

San Diego County Code of Regulatory Ordinances
TITLE 2 LICENSES, BUSINESS REGULATIONS AND BUSINESS TAXES*
DIVISION 1. BUSINESS REGULATIONS*
CHAPTER 12. FIREARMSDEALERS*

## CHAPTER 12. FIREARMS DEALERS \*

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**\*Editor's note**--Added by Ord. No. 2999 (N.S.), effective 10-27-66; title changed from LICENSE FOR SALE OF CERTAIN FIREARMS to read as above by Ord. No. 7943 (N.S.), effective 8-22-91. Chapter 12 amended in its entirety to read as set out by Ord. No. 8660 (N.S.), effective 5-23-96. Prior to such amendment, Chapter 12 consisted of §§ 21.1201--21.1203, 21.1203.5, 21.1204--21.1206, 21.1206.1, 21.1207--21.1211, as amended by the following ordinances:

Ord. No. (N.S.)	Effective Date	Ord. No. (N.S.)	Effective Date
3440	12-31-69	7252	1-15-87
3682	6- 3-71	7428	2- 4-88
5200	8-10-78	7943	8-22-91
5737	5-29-80	8049	5- 7-92

**Cross reference(s)**--Firearms and explosives, § [33.101](#) et seq.

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### EC. 21.1201. PURPOSE AND INTENT.

California Penal Code sections 16130-34205 regulate the sale of firearms and provide that the duly constituted licensing authority of a county shall accept applications for and may grant licenses permitting licensees to sell firearms at retail within its jurisdiction. This chapter appoints the Sheriff as the licensing authority for retail firearms sales in the unincorporated area of the County and implements these sections of the Penal Code applicable to the County.

(Added by Ord. No. 9889 (N.S.), effective 10-26-07; amended by Ord. No. 10312 (N.S.), effective 2-6-14)

### SEC. 21.1202. DEFINITIONS.

For the purposes of this chapter the following definitions shall apply:

- (a) "Firearm" means any device defined as a firearm in Penal Code section 16520.
- (b) "Firearms dealer" means a person who meets the requirements of Penal Code section 26700 and to whom a license has been issued pursuant to this chapter.
- (c) "Firearms dealer employee" means a person who works for a firearms dealer as an agent, employee or representative.

(Added by Ord. No. 9889 (N.S.), effective 10-26-07; amended by Ord. No. 10312 (N.S.), effective 2-6-14)

### **SEC. 21.1203. LICENSE REQUIRED.**

The licensing authority for firearm dealers in the unincorporated area of the County is the Sheriff. It shall be unlawful for any person to sell, lease or transfer a firearm in the unincorporated area of the County without a license issued by the Sheriff pursuant to Penal Code sections 16130, 16400, 16550, 16810, 17110, 26700-26915 (inclusive). This section shall not apply to a firearms transaction excluded under Penal Code sections 16620, 16730 (a) & (c), 16960, 17310, 26500-26588 (inclusive). A person requesting a license under this chapter shall submit an application on a form provided by the Sheriff. A firearms dealer's license is governed by sections [21.101](#)- [21.117](#) and any additional conditions in this chapter.

(Amended by Ord. No. 8660 (N.S.), effective 5-23-96; amended by Ord. No. 9889 (N.S.), effective 10-26-07; amended by Ord. No. 10312 (N.S.), effective 2-6-14)

**State law reference(s)**--Firearms dealer license, Penal Code, § 12070 et seq.

### **SEC. 21.1204. MINIMUM AGE FOR FIREARMS DEALER .**

The minimum age to be a firearms dealer is 21.

(Added by Ord. No. 9889 (N.S.), effective 10-26-07; amended by Ord. No. 10312 (N.S.), effective 2-6-14)

### **SEC. 21.1205. ADDITIONAL GROUNDS FOR DENIAL OF LICENSE.**

In addition to the grounds for denial of a license under section [21.108](#) the Sheriff may deny a firearms dealer's license if the dealer fails to meet any requirement under Penal Code section 16130, 16400, 16550, 16810, 17110, 26700-26915 (inclusive) or if the Sheriff determines the applicant:

(a) Is disqualified from owning or possessing a firearm under federal, State or County laws or regulations.

(b) Has within five years preceding the date of the application been convicted of any offense relating to the manufacture, sale, possession, use or registration of any firearm or any "dangerous weapon" or "deadly weapon," as those terms are defined under federal law, or the law of any state.

(Added by Ord. No. 9889 (N.S.), effective 10-26-07; amended by Ord. No. 10312 (N.S.), effective 2-6-14)

### **SEC. 21.1206. CLEARANCE FOR FIREARMS DEALER EMPLOYEE.**

(a) No person shall be employed as an employee of a firearms dealer without a written clearance from the Sheriff. An employee of a firearms dealer is required to renew the written clearance from the Sheriff annually.

(b) A person seeking to be employed by a firearms dealer shall submit fingerprints and complete a form provided by the Sheriff. A person requesting clearance under this section shall

be subject to investigation under section [21.107](#). The Sheriff may deny the clearance based upon any of the grounds in sections [21.108](#) and [21.1205](#). The Sheriff shall issue or deny the clearance in writing within 30 days after a completed request for clearance has been submitted. The Sheriff may suspend or revoke a person's clearance under this section on any of the grounds for which a license or permit may be suspended or revoked under section [21.112](#) or otherwise prohibited by law.

(c) It shall be unlawful for a firearms dealer to employ any person who does not have a current clearance from the Sheriff to be a firearms dealer employee.

(Added by Ord. No. 9889 (N.S.), effective 10-26-07; amended by Ord. No. 10312 (N.S.), effective 2-6-14)

#### **SEC. 21.1207. NO TRANSACTIONS AT UNAUTHORIZED LOCATIONS.**

Except as provided in Penal Code sections 16620, 17310, 26505-26588 (inclusive), a firearms dealer shall only conduct firearms transactions at the location specified in the license.

(Added by Ord. No. 9889 (N.S.), effective 10-26-07; amended by Ord. No. 10312 (N.S.), effective 2-6-14)

#### **SEC. 21.1208. TRANSACTION RECORDS AND INSPECTION.**

A firearms dealer shall maintain all firearms transaction records required by federal and State law and have them available for inspection. During business hours, a firearms dealer shall allow any Sheriff's Department employee and any peace officer to inspect firearms transaction records, firearms, firearm accessories and all places where transaction records, firearms and firearm accessories are stored.

(Added by Ord. No. 9889 (N.S.), effective 10-26-07; amended by Ord. No. 10312 (N.S.), effective 2-6-14)

#### **SEC. 21.1209. COMPLIANCE WITH REQUIREMENT FOR SECONDHAND GOODS DEALERS.**

A firearms dealer licensed under this chapter who acquires a secondhand or used firearm for resale shall comply with sections [21.701-21.706](#) and State law requirements for acquisition and sales of secondhand goods.

(Added by Ord. No. 9889 (N.S.), effective 10-26-07; amended by Ord. No. 10312 (N.S.), effective 2-6-14)