

**ORDINANCE NO. \_\_\_\_\_**  
**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,**  
**STATE OF CALIFORNIA**

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**AN ORDINANCE REPEALING SECTIONS 3.52.060, 3.52.070, 3.52.080, 3.52.090,  
3.52.110, AND 3.52.120 OF CHAPTER 3.52 OF THE SAN MATEO COUNTY  
ORDINANCE CODE AND ADOPTING A NEW CHAPTER 3.51 TO IMPOSE NEW  
LICENSING AND SECURITY REQUIREMENTS FOR RETAIL ESTABLISHMENTS  
SELLING FIREARMS AND AMMUNITION**

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The Board of Supervisors of the County of San Mateo, State of California,  
ORDAINS as follows:

**SECTION 1. Findings.**

The Board of Supervisors finds and determines that:

- a) California Penal Code section 26705 provides for issuance of local firearms dealer licenses and emphasizes the authority of cities and counties to regulate firearms dealers; and
- b) Federal Firearm Licensees are required by federal law to comply with all state and local dealer laws as a condition for retaining their federal licenses; and
- c) California is among a minority of states that impose licensing requirements on firearms dealers, but the state standards are minimal; and
- d) The International Association of Chiefs of Police recommends that local governments impose their own licensing requirements on firearms dealers because local requirements can respond to specific community concerns and local review of licenses provides additional resources to identify and stop corrupt dealers; and
- e) A 2009 study found that cities in states that comprehensively regulate retail firearms dealers and cities where these businesses undergo regular compliance inspections have significantly lower levels of gun trafficking than other cities; and

- f) No federal or California law imposes security requirements on firearms dealers during business hours or requires firearms dealers or ammunition sellers to install burglar alarms or surveillance cameras. California law explicitly allows local jurisdictions to impose security requirements on firearms dealers that are stricter or at a higher standard than those imposed by state law; and
- g) No federal or California law requires firearms dealers to obtain liability insurance or prohibits firearms dealers or ammunition sellers from operating in residential neighborhoods or near schools, daycare centers, parks, or other places that children frequent; and
- h) California law requires firearms dealers to report the loss or theft of any firearm within 48 hours of discovery to the local law enforcement agency where the dealer's business premises are located, but does not otherwise require dealers to provide inventory reports to local law enforcement agencies; and
- i) In October 2016, Giffords Law Center conducted an audit of 155 California cities, towns, and counties and determined that:
- 80 cities and 17 counties require firearms dealers to obtain a license or license;
  - 29 cities and four counties require firearms dealers to obtain liability insurance;
  - 58 cities and seven counties expressly prohibit firearms dealers from operating as a home occupation;
  - Eight cities and three counties prohibit firearms dealers from being located within a certain distance of residences or residential areas;
  - 19 cities and five counties prohibit firearms dealers from being located near sensitive areas, such as daycare facilities, schools, parks, places of worship and community/recreation centers and other places children frequent; and
- j) Firearms dealers are high-value targets for criminals, and have often been magnets for break-ins, theft and destruction of property; and
- k) Under existing law, firearms dealers are subject to potential liability if they negligently supply a firearm to a person who is likely to and does use the firearm in a manner involving unreasonable risk of physical injury — such as a sale to an intoxicated person or a minor. Firearm dealers may also be subject to potential liability for conduct that causes harm if the conduct

violates an applicable state or federal law. Further, firearm dealers may be subject to potential liability if patrons are injured on their premises, or for other conduct creating premises liability or property owner liability; and

- l) Injuries and deaths from firearms, as well as from other accidents that may occur on a business' property, can devastate individuals and burden social safety nets. Liability insurance reduces these harms by providing necessary compensation to individuals who may be injured by the actions of a gun dealer; and
- m) To ensure that any victims who are injured by a firearms dealer's negligence or other conduct receive the compensation to which they are legally entitled, firearms dealers should obtain adequate insurance policies. The California Court of Appeal has upheld a local law requiring that firearms dealers carry liability insurance; and
- n) A 2009 study found that gun homicide rates in major cities were higher in areas where firearm dealers were more prevalent. The authors analyzed ATF data showing that guns “are often found to have been used for criminal purposes not far from the gun dealer where they were first obtained”; and
- o) The presence of firearms dealers near residential neighborhoods and sensitive areas may endanger the public and decrease the public’s sense of safety, by increasing the risk of criminal activity, such as gun thefts, “smash-and-grab” robberies, trafficking, and straw buying, as well as violent crime, including gun homicide.

**SECTION 2.** Sections 3.52.060, 3.52.070, 3.52.080, 3.52.090, 3.52.110 and 3.52.120 of Chapter 3.52 of the San Mateo County Ordinance Code are repealed.

**SECTION 3.** A new Chapter 3.51 is hereby adopted to be numbered and entitled to read as follows:

### **Chapter 3.51 Firearm and Ammunition Retail Licenses**

#### **3.51.010 Purpose of Chapter.**

It is the purpose and intent of this Chapter to establish a local program for the license and regulation of the sale, lease, or transfer of Firearms or Ammunition. The provisions of this Chapter are not intended to contradict or duplicate any applicable state or federal law.

#### **3.51.020 Definitions.**

For the purpose of this Chapter, unless the context clearly requires a different meaning, the following words, terms and phrases have the meanings given to them in this section:

- (a) "Ammunition" means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm, and any component thereof, but shall not include blank cartridges or ammunition that can be used solely in an "antique firearm" as that term is defined in section 921 (a)(16) of Title 18 of the United States Code.
- (b) "Applicant" means any person who applies for a license on behalf of the intended Licensee, or the renewal of such a license, to sell, lease or transfer firearms or ammunition.
- (c) "County Manager" means the San Mateo County Manager or designee
- (d) To "Engage in the Business of Selling, Leasing, or Otherwise Transferring any Firearm or Ammunition" means to conduct a business by the selling, leasing or transferring of any firearm or ammunition, or to hold one's self out as engaged in the business of selling, leasing or otherwise transferring any firearm or ammunition, or to sell, lease or transfer firearms or ammunition in quantity, in series, or in individual transactions, or in any other manner indicative of trade. Firearm and ammunition "buy back" programs hosted by the Sheriff or other local law enforcement, in which individuals or entities sell or transfer firearms or ammunition to law enforcement agencies, are not included in this definition or regulated by this Chapter.
- (e) "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 means of combustion, provided that the term "firearm" shall not include an "antique firearm" as defined in section 921(a)(16) of Title 18 of the United States Code.
- (f) "Licensee" means any person or entity engaged in the business of selling, leasing, or otherwise transferring any firearm or ammunition, which person or entity has been issued and holds a current license to sell, lease or transfer firearms or ammunition at a location licensed under this Chapter.
- (g) "Sheriff" means the San Mateo County Sheriff or the Sheriff's designated representative.

### **3.51.030 License--Required.**

No person or entity shall Engage in the Business of Selling, Leasing, or Otherwise Transferring any Firearm or Ammunition within the unincorporated area of the County of San Mateo without a license, as provided by this Chapter.

### **3.51.040 License--Application.**

An Applicant for a license or for renewal of a license under this Chapter shall file with the County Manager an application in writing, signed under penalty of perjury, on a form prescribed by the County. The Applicant shall provide all relevant information requested to demonstrate compliance with this Chapter, including the following:

- (a) The Applicant's name, including any aliases or prior names used, age and address;
- (b) The Applicant's federal firearms license and California firearms dealer numbers, if any;
- (c) A photocopy of the Applicant's driver's license, passport, or other government-issued identification card bearing a photograph of the Applicant;
- (d) The address of the location for which the license is sought, together with the business name, and the name of any corporation, partnership or other entity that has any ownership in, or control over, the business;
- (e) The names, ages, and addresses of all persons who will have access to or control of the Applicant's stock of Firearms or Ammunition, including but not limited to, the Applicant's employees and agents; any agent or employee of a firearm dealer who handles, sells or delivers firearms in the course of a dealer's business must obtain and provide to the dealer a certificate of eligibility from the California Department of Justice under Penal Code section 26710 demonstrating that the person is not prohibited by state or federal law from possessing Firearms or Ammunition;
- (f) A certificate of eligibility from the California Department of Justice under Penal Code section 26710 for the Applicant and for each individual identified in subsection (e) of this Section 3.51.040 demonstrating that the person is not prohibited by state or federal law from possessing Firearms or Ammunition;
- (g) Proof of a possessory interest in the property at which the business is proposed to be conducted, as owner, lessee or other legal occupant, and, if the Applicant is not the fee owner of record of the real property upon which, the Applicant's business is to be located and conducted, the written consent of the owner of record of such real property to the Applicant's proposed business;
- (h) A floor plan of the proposed business which illustrates the Applicant's compliance with the security provisions outlined in section 3.51.080;
- (i) Proof of compliance with all applicable federal, state and local licensing and other business laws;

- (j) Information relating to every license to sell, lease, transfer, purchase or possess Firearms or Ammunition which has ever been sought by the Applicant, or by any individual identified in subsection (e) of this Section 3.51.040, from any jurisdiction in the United States, including, but not limited to, the date of each application for that license and whether it resulted in the issuance of a license, and the date and circumstances of any revocation or suspension;
- (k) The Applicant's agreement to indemnify, defend and hold harmless the County, its officers, elected officials, agents and employees from and against all claims, losses, costs, damages and liabilities of any kind pursuant to the operation of the business arising in any manner out of the negligence or intentional or willful misconduct of (a) the Applicant; (b) the Applicant's officers, employees, agents and/or supervisors; and (c) if the business is a corporation, partnership or other entity, the officers, directors or partners;
- (l) Certification of compliance with the insurance requirements of this Chapter for Applicants applying for a license to sell Firearms; and
- (m) The date, location and nature of all criminal convictions of the Applicant, and all individuals identified in subsection (e) of this Section 3.51.040, and any other information requested by the County Manager as needed to confirm the eligibility of such persons for a license to sell Firearms or participate in the sale of Firearms as part of the Applicant's business.

### **3.51.050 License--Application Fee.**

Each application for a License under this Chapter shall be accompanied by a nonrefundable fee to cover the costs of administering this Chapter, as established by resolution of the Board of Supervisors.

### **3.51.060 Investigation of Applicant by the County Manager with the Assistance of the Sheriff.**

- (a) The County Manager, with the assistance of the Sheriff, shall conduct an investigation of the Applicant and the Applicant's employees and agents, if any, to determine, for the protection of the public health and safety, whether the License may be issued or renewed.
- (b) Prior to engaging in the business of selling, leasing, or otherwise transferring any Firearm or Ammunition, the Applicant must first submit directly to the County Manager, the following, which the County Manager will provide to the Sheriff for review and processing:

1. A complete set of the Applicant's fingerprints and a signed authorization for release of records pertinent to the investigation; and
  2. The names, ages and addresses of all individuals identified in section 3.51.040(e).
- (c) Prior to issuance or renewal of the License, the County Manager shall inspect the premises to ensure compliance with this Chapter.
- (d) The County Manager may grant or renew a License if the Applicant or License is in compliance with this Chapter and all other applicable federal, state and local laws and none of the grounds for License denial or revocation set forth in Section 3.51.070 are present.

### **3.51.070 Grounds for License Denial or Revocation.**

The County Manager shall deny the issuance or renewal of a License, or shall revoke an existing License, if the operation of the business would not or does not comply with federal, state or local law, or if any of the following conditions exist:

1. The Applicant, or any individual identified in section 3.51.040(e), is under 21 years of age;
2. The Applicant is not licensed as a dealer in Firearms under all applicable federal, state and local laws;
3. The Applicant has failed to fully comply with the application requirements, such as by refusing or failing to provide all of the requested information or refusing to agree to indemnify, defend, and hold harmless the County of San Mateo, its elected and appointed officials, officers, and employees, against claims arising from operation of the business;
4. The Applicant has made a false or misleading statement of a material fact or omission of a material fact in the application for a License, or in any other documents submitted to the County Manager or the Sheriff pursuant to this Chapter. If a License is denied on this ground, the Applicant is prohibited from reapplying for a License for a period of five years;
5. The Applicant, or any individual identified in section 3.51.040(e), has had a license or license to sell, lease, transfer, purchase or possess Firearms or Ammunition from any jurisdiction in the United States revoked, suspended or denied for good cause within the immediately preceding five years;
6. The Applicant, or any individual identified in section 3.51.040(e), has been convicted of:

- i. An offense which disqualifies that person from owning or possessing a Firearm under federal or California law, including, but not limited to, the offenses listed in Penal Code sections 29800-29875 and 29900-29905;
  - ii. An offense relating to the manufacture, sale, possession or use of a Firearm or dangerous or deadly weapon or Ammunition therefor;
  - iii. An offense involving the use of force or violence upon the person of another;
  - iv. An offense involving theft, fraud, dishonesty or deceit; or
  - v. A felony conviction within the last ten years involving the illegal manufacture or sale of a controlled substance as defined by the California Health and Safety Code.
7. The Applicant is within a class of persons defined in Welfare and Institutions Code sections 8100 or 8103.

**3.51.080 On-site Security Requirements.**

- (a) Any place of business licensed under this Chapter shall be a secure facility within the meaning of Penal Code section 17110.
- (b) If the proposed or current business location is to be used at least in part for the sale of firearms, all heating, ventilating, air-conditioning, and service openings shall be secured with steel bars or metal grating.
- (c) Any time a Licensee is not open for business, every Firearm shall be stored in one of the following ways:
  1. In a locked fireproof safe or vault in the Licensee's business premises that meets the standards for a gun safe implemented by the Attorney General pursuant to Penal Code section 23650.
  2. Secured with a hardened steel rod or cable of at least one-fourth inch in diameter through the trigger guard of the Firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a bolt cutter, and the rod or cable shall be anchored in a manner that prevents the removal of the Firearm from the premises. No more than five Firearms may be affixed to any one rod or cable at any time.
- (d) Any time a Licensee is open for business, every Firearm shall be unloaded, inaccessible to the public and secured using one of the following three



methods, except in the immediate presence of and under the direct supervision of an employee of the Licensee:

1. Secured within a locked case so that a customer seeking access to the Firearm must ask an employee of the Licensee for assistance;
  2. Secured behind a counter where only the Licensee and the Licensee's employees are allowed. During the absence of the Licensee or a Licensee's employee from the counter, the counter shall be secured with a locked, impenetrable barrier that extends from the floor or counter to the ceiling; or
  3. Secured with a hardened steel rod or cable of at least one-fourth inch in diameter through the trigger guard of the Firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a bolt cutter, and the rod or cable shall be anchored in a manner that prevents the removal of the Firearm from the premises. No more than five Firearms may be affixed to any one rod or cable at any time.
- (e) Any time a Licensee is open for business, all Ammunition shall be stored so that it is inaccessible to the public and secured using one of the methods mentioned in subsection (d)(1) or (2), except if the Ammunition is in the immediate presence of and under the direct supervision of an employee of the Licensee.
- (f) The licensed business location shall be secured by an alarm system that is installed and maintained by an alarm company operator licensed pursuant to the Alarm Company Act, Business & Professions Code sections 7590 et seq. The alarm system must be monitored by a central station listed by Underwriters Laboratories, Inc. and covered by an active Underwriters Laboratories, Inc. alarm system certificate with a #3 extent of protection.
- (g) The licensed business location shall be monitored by a video surveillance system that meets the following requirements:
1. The system shall include cameras, monitors and digital video recorders.
  2. The interior and exterior of the licensed business location shall be monitored. The number and location of the cameras are subject to the approval of the County Manager. At a minimum, the cameras shall be sufficient in number and location to monitor the critical areas of the business premises, including, but not limited to, all places where Firearms or Ammunition are stored, handled, sold, transferred, or carried, including, but not limited to, all counters, safes, vaults, cabinets, cases, entryways, and parking lots.

3. The video surveillance system shall operate continuously, without interruption, whenever the Licensee is open for business. Whenever the Licensee is not open for business, the system shall be triggered by a motion detector and begin recording immediately upon detection of any motion within the monitored area;
  4. In addition, the sale or transfer of a Firearm or Ammunition shall be recorded by the video surveillance system in such a way that the facial features of the purchaser or transferee are clearly visible;
  5. When recording, the video surveillance system shall record continuously and store color images of the monitored area at a frequency of not less than 15 frames per second. The system must produce retrievable and identifiable images and video recordings on media approved by the County Manager that can be enlarged through projection or other means and can be made a permanent record for use in a criminal investigation. The system must be capable of delineating on playback the activity and physical features of persons or areas within the premises;
  6. The stored images shall be maintained on the business premises of the Licensee for a period not less than three years from the date of recordation and shall be made available for inspection by federal, state or local law enforcement upon request; and
  7. The video surveillance system must be maintained in proper working order at all times. If the system becomes inoperable, it must be repaired or replaced within 14 calendar days. The Licensee must inspect the system at least weekly to ensure that it is operational and that images are being recorded and retained as required.
- (h) The Licensee shall comply with all California laws regulating the sales of Firearms and Ammunition, including but not limited to Penal Code sections 26805, 26815, 26820, 26885, 30363, 32000, and 32310.
- (i) The County Manager may, in consultation with the Sheriff, impose security requirements in addition to those listed in this Section prior to issuance of the License. Failure to fully comply with the requirements of this Section, including any additional requirements under this Subsection, shall be sufficient cause for denial or revocation of the License by the County Manager.

### **3.51.090. Business Hours.**

The business operating hours of any Licensee shall be limited to hours between 8:00 a.m. and 8:00 p.m. each day the business is open to the public.

### **3.51.100 Liability Insurance.**

- (a) If the proposed or current business location is to be used for the sale of Firearms, no License shall be issued or reissued unless there is in effect a policy of insurance from an insurance company with a rating of at least A-registered with the California Department of Insurance, approved by the County, insuring the Applicant against liability for damage to property and for injury to or death of any person as a result of the theft, sale, lease or transfer or offering for sale, lease or transfer of a Firearm or Ammunition, or any other operations of the business. The policy shall also name the County and its officials, officers, employees and agents as additional insureds. The limits of liability shall not be less than \$1,000,000 for each incident of damage to property or incident of injury or death to a person; provided, however, that increased limits of liability may be required by the County if deemed necessary due to a safety or security incident at Licensee's business or a violation of this Chapter which increases the risk to public safety.
- (b) The policy of insurance shall contain an endorsement providing that the policy shall not be canceled until written notice has been given to the County Risk Manager at least 30 days prior to the time the cancellation becomes effective.
- (c) Upon expiration of the policy of insurance, and if no additional insurance meeting the standards set forth in this Section 3.51.100 is obtained, the License is considered revoked without further notice.

### **3.51.110 Buffer Requirements for Sale of Firearms or Ammunition.**

No new License shall be issued except in compliance with all applicable zoning and building requirements and the following minimum buffer distances, measured in a straight line, without regard to intervening structures, from the nearest exterior wall of the proposed business location to the nearest exterior wall of the structure associated with the following sensitive uses:

- (a) A minimum distance of 200 feet from any residential structure.
- (b) A minimum distance of 600 feet from a school, community center, church, mosque or synagogue.
- (c) A minimum distance of 1000 feet from a playground, child day care facility or youth center as defined in Section 11353.1 of the State of California Health and Safety Code.

- (d) A minimum distance of 1000 feet from the business location of any existing Licensee.

### **3.51.120 Restricted Admittance of Minors and Other Prohibited Purchasers.**

- (a) Where Firearm sales activity is the primary business performed at the business premises, no Licensee or any of his or her agents, employees, or other persons acting under the Licensee's authority shall allow the following persons to enter into or remain on the premises unless accompanied by the person's parent or legal guardian:
  1. Any person under 21 years of age, if the Licensee sells, keeps or displays only Firearms capable of being concealed on the person, provided that this provision shall not prevent a supervisory agent or employee who has the authority to control activities on the business premises from keeping a single Firearm capable of being concealed on the person on the business premises for purposes of lawful self-defense; or
  2. Any person under 18 years of age, if the Licensee sells, keeps or displays Firearms other than Firearms capable of being concealed on the person.
- (b) Where Firearm sales activity is the primary business performed at the business premises, the Licensee and any of his or her agents, employees, or other persons acting under the Licensee's authority shall be responsible for requiring clear evidence of age and identity of persons to prevent the entry of persons not permitted to enter the premises pursuant to subsection (a) by reason of age. Clear evidence of age and identity includes, but is not limited to, a passport, a motor vehicle operator's license, a state identification card, an armed forces identification card, or an employment identification card which contains the bearer's signature, photograph and age, or any similar documentation which provides reasonable assurance of the identity and age of the individual.
- (c) Where Firearm sales activity is the primary business performed at the business premises, neither a Licensee nor any of his or her agents, employees, or other persons acting under the Licensee's authority shall allow any person to enter into or remain on the premises who the Licensee or any of his or her agents, employees, or other persons acting under the Licensee's authority knows or has reason to know is prohibited from possessing or purchasing Firearms pursuant to federal, state, or local law.

### **3.51.130 Inventory reports.**

- (a) Within the first five business days of April and October of each year, the Licensee shall cause a physical inventory to be taken and recorded on a form approved by the County Manager that includes a listing of each Firearm held by the Licensee by make, model and serial number, together with a listing of each Firearm the Licensee has sold since the last inventory period. In addition, the inventory shall include a listing of each Firearm lost or stolen that is required to be reported pursuant to Penal Code section 26885.
- (b) Immediately upon completion of the inventory, the Licensee shall forward a copy of the inventory to the address specified by the County Manager, by such means as specified by the County Manager. With each copy of the inventory, the Licensee shall include an affidavit signed by an authorized agent or employee on behalf of the Licensee under penalty of perjury stating that within the first five business days of that April or October, as the case may be, the signer personally confirmed the veracity of all matters reported on the inventory.
- (c) The Licensee shall maintain a copy of the inventory on the premises for which the law enforcement license was issued for a period of not less than five years from the date of the inventory and shall make the copy available for inspection by the County Manager or federal, state or local law enforcement upon request.

### **3.51.140 Display of License.**

The License, or a certified copy of it, shall be displayed in a prominent place on the business premises where it can easily be seen by those entering the premises.

### **3.51.150 Issuance of License--Duration.**

- (a) A License expires one year after the date of issuance and allows operation only at the location identified in the License application and only by the Licensee.
- (b) A License may be renewed for additional one-year periods if the Licensee submits a timely application for renewal, accompanied by a nonrefundable renewal fee established by resolution of the Board of Supervisors for the County of San Mateo. Renewal of the License is contingent upon the Licensee's compliance with the terms and conditions of the original application and license, as detailed in this Chapter. The County Manager shall inspect the licensed business premises for compliance with this Chapter prior to renewal of the License. The renewal application and the

renewal fee must be received by the County Manager no later than 45 days before the expiration of the current License.

- (c) A decision regarding issuance, renewal or revocation of the License may be appealed in the manner provided in sections 3.51.210 and 3.51.220.

### **3.51.160 Licenses Not Assignable.**

A License issued under this Chapter is not assignable. Any attempt to assign a License is not effective and shall be cause for immediate revocation of the License.

### **3.51.170 Inspections.**

Licensees shall have their places of business open for inspection by federal, state and local law enforcement or the County Manager during all hours of operation. The County Manager may conduct periodic inspections of the Licensee's place of business without notice to assess the Licensee's compliance with this Chapter. The inspections shall be of the parts of the Licensee's place of business that are used to store or sell Firearms, Ammunition, records, and/or documents. The County Manager shall conduct no more than two inspections of a single place of business during any six-month period, except that the County Manager may conduct follow-up inspections that exceed two in a six-month period if he or she has good cause to believe that a Licensee is violating this Chapter. Licensees shall maintain all records, documents, Firearms and Ammunition in a manner and place accessible for inspection by the County Manager and federal, state and local law enforcement.

### **3.51.180 Posted warnings.**

- (a) A Licensee shall comply with Penal Code section 26835 and post all signs required by that section. A Licensee shall also post signs with the following text in block letters not less than one inch in height:
  1. Within the licensed premises: "WITH FEW EXCEPTIONS, IT IS A CRIME TO SELL OR GIVE A FIREARM TO SOMEONE WITHOUT COMPLETING A DEALER RECORD OF SALE FORM AT A LICENSED FIREARMS DEALERSHIP;"
  2. Within the licensed premises: "IF YOU ARE STRUGGLING EMOTIONALLY OR THINKING OF SUICIDE, CALL 1-800-273-TALK (1-800-273-8255). FREE AND CONFIDENTIAL;" and
  3. At each entrance to the licensed premises: "THESE PREMISES ARE UNDER VIDEO SURVEILLANCE. YOUR IMAGE WILL BE RECORDED."

- (b) If a Licensee sells, keeps or displays only Firearms capable of being concealed on the person, the Licensee shall post conspicuously at each entrance to the premises, a sign stating: "FIREARMS ARE KEPT, DISPLAYED OR OFFERED ON THE PREMISES, AND PERSONS UNDER THE AGE OF 21 ARE EXCLUDED UNLESS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN."
- (c) If a Licensee sells, keeps or displays Firearms other than Firearms capable of being concealed on the person, the Licensee shall post conspicuously at each entrance to the premises, a sign stating: 'FIREARMS ARE KEPT, DISPLAYED OR OFFERED ON THE PREMISES, AND PERSONS UNDER THE AGE OF 18 ARE EXCLUDED UNLESS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN."
- (d) Where Firearm sales activity is the primary business performed at the business premises, the Licensee shall post conspicuously at each entrance to the premises, a sign stating: 'FIREARMS ARE KEPT, DISPLAYED OR OFFERED ON THE PREMISES, AND PERSONS PROHIBITED FROM POSSESSING OR PURCHASING FIREARMS PURSUANT TO FEDERAL, STATE, OR LOCAL LAW ARE EXCLUDED."

#### **3.51.190 Violations.**

- (a) The County Manager may revoke the License of any Licensee found to be in violation of any of the provisions of this Chapter.
- (b) Violation of this Chapter is a public nuisance subject to any and all applicable civil, administrative and criminal remedies, according to the provisions and procedures contained in this Ordinance Code and state law.
- (c) This section is not intended to limit any other available criminal, civil or administrative remedies for violation of this Chapter, including but not limited to administrative fines as set forth in Chapter 1.40 of this Ordinance Code. Each day a violation continues shall constitute a separate violation of this Chapter.

#### **3.51.200 Report of License Revocation to Federal and State Authorities.**

In addition to any other penalty or remedy, the County Manager shall report any Licensee whose License is revoked pursuant to this Chapter to the Bureau of Firearms of the California Department of Justice and the Bureau of Alcohol, Tobacco, Firearms & Explosives within the U.S. Department of Justice.

### **3.51.210 Hearing for License Denial or Revocation.**

- (a) Within 10 calendar days of the County Manager mailing a written notice of denial of an application or mailing a written notice of revocation of a license, the Applicant may appeal by requesting an informal hearing before the County Manager. The request must be made in writing and set forth the specific grounds for appeal. If the Applicant submits a timely request for an appeal, the County Manager shall, within 30 calendar days of receipt of the request set a time and place for the hearing, to be held within a reasonable time. The filing of a timely informal appeal shall stay a License revocation while the informal appeal is pending.
- (b) The County Manager shall provide by certified mail or personal delivery to the Licensee's place of business a written decision regarding the appeal within 14 calendar days of the hearing on the informal appeal.

### **3.51.220 Appeal to the County License Board.**

- (a) The decision of the County Manager on the informal appeal is appealable to the License Board.
- (b) A notice of appeal must be in writing and be hand-delivered or mailed to the Clerk of the License Board within ten days of receipt of the County Manager's decision on the informal appeal. The notice of appeal must include a description of all alleged grounds for the appeal, as well as all evidence proposed to be relied upon by the Appellant in support of the appeal; such evidence may include declarations or exhibits.
- (c) The filing of a timely appeal will stay a revocation of an existing License pending a decision on the appeal by the License Board.
- (d) A hearing shall be scheduled before the License Board within thirty (30) days of receipt of the notice of appeal. Either the Appellant or the County Manager may request, in writing directed to the Chair of the License Board, a continuance of the hearing. Such requests must be supported by good cause. The decision whether to grant a continuance is at the discretion of the Chair of the License Board, who shall consider whether granting the continuance poses a threat to public health or safety in light of the severity of the violations alleged.
- (e) The decision of the License Board shall be a final administrative order, with no further administrative right of appeal or reconsideration. The License Board may sustain a denial or revocation, overrule a denial or revocation, or impose additional conditions on the Applicant or Licensee. Further, the License Board may stay the effective date of any revocation for a reasonable time following a hearing.



- (f) Except to the extent that a longer period is provided for in this Chapter or under other controlling law, no re-application will be accepted or considered within one (1) year after a license is revoked by the County Manager or the License Board, if the revocation is upheld after appeal to the License Board.
- (g) The following rules shall apply to any appeal hearing required by this section: All parties involved shall have the right to offer testimonial, documentary, and tangible evidence bearing on the issues, to be represented by counsel, and to confront and cross-examine witnesses. Any relevant evidence may be admitted if it is the sort of evidence upon which reasonable persons are accustomed to rely on in the conduct of serious affairs. Formal rules of evidence and discovery do not apply to proceedings governed by this Chapter.
  - 1. For the appeal of a denial of an original License or renewal, the appellant shall have the burden of proof, by a preponderance of evidence, to show the County Manager's denial was erroneous.
  - 2. For the appeal of a revocation of a License, the County Manager shall have the burden of proof, by a preponderance of evidence, to show good cause for the revocation.

### **3.51.230 Unlawful Business Practice May be Enjoined.**

Any business operated, conducted, or maintained contrary to the provisions of this Chapter shall constitute an unlawful business practice pursuant to Business and Professions Code Section 17200 et seq., and the County Counsel or District Attorney may, in the exercise of discretion, in addition to or in lieu of taking any other action permitted by this Chapter, commence an action or actions, proceeding or proceedings in the Superior Court of San Mateo County, seeking an injunction prohibiting the unlawful business practice and/or any other remedy available at law, including but not limited to fines, attorneys' fees and costs. All remedies provided for in this Chapter are cumulative.

**SECTION 4.** The Board of Supervisors finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to 14 California Code of Regulations sections 15060(c)(2), 15060(c)(3) as the ordinance will not result in a reasonably foreseeable direct or indirect physical change in the environment, and is not a project as defined in Section 15378. Further, the ordinance is exempt pursuant to 14 Cal. Code of Regulations section 15061(b)(3) as there is no possibility that it will have a significant effect on the environment.

**SECTION 5.** If any section, subsection, sentence or clause of this Ordinance is for any reason declared unconstitutional or invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the constitutionality, validity or enforceability of

the remaining portions of this Ordinance or any part thereof. The Board of Supervisors hereby declares that it would have adopted this Ordinance notwithstanding the unconstitutionality, invalidity or unenforceability of any one or more of its sections, subsections, sentences or clauses.

**SECTION 6.** This Ordinance shall be effective 30 days after adoption.

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