

ORDINANCE NO. 180447

An ordinance adding Section 103.314.1 to, and amending Section 55.11 of, the Los Angeles Municipal Code to require ammunition sellers to obtain a permit from the Board of Police Commissioners, to require face-to-face sales of ammunition, to require sellers of ammunition to obtain a thumbprint, and to require employees handling ammunition to submit to a background check.

WHEREAS, ammunition dealers (who are not also firearm dealers) are not regulated, while firearm dealers are regulated and must keep a log of ammunition purchases and obtain a thumbprint from anyone buying ammunition, although pursuant to state law, anyone, except a convicted felon, can sell ammunition from any location; and

WHEREAS, the uncontrolled trafficking in ammunition facilitates shootings and homicides in the City of Los Angeles, and ammunition sellers should be required to obtain a permit from the City in order to operate; and

WHEREAS, to further the City's interest in documenting the sale and purchase of ammunition, the City should require ammunition sellers to obtain a permit from the Board of Police Commissioners, require face-to-face sales of ammunition, require sellers of ammunition to obtain a thumbprint, and require employees handling ammunition to submit to a background check.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 103.314.1 is added to the Los Angeles Municipal Code to read:

SEC. 103.314.1 SELLERS OF FIREARM AMMUNITION.

(a) Definitions.

1. "Board" means the Board of Police Commissioners.
2. "Firearm Ammunition" means any self-contained unit consisting of the case, primer, propellant charge, and projectile for use in pistols, revolvers, rifles, shot guns, or any other device designed to be used as a weapon from which is expelled a projectile by the force of explosion or other form of combustion. "Firearm Ammunition" shall not include blank ammunition used solely in the course of motion picture, television, video, or theatrical productions.

3. "Residential Neighborhood" means any district of the City zoned for residential use or, if not so zoned, any street segment bounded by intersecting streets wherein over fifty percent of the buildings on that street segment are used for residential purposes.

4. "Vendor" means any person who is engaged in the retail sale of firearm ammunition.

(b) **Permit required.** No person shall engage in, manage, conduct, or carry on the business of the sales of firearm ammunition without a written permit from the Board.

(c) **Fixed location.** Each vendor must have a fixed place of business. Sales of ammunition may be made only at said fixed location.

(d) **Overlapping Business.** If any person engages in, conducts, manages or carries on at the same time more than one business requiring police permits, such person shall comply with all of the provisions affecting each business.

(e) **Condition of Issuance.** No permit or renewal permit for the sale of Firearm Ammunition shall be issued unless:

1. The applicant has obtained all other required permits for the operation of the business as proposed and has complied with all other applicable laws;

2. The applicant provides evidence of a possessory interest such as owner, lessee or renter, in the property at which the business is proposed to be conducted;

3. The proposed location of the business is in other than a residential neighborhood;

4. The applicant has obtained a policy of insurance as provided in Subdivision (f).

5. The applicant agrees to indemnify, defend and hold harmless the City, its officers, agents and employees, from claims arising from the negligence of the applicant or permittee; and

6. The applicant has been provided and has read copies of Municipal Code Section 103.314.1 and the Police Commission Board Rules relating to that section.

(f) **Insurance Requirements.** The vendor shall maintain in full force and effect a policy of insurance on file with the City Risk Manger. Such policy shall be executed by an insurance company admitted to do business in this state, and shall be in a form that the City deems proper. It shall insure the vendor against liability for damage to property and for injury to or the death of any person as a result of the sale, transfer or

lease, or the advertising for sale, transfer or lease, or the offering or exposing for sale, transfer or lease, of any Firearm Ammunition. The policy shall also name the City and its officers, agents and employees as additional insureds. The minimum liability limit shall not be less than One Million Dollars (\$1,000,000.00) for damage to or destruction of property in any one incident, and One Million Dollars (\$1,000,000.00) for the death or injury to any one person. Provided, however, that additional amounts may be required by the City if deemed necessary.

Such policy of insurance shall contain an endorsement providing that the policy will be continuous until canceled by a 30-day written notice sent by registered mail to the City Risk Manager 30 days in advance of the cancellation date. Prior to cancellation of any such policy, the vendor shall secure equivalent insurance. Failure to so do is grounds for revocation of the permit.

(g) **Denial of Permit.** Any applicant who is denied a permit shall be informed of the reasons for denial.

(h) **Permit Valid for Issuance.** When issued, the permit shall state on its face "Valid for Retail Sale of Firearm Ammunition."

(i) **Consent to Inspection.** The acceptance of a permit to engage in the business of a Firearms Ammunition dealer constitutes consent to inspection of the books, records and business premises in the manner set forth in Section 103.14 of this Code.

(j) **Permit Assignment.** The assignment or attempted assignment of any permit issued pursuant to this section, otherwise than in connection with a change of ownership as provided in Section 103.08, is unlawful and any such assignment or attempted assignment shall render the permit null and void.

(k) **Permittee Responsible For The Conduct Of Business.** No Firearm Ammunition shall be sold or leased or offered for sale or lease or advertised for sale or lease by the vendor, nor shall the vendor otherwise conduct his or her business, in violation of the Penal Code of the State of California, this section or any other applicable law.

(l) **Conditions of Employment by Permittee.** No officer, employee or agent of the vendor, hereinafter referred to collectively as "employee", who will have access to or control of Firearm Ammunition shall:

- (i) be under twenty-one years of age;
- (ii) have had a Federal firearms license revoked or denied within the last year;

(iii) be prohibited by law from owning, possessing or having custody or control of any firearm as defined in such law;

(iv) have been convicted of any firearms or ammunition related offense within the last five years.

Prior to employment, all prospective employees of the vendor shall make application to the Board for employment authorization and shall submit all required information, and fees together with fingerprints as required by Section 103.02.1 and 103.12 of this Code, to the Board. The applicant for employment shall be advised by the Board as to approval of the application as soon as processing has been completed. No applicant for employment may be hired until or unless the application for employment has been approved by the Board. This provision shall also apply to any employee in the employment of the vendor who has access to or control of Firearm Ammunition at the time this provision becomes effective, and such an employee must also submit an application to the Board. An employee in the employment of the vendor at the time this provision becomes effective who does not meet all of the above conditions must be released from employment within ninety days after notification to the vendor that the employee has failed to meet all of the above conditions.

(m) **Recording of Information.** The vendor shall comply with all requirements related to ammunition sales, as set forth in Los Angeles Municipal Code section 55.11.

(n) **Penalty.** Violation of this section shall constitute a misdemeanor.

(o) **Severability.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions which can be implemented without the invalid provisions, and to this end, the provisions of this ordinance are declared to be severable.

Sec. 2. Section 55.11 of the Los Angeles Municipal Code is amended to read in its entirety as follows:

SEC. 55.11. REQUIREMENTS FOR AMMUNITION SALES.

(a) "Firearm Ammunition" means any self-contained unit consisting of the case, primer, propellant charge, and projectile for use in pistols, revolvers, rifles, shot guns, or any other device designed to be used as a weapon from which is expelled a projectile by the force of explosion or other form of combustion. "Firearm Ammunition" shall not include blank ammunition used solely in the course of motion picture, television, video, or theatrical productions.

(b) The term "vendor", as used in this section, shall mean any person who is engaged in the retail sale of firearm ammunition and retail firearms dealers.

(c) No vendor shall sell or otherwise transfer ownership of any firearm ammunition to any person other than those listed in subsection (g) without at the time of purchase recording the following information on a form to be prescribed by the Board of Police Commissioners:

1. the date of the transaction,
2. the name, address and date of birth of the transferee,
3. the transferee's drivers license or other identification number and the state in which it was issued,
4. the brand, type and amount of ammunition transferred,
5. the transferee's signature, and
6. the name of the sales person who processed the transaction.

The vendor shall also at the time of purchase or transfer obtain the right thumb print of the purchaser or transferee on the above-referenced form.

(d) No vendor shall sell or otherwise transfer ownership of any firearm ammunition without complying with all requirements of subsection (c) in a face-to-face transaction.

(e) The records required by this section shall be maintained on the premises of the vendor for a period of not less than two (2) years from the date of the recorded transfer. Said records shall be subject to inspection at any time during normal business hours in accordance with the provisions of Section 103.14 of this Code.

(f) No person shall knowingly make a false entry in, or fail to make a required entry in, or fail to obtain the required thumb print, or fail to maintain in the required manner records prepared in accordance herewith. No person shall refuse to permit a police department employee to examine any record prepared in accordance with this section during any inspection conducted pursuant to this section, or refuse to permit the use of any record or information therefrom by the police department.

(g) The requirements of subsection (c) shall not apply when the purchaser is any of the following:

1. any person described in Section 12302 or 12322 of the Penal Code of the State of California.
2. any off-duty peace officer who displays proper agency identification which identifies him or her as an active peace officer.

3. any person who has been issued a permit to carry a concealed weapon under the authority of Section 12050 of the Penal Code of the State of California

4. any security guard licensed under the authority of Section 12033 of the Penal Code of the State of California.

5. any firearms dealer who has been issued a Federal Firearms License, a Certificate of Eligibility by the State of California and a Seller of Firearms Police Permit by the City of Los Angeles.

6. any firearm ammunition vendor who has been issued a Seller of Ammunition Police Permit by the City of Los Angeles.

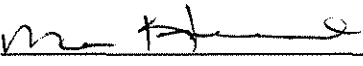
(h) Violation of this section shall constitute a misdemeanor.

Sec. 3 This ordinance shall become operative on the operative date of an ordinance amending Section 103.12 of this Code to establish the fees for a Seller of Ammunition Police Permit.

Sec. 4. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of DEC 17 2008.

KAREN E. KALFAYAN, City Clerk

By  Deputy

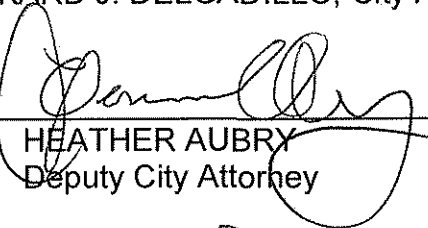
DEC 19 2008

Approved _____

 Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By 
HEATHER AUBRY
Deputy City Attorney

Date 12-11-08

File No. 08-1403 + 08-1405