



Legislation Details (With Text)

File #: 24-359 **Version:** 1 **Name:**

Type: Consent **Status:** Agenda Ready

File created: 6/27/2024 **In control:** CITY COUNCIL

On agenda: 7/16/2024 **Final action:**

Title: Waive the first reading by substitution of the title and introduce an 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.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment 1 - Ordinance, 2. Attachment 2 - Ordinance with Redline

Date	Ver.	Action By	Action	Result
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City Council Agenda

Memo to: Manteca City Council

From: David Nefouse, City Attorney

Prepared by: Riana Daniel, Staff Counsel; Adriana Taylor, Revenue Manager

Date: July 16, 2024

Subject: Request for Municipal Code Chapter 5.48 "Firearms Sales" to be amended

Recommendation:

Waive the first reading by substitution of the title and introduce an 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.

Background:

The Department of Justice and State law regulate the retail sales of firearms. Currently, Manteca Municipal Code (MMC) Chapter 5.48 "Firearms Sales" contains certain procedures, requirements, and conditions for the retail sale of firearms within the City of Manteca (City). Presently, Chapter 5.48 requires that a retailer apply for a license, which must be approved at a hearing by the City Council. The license shall be in a form prescribed by the Attorney General, and the license shall be subject to

certain conditions.

However, the City's past practice has been to issue a general business license pursuant to Chapter 5.04 of the MMC. This involves the ordinary process of paying a fee and obtaining a general business license to operate. In addition, Penal Code Sections 26700-26725 set forth the requirements under State law for a license to sell, lease, or transfer firearms at retail. 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".

In order to streamline the process for firearms retailers to obtain a business license within the city, and to align with Chapter 5.04 of the MMC, the City's past practices, and Penal Code Sections 26700-26725, the proposed amendment will now require that firearms retailers obtain a general business license to operate. In addition, several current retailers have attempted to renew their licenses, and the Department of Justice has alerted those retailers that their licenses must comply with the language requirements of Penal Code Section 26705 - the business license must state "Valid for Retail Sales of Firearms." The amendment will now require that business licenses for firearms retailers contain this language.

Fiscal Impact:

There is no fiscal impact with this action.

Documents Attached:

1. Attachment 1 - Ordinance
2. Attachment 2 - Ordinance with Redline