

ORDINANCE NO. 9491 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER 12.5 OF THE SAN DIEGO COUNTY
CODE ENTITLED: "TRIGGER LOCK AND SAFE FIREARM STORAGE
ORDINANCE"

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The amendments to the County Code made by this ordinance are intended to conform local law with provisions of the Aroner-Scott-Hayden Firearms Safety Act of 1999 (California Penal Code sections 12087 - 12088.9), which requires, effective January 1, 2002, all firearms sold or transferred in the state by a licensed firearms dealer and all firearms manufactured in the state to include or be accompanied by a firearms safety device listed on the Department of Justice's roster of approved firearms safety devices. As a result of the new state law, provisions of the County Code requiring the provision of a safe firearm storage device are no longer required. The Board of Supervisors deems it important, however, for purposes of the protection of the public against accidental or unintentional discharges of loaded firearms to continue the requirement that licensed firearm dealers in the unincorporated area of the County of San Diego provide firearm purchasers with written materials advising them on safe firearm storage practices.

Section 2. Chapter 12.5 of Division 1 of Title 2 of the San Diego County Code is amended to read as follows:

CHAPTER 12.5
SAFE FIREARM STORAGE ORDINANCE

SEC. 21.1250 DEFINITIONS.

As used in this Chapter, the following words and phrases shall have the following definitions:

- (a) "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 the force of explosion or other form of combustion.
- (b) "Firearm dealer" means any person licensed by the Sheriff pursuant to California Penal Code Section 12071 for the retail sale of firearms in the unincorporated area of the County of San Diego. "Firearm dealer" shall not include persons involved in transactions excluded under California Penal Code Section 12070.

SEC. 21.151. [RESERVED]

SEC. 21.1252. PROVISION OF SAFE FIREARMS STORAGE MATERIALS.

It is unlawful for any firearm dealer to sell, lease or otherwise transfer ownership of any firearm without providing with the firearm printed material, approved by the Sheriff, that advises the user of safe firearm storage practices.

SEC. 21.1253. ACKNOWLEDGMENT OF RECEIPT BY PURCHASER.

In connection with any sale, lease or transfer of a firearm, the firearm dealer shall obtain from the person receiving the firearm a signed acknowledgment that the person has been provided with the printed material required by Section 21.1252 of this Chapter. The acknowledgment shall be in a form approved by the Sheriff. The firearm dealer shall retain signed acknowledgements of receipt in the same manner and to the same extent as required by State law for other firearm transaction records.

SEC. 21.1254. EXCLUSIONS.

- (a) This Chapter shall not apply to firearms that have been determined by the Director of the Bureau of Alcohol, Tobacco and Firearms, Department of Treasury, to be curios or relics under federal law.
- (b) This Chapter shall not apply to a firearm rented at a licensed shooting range for use on the range.

SEC. 21.1255. [RESERVED].

SEC. 21.1256. VIOLATION - INFRACTION.

Any firearm dealer violating Section 21.1252 or 21.1253 of this Chapter shall be deemed guilty of an infraction, and subject to a fine in accordance with Section 11.116 of this Code.

Section 3. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of the fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Commerce, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED and ADOPTED on this 13th day of August, 2002.