootings and 7 were of undetermined intent.

6. Gunshot injuries in California cost \$329 million in 1991. Just over half of this cost is for hospitalizations; 44% for other medical care and 4% for related non-medical care. 80% of the medical cost for treatment of firearm related injuries is paid for by taxpayers. Gunshot wounds are costly. Treatment of gunshot wounds is, on average, twice as expensive as treatment of stab wounds or other intentional injuries. Acute medical care for patients with firearm related injuries has been estimated to cost nearly \$32,000 per hospital admission. Youth gunshot victims in California incurred nearly \$50,000 in hospital bills for the initial hospitalization only, in 1992. And, it has been reported that firearm-related injuries and fatalities in 1993 indirectly cost Californians over \$16.9 billion in lost productivity and quality of life.

7. Government at all levels has a substantial interest in protecting the people from those who acquire guns illegally and use them to commit crimes resulting in injury or death of their victims.

8. The State of California has not, in a timely manner, sufficiently addressed the problems resulting from the availability and use of firearms in urban areas of the State, forcing cities and counties to enact, within the limits of State law, local measures requiring the licensing of firearms and firearms munitions dealers.

9. The alarming number of deaths and injuries attributable to firearms in the Bay Area and, indeed, in the State of California is an unacceptable trend that warrants stricter control over the availability of firearms within the Town of San Anselmo.

10. A local ordinance enacted by the Town of San Anselmo regulating gun dealers who sell, lease or otherwise transfer firearms within the jurisdiction Town of San Anselmo is needed to mitigate the potential danger created by gun dealers who are operating in violation of state law.

11. Section 12071 of the California Penal Code provides that municipalities may exercise discretion to grant or deny applications for permits to sell firearms.

12. The Council recognizes that the Town of San Anselmo is located adjacent to the Counties of San Francisco, Sonoma, Contra Costa and Alameda Counties. It is recognized that gun use and associated violence and crime with guns are more prevalent in those counties than in the Town of San Anselmo. However, considering the proximity to those counties, the Town of San Anselmo wishes to take proactive and preventative measures to ensure the protection of the public throughout the Bay Area.

C. The Need for Prohibiting "Saturday Night Specials" ("Junk Guns").

1. Handguns commonly known as "Saturday Night Specials", or "Junk Guns" are poorly designed and made of inferior materials. Because of their inferior design and construction, these firearms are not reliable for purposes of self-defense or well-suited for sporting purposes. As defined in this legislation, Saturday Night Specials are inherently unsafe products.

2. Saturday Night Specials are easily concealable and disproportionately used in crimes, particularly those committed by juveniles. According to the Bureau of Alcohol, Tobacco and Firearms, four of the five handguns most frequently traced to crime scenes in 1995 were Saturday Night Specials.

3. The Federal Gun Control Act of 1968 prohibits the importation of poorly made, easily concealable handguns manufactured abroad, but does not prohibit the domestic manufacture of these weapons.

4. On August 27, 1999, Governor Davis signed SB 15, establishing safety standards for handguns. However, the law does not become effective until January 1, 2001.

5. The City of West Hollywood passed an ordinance banning the sale of Saturday Night Specials in 1996. On September 29, 1998, the California Court of Appeal rejected a legal challenge by the National Rifle Association and others, holding that the ordinance was not preempted by state law or otherwise legally invalid. The California Supreme Court declined to review that decision. As of October 1, 1999, 45 California cities and counties had passed similar junk gun sales bans.

6. The Council desires to promulgate regulations which will be applied to all existing and future handguns intended to be sold in the Town of San Anselmo to determine whether such handguns are Saturday Night Specials/Junk Guns, the sale of which would be prohibited.

D. Miscellaneous.

1. The requirements of the California Environmental Quality Act (CEQA) of 1970 and the Town's CEQA Guidelines have been satisfied and this Ordinance is exempt from CEQA.

**THE COUNCIL OF THE TOWN OF SAN ANSELMO HEREBY ORDAINS
AS FOLLOWS:**

SECTION I. Chapter 18 of Title 4 of the Town of San Anselmo Municipal Code is hereby added to read as follows:

CHAPTER 18

REGULATION OF FIREARMS

ARTICLE 1: REGULATION OF FIREARMS DEALERS

Sections:

18-1	Definition of Firearm.
18-2	Definition of Firearm Dealer.
18-2A	Definition of Chief
18-3	Chief's Permit Required.
18-4	Application.
18-5	Investigation by Chief.
18-6	Conditions of Approval.
18-7	Requirement of a Secured Facility.
18-8	Liability Insurance.
18-9	Issuance of Permit Issued by Chief-Duration.
18-10	Grounds for Permit Denial.
18-11	Grounds for Permit Revocation.
18-12	Hearing for Permit Denial or Revocation.
18-13	Non-Assignability.
18-14	Compliance by Existing Dealers.
18-15	Record of Ammunition Sales.
18-16	Penalty.

**ARTICLE II: PROHIBITION OF THE SALE OF SATURDAY NIGHT SPECIALS
("JUNK GUNS")**

Sections:

18-17	Purpose and Intent.
18-18	Definitions.
18-19	Exclusions.
18-20	Roster of Saturday Night Specials.
18-21	Publication.
18-22	Prohibited Activity.
18-23	Exemptions.
18-24	Penalty.

ARTICLE 1

REGULATION OF FIREARMS DEALERS

18-1 Definition of Firearm.

"Firearm" means any device, designed to be used as a weapon or modified to be used as a weapon, from which a projectile is expelled through a barrel by force of explosion or other means of combustion.

18-2 Definition of Firearm Dealer.

"Firearm dealer" and "licensee", as used in this Article, means any person licensed to sell, lease or transfer firearms pursuant to California Penal Code §12071(a)(1).

18-2A Definition of Police; Chief; Sheriff.

"Police" or "Police Department" as used in this Chapter shall mean the Town of San Anselmo Police Department. "Chief" as used in this chapter shall mean the Chief of Police or his designee. "Sheriff" as used in this chapter shall mean the Marin County Sheriff or his designee.

18-3 Permit Required.

It is unlawful for any firearms dealer to sell, lease or transfer firearms without a permit issued in accord with this Article 1.

18-4 Application.

(A) An applicant for a permit or renewal of a permit under this chapter shall file with the Chief an application in writing, signed under penalty of perjury, on a form prescribed by the Town. The applicant shall provide all relevant information requested to demonstrate compliance with this chapter including:

1. The name, including any aliases or prior names, age and address of the applicant;
2. The applicant's Federal Firearms License and California Firearms Dealer numbers;
3. The address of the proposed location for which the permit is required, together with the business name, and the name of any corporation, partnership or association that has ownership in, or control over, the business, if any;
4. The names, ages and addresses of:
 - (a) all persons who will have access to or control of workplace firearms, including but not limited to, the applicant's employees, agents and/or supervisors, if any;
5. 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;
6. A floor plan of the proposed business, which illustrates the applicant's compliance with security provisions as outlined in Section 32-7 of this chapter;
7. Proof of compliance with all federal and state licensing laws;
8. Information relating to every license or permit to sell, lease, transfer, purchase, or possess firearms sought by the applicant from any jurisdiction in the United States, including, but not limited to, the date of application; whether each application resulted in the issuance of a license and the date and circumstances of any revocation or suspension;
9. Information relating to every revocation of a license or permit relating to firearms, including, but not limited to, date and circumstances of the revocation;

10. Applicant's agreement to indemnify, defend and hold harmless the Town, 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;

11. Certification of satisfaction of insurance requirements;

12. The date, location, and nature of all criminal convictions of the applicant, if any, in any jurisdiction in the United States.

(B) The application shall be accompanied by a nonrefundable fee of \$500 for administering this chapter. The fee may be increased by resolution of the Town Council upon evidence of the actual cost of administering the application. The Council finds that the \$500 fee is reasonable and proper for administering this chapter.

18-5 Investigation by Chief.

The 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 Chief shall require an applicant, or any officer, agent or employee thereof, that will have access to or control of firearms 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 Chief, and any other additional information which the Chief considers necessary to complete the investigation.

18-6 Conditions of Approval.

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

(A) 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 that is authorized by federal, state and local law upon compliance with that law and upon compliance with any Town of San Anselmo Ordinance regulating the permissible locations of gun shows;

(B) The Chief's permit or a certified copy of it shall be displayed on the premises and at gun shows where it can be easily seen;

(C) 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, grandparent, or legal guardian for the minor child where the firearm sales activity is the primary business performed at the site;

(D) The permittee shall not sell, lease or otherwise transfer a firearm without also selling or otherwise providing with each firearm a trigger lock or similar device that is designed to prevent the unintentional discharge of the firearm. Such device shall be of a type approved by the Sheriff. The permittee shall advise the Chief of the type of device at the time of application for the permit, renewal of the permit or at any time the permittee desires to change the type of device previously approved by the Sheriff.

This subsection (D) only shall be rescinded on January 1, 2002, the effective date of AB 106.

18-7 Requirement of a Secured Facility.

Firearms Dealers must comply with California Penal Code §12071(b)(14) which provides:

At any time the licensee is not open for business, the licensee shall store all firearms kept in his or her licensed place of business using one of the following methods as to each particular firearm:

(A) Store the firearm in a secure facility as defined by Penal Code Section 12071(c)(3) that is part of, or that constitutes, the licensee's business premises;

(B) Secure the firearm with a hardened steel rod or cable of at least one-eighth 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.

(C) Store the firearm in a locked fireproof safe or vault on the licensee's premises.

18-8 Liability Insurance.

(A) No permit issued by the Chief shall be issued or reissued unless there is in effect a policy of insurance in a form approved by the Town and executed by an insurance company approved by the Town, 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; provided, however, that increased limits of liability may be required by the Town Attorney if deemed appropriate in his or her sole discretion.

(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 Town Administrator 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 immediately, the permit is considered canceled without further notice.

18-9 Issuance of Permit Issued by Chief; Duration.

(A) The Police Department may grant a Chief's 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, Town Building Code, fire, zoning and planning codes;

(B) A permit issued by the Chief 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 \$25.00 renewal fee. 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 of a permit may be appealed in the manner provided pursuant to Section 18-12.

18-10 Grounds for Permit Denial.

The Chief shall deny the issuance or renewal of a Chief's permit when one or more of the following conditions exist:

(A) The applicant has not complied with the requirements of this chapter or, has violated the provisions of Section 18-20 of the Municipal Code pertaining to prohibited activity in connection with the sale, display or transfer of "Saturday Night Specials";

(B) The applicant, or any officer, employee or agent thereof who will have access to and control of firearms is under 21 years of age;

(C) The applicant is not licensed as required by federal and state law;

(D) The applicant or any officer, employee or agent thereof who will have access to or control of firearms has had a license or firearms permit to sell, lease, transfer, purchase or possess from any jurisdiction in the United States revoked, suspended or denied for good cause within the immediately preceding (5) five years;

(E) The applicant or any officer, employee or agent thereof who will have access to or control over firearms 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 (5) five years;

(F) The applicant or any officer, employee or agent thereof who will have access to or control over firearms has been convicted of:

1. An offense which disqualifies that person 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;
2. An offense relating to the manufacture, sale, possession, use or registration of a firearm or dangerous or deadly weapon.
3. An offense involving the use of force or violence upon the person of another with a deadly weapon.
4. Any felony, misdemeanor burglary or misdemeanor fraud.
5. An offense involving the manufacture, sale, possession or use of a controlled substance as defined by the State Health and Safety Code.

(G) The applicant or any officer, employee, or agent thereof who has control over firearms is within a class of persons defined in Welfare and Institutions Code Sections 8100 or 8103;

(H) The applicant or any officer, employee, or agent thereof who has control over firearms is currently, or has been within the past (5) five years, an unlawful user of a controlled substance as defined by the Health and Safety Code;

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

18-11 Grounds for Permit Revocation.

In addition to the violation of any other provisions contained in this chapter, circumstances constituting grounds for denial of a Chief's permit also constitute grounds for revocation.

18-12 Hearing for Permit Denial or Revocation.

(A) A person whose application for a permit is denied or revoked by the Chief has the right to a hearing before the Chief before final denial or revocation.

(B) Within ten days of the mailing of written notice of intent to deny the application or revoke the permit, the applicant may appeal by requesting a hearing before the 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 should set a time and place for the hearing within 30 days.

(C) The decision of the Chief shall be in writing within ten days of the hearing. An applicant may appeal the decision of the Chief to the Town Manager or his designee.

18-13 Non-Assignability.

A Chief's permit issued under this section is not assignable. An attempt to assign a Chief's permit renders the permit void.

18-14 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 sixty (60) days after the effective date, comply with this chapter and any amendment to it.

18-15 Record of Ammunition Sales.

Every holder of a business license to sell ammunition shall maintain records pertaining to ammunition sales prescribed by this Chapter on the licensed premises and in the manner prescribed herein. The record shall show:

- (A) The date of the transaction;
- (B) The purchaser's name, address and date of birth;
- (C) The purchaser's driver's license number or other identification and State where issued;
- (D) The brand of ammunition purchased;
- (E) The type and amount of ammunition purchased; and
- (F) The purchaser's signature.
- (G) Log of Ammunition Sales.

The information required by this subsection 18-15(G) shall be completed in the logbook at the time of the purchase. Such information shall be recorded in the following format:

**AMMUNITION SALES REGISTRATION LOG
STORE:**

Date	Name	Address	Date of Birth	License/ID & State	Ammunition Brand	Ammunition Type & Amount	Purchaser Signature
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1. The record shall be maintained in chronological order by date of sale of the ammunition, and shall be retained on the licensed premises of the business licensee for a period of two (2) years following the date of the purchase of the ammunition.

2. At the direction of the Chief, Town of San Anselmo Police officers may enter the premises of any licensed vendor of ammunition during regular business hours for the purpose of examining or inspecting any record required by this Chapter.

Exception.

The provisions of this section shall not apply to the sale of firearm ammunition by a firing range licensed to do business in the Town of San Anselmo when the ammunition so purchased is expended on the premises of the range and not removed for use outside the range premises.

18-16 Penalty.

(A) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding Five Hundred Dollars (\$500) or by imprisonment not exceeding six months, or by both such fine and imprisonment. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this section is committed, continued or permitted by such person.

The Marin County District Attorney is hereby designated as the prosecuting agency for violations of this Article whenever such violations are to be charged as misdemeanors.

(B) Any person found to be in violation of this chapter shall be subject to the revocation of his or her law enforcement permit to sell, lease or transfer firearms.

(C) In addition to any other penalty or remedy, the County Counsel or Town Attorney may commence a civil action to seek enforcement of these provisions.

ARTICLE II

PROHIBITION OF THE SALE OF SATURDAY NIGHT SPECIALS ("JUNK GUNS")

18-17 Purpose and Intent.

The purpose of this chapter is to ensure the health, safety and general welfare of citizens of the Town of San Anselmo by eliminating the sale of cheaply made, inadequately designed, and poorly manufactured guns in the Town of San Anselmo.

18-18 Definitions.

Except as provided in Section 18-19 herein, the term "Saturday Night Special" (also known as "Junk Gun"), as used in this Article, shall mean any of the following:

- (A) A pistol, revolver, or firearm capable of being concealed upon the person, as those terms are defined in California Penal Code Section 12001(a), which contains a frame, barrel, breechblock, cylinder or slide that is not completely fabricated of heat treated carbon steel, forged alloy or other material of equal or higher tensile strength.
- (B) A semi-automatic pistol which:
- (C) is not originally equipped by the manufacturer with a locked-breech action; and
- (D) is chambered for cartridges developing maximum permissible breech pressures above 24,100 Copper Units of Pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute.
- (E) for purpose of this subsection 2., "semi-automatic pistol" shall mean a firearm, as defined in California Penal Code Section 12001(b), which is designed to be held and fired with one hand, and which does the following upon discharge: (i) fires the cartridge in the chamber; (ii) ejects the fired cartridge case; and (iii) loads a cartridge from the magazine into the chamber. "Semi-automatic pistol" shall not include any assault weapon designated in California Penal Code Section 12276.
- (F) A pistol, revolver, or firearm capable of being concealed upon the person, as those terms are defined in California Penal Code Section 12001(a), which:
 - 1. uses an action mechanism which is substantially identical in design to any action mechanism manufactured in or before 1898 that was originally chambered for rimfire ammunition developing maximum permissible breech pressures below 19,000 Copper Units of Pressure

as standardized by the sporting Arms and Ammunition Manufacturers Institute; and

2. is chambered to fire either centerfire ammunition or rimfire ammunition developing maximum permissible breech pressures above 19,000 Copper Units of Pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute; and
3. is not originally equipped by the manufacturer with a nondetachable safety guard surrounding the trigger; or
4. if rimfire, is equipped with a barrel of less than 20 bore diameters in overall length protruding from the frame;
5. for purpose of this subsection 3., "action mechanism" shall mean the mechanism of a firearm by which it is loaded, locked, fired and unloaded.

(G) For purposes of this section, the following definitions shall apply:

1. breech – the part of the firearm at the rear of the barrel;
2. breechblock – the block in a breech-loading firearm that closes the rear of the barrel against the force of the charge and prevents gasses from escaping;
3. cylinder – the turning chambered breech of a revolver;
4. forged alloy – alloy shaped by heating and hammering;
5. firearm frame or receiver – that part of the firearm which provides housing for the hammer, bolt or breechblock, and firing mechanism, and which is usually threaded at its forward portion to receive the barrel;
6. heat-treated – to treat metal by heating and cooling to improve its qualities, most commonly to increase strength; and
7. tensile strength of heat-treated carbon steel – the known ultimate tensile stress of heat-treated carbon steel (60,000 psi).

18-19 Exclusions.

The term "Saturday Night Special" or "Junk Gun" does not include any of the following:

- (A) Any pistol which is an antique or relic firearm or other weapon falling within the specifications of paragraphs (5), (7) and (8) of subsection (b) of California Penal Code Section 12020; or
- (B) Any pistol for which the propelling force is classified as pneumatic, that is, of, or related to, compressed air or any other gases not directly produced by combustion.
- (C) Children's pop guns or toys; or
- (D) An "unconventional pistol" as defined in California Penal Code Section 12020(c)(12); or
- (E) Any pistol which has been modified to either render it permanently inoperable or permanently to make it a device no longer classified as a "Saturday Night Special".

18-20 Roster of Saturday Night Specials

On or before December 1, 1999; the Marin County Sheriff's Department shall compile, publish and thereafter maintain a Roster of Saturday Night Specials. The Roster shall list those firearms, by manufacturer and model number, which the Sheriff's Department determines satisfy the definition of Saturday Night Special set forth in Section 32-18.

18-21 Publication

The Chief shall publish the Sheriff's Roster of Saturday Night Specials on a semi-annual basis and shall send a copy of the Roster to every dealer within the Town who is licensed to sell and transfer firearms pursuant to Section 12071 of the Penal Code of the State of California. *Following December 1, 1999 publication, the publications shall be made thereafter on an as needed basis when there are either additions or deletions from the Roster. Should there be no changes to the Roster, then the previously designated list shall remain in full force and effect.*

18-22 Prohibited Activity.

No firearms dealer shall sell, offer or display for sale, give, lend or transfer ownership of any firearm listed on the Roster of Saturday Night Specials. This section shall not preclude a firearms dealer from processing firearm transactions between unlicensed parties pursuant to Section 12072(d) of the Penal Code of the State of California. This section shall not be enforced until the Roster of Saturday Night Specials has been completed and published in accordance with Sections 18-20 and 18-21.

18-23 Exemptions.

Nothing in this section shall prohibit the disposition of any Saturday Night Special by Police Departments, Chief's Offices, Marshall's Offices, the California Highway Patrol, other local, State and Federal law enforcement agencies, or the military and naval forces of this State or the United States for use in the discharge of their official duties; nor shall anything in this section prohibit the use of any Saturday Night Special by regular, salaried, full-time officers, employees or agents thereof when on duty and the use of such firearms is within the scope of their duties.

18-24 Penalty.

Any person violating any of the provisions of this Article shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding One Thousand Dollars (\$1,000) or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. Each person shall be guilty of a separate offense for each and every day or during any portion of which any violation of any provision of this section is committed, continued or permitted by such person.

The Town of San Anselmo designates the Marin County District Attorney as the prosecuting agency for violations of this Article wherever such violations are to be charged as misdemeanors.

SECTION II. If any section, subsection, clause, sentence, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The Town Council of the Town of San Anselmo hereby declares that it would have passed this Ordinance, any section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be declared invalid or unconstitutional.

SECTION III. This Ordinance shall take effect and be in force thirty (30) days after the date of passage. Pursuant to the provisions of Government Code Section 36933, a summary of this ordinance shall be prepared by the Town Attorney. At least five (5) days prior to the Council meeting at which adoption of the ordinance is scheduled, the Town Clerk shall (1) publish the summary, and (2) post in the office of the Town Clerk a certified copy of the ordinance. Within fifteen (15) days after adoption of the ordinance, the Town Clerk shall (1) publish the summary, and (2) post in the office of the Town Clerk a certified copy of the full text of the ordinance along with the names of the Town Council members voting for and against the ordinance.

SECTION IV. Recession Date: Article II of Chapter 18 shall be rescinded on January 1, 2001, the effective date of SB 15.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of San Anselmo held on the 14th day of March 2000, by the following vote:

AYES: COUNCILMEMBERS: Breen, Hodgens, Kilkus, Kroot


NOES: COUNCILMEMBERS: (None)

ABSTAIN: COUNCILMEMBERS: (None)

ABSENT: COUNCILMEMBERS: Chignell


Peter Breen, Mayor

ATTEST


Debra Stutsman

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