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DEPARTMENT OF
POLICE

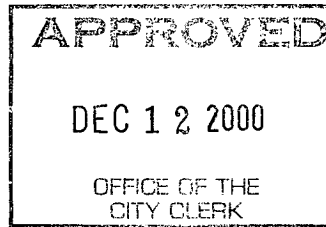
ARTURO VENEGAS, JR.
CHIEF OF POLICE

CITY OF SACRAMENTO
CALIFORNIA

900 - 8TH STREET
SACRAMENTO, CA
95814-2506

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November 16, 2000
Ref: 11-13



City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT AMENDMENT TO SECTION 5.6411(E) OF THE SACRAMENTO CITY CODE,
RELATED TO GUN DEALER LICENSING**

LOCATION AND COUNCIL DISTRICT City Wide

STAFF RECOMMENDATION

Staff recommends that City Council adopt an ordinance to amend Section 5.6411(E) of the Sacramento City Code, related to gun dealer licensing.

CONTACT PERSON Chief Arturo Venegas, Jr. -- 264-5121
Tina Lee-Vogt, ASO -- 264-7346

FOR COUNCIL MEETING OF December 5, 2000

SUMMARY

This report recommends that City Council adopt an ordinance to amend to Section 5.6411(E) of the Sacramento City Code, related to gun dealer licensing. The amendment is necessary, because of a January 1, 2000 amendment to California Penal Code Section 12020, which would likely preempt Section 5.64.110(E) of the Sacramento City Code in certain instances.

BACKGROUND INFORMATION

The City's gun dealer's ordinance requires as a condition of licensing, that the licensee shall not "sell, lease or otherwise transfer to any person any detachable ammunition clip or magazine that has the capacity to contain more than fifteen (15) rounds of ammunition." (Section 5.64.110(E).) Effective January 1, 2000, Penal Code Section 12020 was amended so as to impose criminal consequences on the sale of any large-capacity magazine (subsection (a)(2)), defined as any ammunition feeding device with the capacity to accept more than *ten* rounds of ammunition. (Subsection (c)(25).) Thus, because the ordinance arguably permits conduct which State law forbids (i.e., the sale of large capacity magazines that contain between 11-15 rounds of ammunition), it is deemed preempted by state law to the extent that the two laws conflict. (Sherwin-Williams Co. v. City of Los Angeles (1993) 4 Cal. 4th 893, 898; Suter v. City of Lafayette (1997) 57 Cal. App. 4th 1109, 1124.)

To address this issue, staff recommends amending the City ordinance so it is consistent with the State law. This will ensure that the City will continue to have legislation restricting the sale of large capacity magazines by gun dealers should Penal Code Section 12020 be repealed.

FINANCIAL CONSIDERATIONS

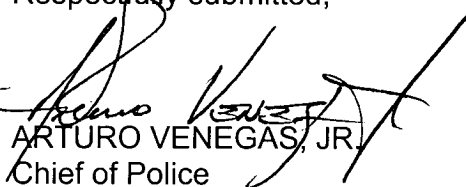
There are no costs related to this ordinance amendment.

POLICY CONSIDERATIONS

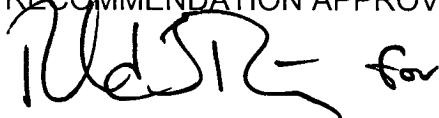
The proposed ordinance amendment is consistent with the State law. Further, it is consistent with City Council direction to the City Attorney to amend the ordinance.

ESBD

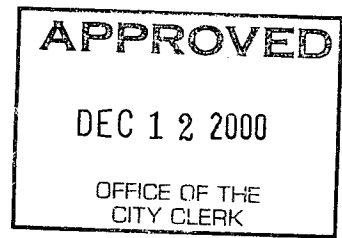
Not applicable.

Respectfully submitted,

ARTURO VENEGAS, JR.
Chief of Police

RECOMMENDATION APPROVED:



ROBERT P. THOMAS
City Manager



ORDINANCE NO. *2000-053*

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SECTION 5.64.110(E) OF THE SACRAMENTO CITY CODE

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 5.64.110(E) of the Sacramento City Code is hereby amended to read as follows:

E. The licensee shall not sell, offer or expose for sale, give, lease or otherwise transfer to any person, any ammunition feeding device with the capacity to accept more than ten (10) rounds of ammunition.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____



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**DEPARTMENT OF
POLICE**

ARTURO VENEGAS, JR.
CHIEF OF POLICE

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APPROVED

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OFFICE OF THE
CITY CLERK
CONTINUED

FROM 12-5-00
TO 12-19-00

November 20, 2000
Ref: 11-10

City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT: REPEAL SECTIONS 9.32.180 THROUGH 9.32.230 OF THE
SACRAMENTO CITY CODE RELATED TO REGULATING THE SALE OF
SATURDAY NIGHT SPECIALS**

LOCATION AND COUNCIL DISTRICT: City-wide

RECOMMENDATION

This report recommends that the item be passed for publication of title pursuant to City Charter Title 32, and continued to December 12, 2000.

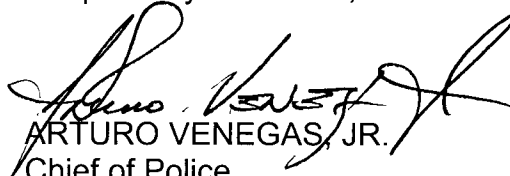
CONTACT PERSONS Chief Arturo Venegas, Jr. -- 264-5121
Tina Lee-Vogt, ASO -- 264-7346

FOR MEETING OF December 5, 2000

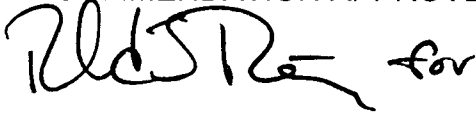
SUMMARY

The Police Department recommends repealing Sections 9.32.180 through 9.32.230 of the Sacramento City Code, related to regulating the sale of Saturday Night Specials, and to declare said ordinance to be an emergency ordinance effective January 1, 2001.

Respectfully submitted,


ARTURO VENEGAS, JR.
Chief of Police

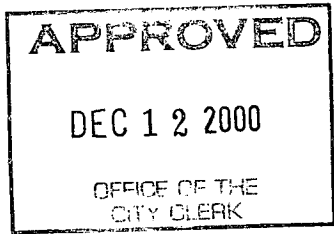
RECOMMENDATION APPROVED:

 for

ROBERT P. THOMAS
City Manager

Attachments
Proposed ordinance

AV:tlv



2000-
ORDINANCE NO. 053

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE REPEALING SECTIONS 9.32.180 THROUGH 9.32.230 OF TITLE 9 OF THE SACRAMENTO CITY CODE, RELATING TO REGULATING THE SALE OF "SATURDAY NIGHT SPECIALS" AND DECLARING SAID ORDINANCE TO BE AN EMERGENCY ORDINANCE TO TAKE EFFECT JANUARY 1, 2001.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

The Sacramento City Council hereby finds and declares that:

1. Sections 9.32.180 through 9.32.230 of the Sacramento City Code make it unlawful for any wholesale or retail firearms dealer, as licensed by the City of Sacramento, to sell, offer or display for sale, give, lend or transfer ownership of any firearm classified under the Ordinance as a "Saturday Night Special" and directs the Chief of Police to compile, publish and maintain a "Roster of Saturday Night Specials".
2. Sections 9.32.180 through 9.32.230 of the Sacramento City Code potentially conflict with California Penal Code Sections 12125 through 12133, effective January 1, 2001, relating to the sale, gift, or loan of unsafe handguns. In order to avoid uncertainty as to the standard applicable to the sale, gift, or loan of unsafe handguns, it is desirable to repeal Sections 9.32.180 through 9.32.230 of the Sacramento City Code.

SECTION 2.

Sections 9.32.180 through 9.32.230 of the Sacramento City Code, inclusive, are hereby repealed.

SECTION 3.

This ordinance is hereby declared to be an emergency measure to take effect January 1, 2001. The facts constituting the emergency are that Penal Code Sections 12125 through 12133 will go into effect on January 1, 2001, and to avoid preemption of City Code

Sections 9.32.180 through 9.32.230, the latter provisions must be repealed by that time and date.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

ATTEST:

MAYOR

CITY CLERK



425
1.10

DEPARTMENT OF
POLICE

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November 20, 2000
Ref: 11-12

CONTINUED
FROM 12-5-00
TO 12-12-00

City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT: AMENDMENT TO SECTION 5.6411(E) OF THE SACRAMENTO CITY
CODE, RELATED TO GUN DEALER LICENSING**

LOCATION AND COUNCIL DISTRICT: City-wide

RECOMMENDATION

This report recommends that the item be passed for publication of title pursuant to City Charter Title 32, and continued to December 12, 2000.

CONTACT PERSONS Chief Arturo Venegas, Jr. -- 264-5121
Tina Lee-Vogt, ASO -- 264-7346

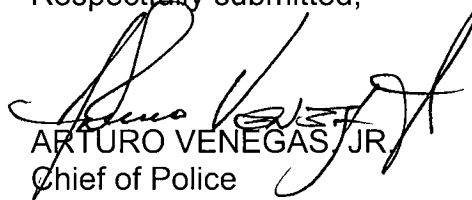
FOR MEETING OF December 5, 2000

SUMMARY

The Police Department recommends that the City Council adopt an ordinance to amend to Section 5.6411(E) of the Sacramento City Code, related to gun dealer licensing. The amendment is necessary, because of a January 1, 2000 amendment to California Penal

Code Section 12020, which would likely preempt Section 5.64.110(E) of the Sacramento City Code in certain instances.

Respectfully submitted,



ARTURO VENEGAS JR.
Chief of Police

RECOMMENDATION APPROVED:



ROBERT P. THOMAS
City Manager

Attachments

Proposed ordinance

AV:tlv

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SECTION 5.64.110(E) OF THE SACRAMENTO CITY CODE

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 5.64.110(E) of the Sacramento City Code is hereby amended to read as follows:

E. The licensee shall not sell, offer or expose for sale, give, lease or otherwise transfer to any person, any ammunition feeding device with the capacity to accept more than ten (10) rounds of ammunition.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____