

ORDINANCE O2024-XX

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANTECA, STATE OF CALIFORNIA, AMENDING CHAPTER 5.48 "FIREARMS SALES" OF THE MANTECA MUNICIPAL CODE TO ALIGN WITH THE REQUIREMENTS AND PROCEDURES OF CHAPTER 5.04 "BUSINESS LICENSES GENERALLY" AND PENAL CODE SECTIONS 26700 – 26725

WHEREAS, the Manteca Municipal Code (MMC), Chapter 5.48 "Firearms Sales", requires that retailers of pistols, revolvers, and other firearms within the City of Manteca (City) apply for a license, and such applications shall be heard before the City Council; and

WHEREAS, Chapter 5.48 further requires that the license be in a form prescribed by the Attorney General, and the licensee shall comply with certain conditions;

WHEREAS, the City's past practice has been to issue general business licenses to firearms retailers pursuant to the requirements and procedures set forth in Chapter 5.04 "Business Licenses Generally"; and

WHEREAS, Penal Code Sections 26700-26725 set forth the requirements under State law for a license to sell, lease, or transfer firearms at retail; and

WHEREAS, Penal Code Section 26705 authorizes a city to grant licenses for the retail sale of firearms within the city, which includes a business license that states on its face "Valid for Retail Sales of Firearms"; and

WHEREAS, the proposed amendment to Chapter 5.48 will align with Chapter 5.04 of the MMC, the City's past practices, and Penal Code Sections 26700-26725, requiring that firearm retailers obtain a general business license to operate.

THE CITY COUNCIL OF THE CITY OF MANTECA DOES ORDAIN AS FOLLOWS:

**SECTION 1:** Chapter 5.48 "Firearms Sales" is hereby repealed and replaced as follows:

**Chapter 5.48  
FIREARMS SALES**

**§ 5.48.010 Licensing requirements.**

All licenses permitting the licensee to sell, at retail within the city, pistols, revolvers and other firearms capable of being concealed upon the person shall be obtained pursuant to

# ATTACHMENT 1

the requirements and procedures set forth in Chapter 5.04 of this Code. If a license is granted, it shall state on its face "Valid for Retail Sales of Firearms" and the licensee shall comply with all applicable state laws and requirements, including Penal Code Sections 26700 - 26725.

**SECTION 2: Severability.** If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub- section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 3: Effective Date.** This Ordinance shall become effective thirty (30) days following adoption.

City of Manteca, a municipal corporation

MAYOR: \_\_\_\_\_  
GARY SINGH

ATTEST: \_\_\_\_\_  
CASSANDRA CANDINI-TILTON  
CITY CLERK

**ATTACHMENT 1**

STATE OF CALIFORNIA }  
COUNTY OF SAN JOAQUIN } SS:  
CITY OF MANTECA }

I, Cassandra Candini-Tilton, City Clerk of the City of Manteca, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public meeting of the City Council on the 16<sup>th</sup> day of July, 2024, and had its second reading and was adopted and passed during the public meeting of the City Council on the \_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_  
CASSANDRA CANDINI-TILTON  
City Clerk