

DRAFT

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE
AMENDING SECTIONS 6.90.320 AND 6.90.330 OF
CHAPTER 6.90 OF TITLE 6 OF THE SAN JOSE
MUNICIPAL CODE AND REPEALING SECTION 10.32.020
OF CHAPTER 10.32 OF TITLE 10 OF THE SAN JOSE
MUNICIPAL CODE**

WHEREAS, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the Director of Planning, Building and Code Enforcement has determined that the provisions of this Ordinance do not constitute a project, under File No. PP17-008 (General Procedure and Policy Making resulting in no changes to the physical environment); and

WHEREAS, the City Council of the City of San José is the decision-making body for this Ordinance; and

WHEREAS, this Council has reviewed and considered the "not a project" determination under CEQA prior to taking any approval actions on this Ordinance;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Sections 6.90.320 and 6.90.330 of Chapter 6.90 of Title 6 of the San José Municipal Code are hereby amended to read as follows:

6.90.320 Business Premises Conditions

- A. The business shall be carried on only in the building located at the street address shown on the license, except as otherwise authorized under the State Firearm Law.
- B. The Licensee shall comply with the applicable provisions of State Firearm Law. The Licensee shall not deliver any ~~pistol or revolver~~ Firearm to a purchaser earlier than ten (10) days after the application for the purchase, lease or transfer, unless otherwise provided by State or federal law.
- C. The Licensee shall not deliver any Firearm to a purchaser, lessee or other transferee unless the Firearm is unloaded and securely wrapped or unloaded in a locked container.
- D. The Licensee shall not deliver any Firearm or Firearm Ammunition to a purchaser, lessee or other transferee unless the purchaser, lessee or other transferee presents clear evidence of his or her identity and age to the seller. As used in this Section, "clear evidence of his or her identity and age" includes, but is not limited to, a motor vehicle operator's license, a State identification card, an armed forces identification card, an employment identification card which contains the bearer's signature and photograph, or any similar documentation which provides the seller reasonable assurance of the identity and age of the purchaser.
- E. The Licensee shall not display in any part of the premises where it can be readily seen from outside the premises, any Firearm, Firearm Ammunition, or imitation thereof, or placard advertising the sale or other transfer thereof, other than a sign identifying the name of the business.

- F. The Licensee shall notify the Chief of Police of the name, age and address of, and submit a certificate of eligibility from the State Department of Justice for, any person not listed on the Licensee's application Firearm Business License who will be given access to, or control of, workplace Firearms or Firearm Ammunition. The Licensee shall submit the required information and certificate to the San José Police Department Permits Unit within ten (10) days of such person being employed or otherwise being given access to, or control over workplace Firearms or Firearm Ammunition.
- G. The Business location shall be in compliance with City of San José zoning codes and regulations. In addition, the business location shall not be in a residence and a Licensee shall not sell any firearms or firearms ammunition within or from a residence.
- H. Business premises shall be a permanent building having four (4) solid walls and a roof; constructed of wood, metal, cement or like materials and resting on a foundation of cement, stone, brick or metal or similar materials commonly used in the construction of foundations for permanent buildings. Business premises shall be in compliance with State of California and City of San José building, fire, health, and safety codes.
- I. The building doors and windows shall be alarmed with a system of any manufacture which will cause an audible alarm to sound on the exterior of the building or a silent alarm to a centralized monitored facility signaling unauthorized entry during nonbusiness hours.
- J. Business inventory of an explosive or flammable nature shall be stored in compliance with federal, State of California and City of San José fire and safety codes.

- K. Inventory of Firearms shall conform to the type of federal firearm license issued to the Licensee.

6.90.330 Notice Requirements

- A. The Licensee shall post all warnings and notices required by the State Firearm Law, including but not limited to Penal Code Section 26835 within the Licensee's premises.
- B. In addition to ~~state law requirements~~ posting all warnings and notices required by the State Firearm Law, the Licensee shall ~~post a notice regarding suicide prevention as approved by the Chief of Police and~~ display Santa Clara County approved printed materials on mental health, addiction, and domestic violence resources ~~ss for suicide prevention, domestic violence, and~~ printed materials on local gun laws ~~such as pamphlets or other printed materials~~ for patrons. These printed resources and materials shall be in a conspicuous location within the Licensee's premises that can be clearly seen by all patrons and prospective purchasers.
- C. All posted notices shall be in a conspicuous location, shall be block letters in black ink on a white background, not less than one (1) inch in height and shall be located so that the notice can clearly be seen by all patrons and prospective purchasers of Firearms and Firearm Ammunition.

SECTION 2. Section 10.32.020 of Chapter 10.32 of Title 10 of the San José Municipal Code is hereby repealed.

10.32.020 Restrictions on weapons for persons under the age of eighteen years

~~No person shall sell, dispose of or give to any minor under the age of eighteen years, any pistol, air gun or other weapon capable of receiving and discharging any charge, cartridge or explosive, without the written request of his parent or guardian; and no minor under the age of eighteen years shall have in his possession any such pistol or weapon unless by the written consent of his parent or guardian.~~

PASSED FOR PUBLICATION of title this _____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk