

## **Title 9**

### **PUBLIC PEACE, MORALS AND WELFARE**

#### **Chapters:**

#### **I. Offenses By or Against Public Officers and Government**

**9.04 Confidential Police Records**

**9.08 Health Officer Orders**

#### **II. Offenses Against the Person**

#### **III. Offenses Against Public Decency**

**9.16 Gambling**

**9.20 Hotel Registration**

**9.28 Public Intoxication**

**9.30 Public Urination and Defecation**

#### **IV. Offenses Against Public Peace**

**9.32 Disorderly Assemblies**

**9.36 Noise**

**9.40 Fireworks**

#### **V. Offenses Against Property**

**9.52 Removing Monuments or Bench Marks**

**9.56 Trespassing on Golf Courses**

**9.60 Public Ponds and Fountains**

#### **VI. Consumer Protection**

#### **VII. Offenses By or Against Minors**

#### **VIII. Weapons**

**9.72 Firearms**

**9.76 Weapons**

**9.78 Prohibition of Commercial Sale of Saturday Night Specials**

**9.80 Trigger Lock Requirement**



**I. Offenses By or Against Public Officers and Government**

**Chapter 9.08**

**Chapter 9.04**

**HEALTH OFFICER ORDERS**

**CONFIDENTIAL POLICE RECORDS**

Sections:

Sections:

9.04.010 Unauthorized use of Criminal Oriented Records Production Unified System (CORPUS) prohibited.

9.08.010 Failure to comply with health officer's orders prohibited.

**9.04.010 Unauthorized use of Criminal Oriented Records Production Unified System (CORPUS) prohibited.**

**9.08.010 Failure to comply with health officer's orders prohibited.**

A. Any unauthorized person who obtains personal data from the Criminal Oriented Records Production Unified System (CORPUS) is guilty of a misdemeanor.

It is unlawful to violate, refuse, fail or neglect to comply with any lawful general or special order, notice or direction of the health officer of the city. (1960 code § 14.14)

B. Any person who provides or has provided personal data from the Criminal Oriented Records Production Unified System (CORPUS) to any unauthorized person is guilty of a misdemeanor. (1960 code § 14.25)

**II. Offenses Against the Person (Reserved)**

**III. Offenses Against Public Decency**

**Chapter 9.16**

**GAMBLING**

Sections:

- 9.16.010 Definitions.
- 9.16.020 Gambling prohibited in public places.
- 9.16.030 Betting prohibited.
- 9.16.040 Keeping premises where gambling is conducted prohibited.
- 9.16.050 Visiting premises where gambling is conducted prohibited.
- 9.16.060 Inviting persons to premises where gambling is conducted prohibited.
- 9.16.070 Sale of items won as the result of gambling prohibited.
- 9.16.080 Violation deemed misdemeanor.

**9.16.010 Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

A. "Bet" and "betting" mean an agreement, express or implied, between two or more persons that money in contributing which all agreeing take part, shall become the property of one or some of them on the happening or not happening in the future of an event which, at the time, is an uncertainty, or upon the ascertainment of a fact in dispute.

B. "Gamble" and "gambling" means the playing at a game, device or contrivance in which the element of chance is the controlling factor for stakes, or the betting on the result of any game, device or contrivance, whether it be one of skill or chance.

C. "Public place" means any premises or place except a bona fide private dwelling or an apartment, suite or room, which is used in good faith as the residence of one or more persons, in an apartment house, lodginghouse, hotel or other institution of similar character.

D. "Stake" means a fund contributed by two or more persons on an understanding, express or implied, that each one so contributing is to have a chance to gain a portion or all of such fund, dependent on the happening or not happening of some uncertain event. (1960 code § 14.7)

**9.16.020 Gambling prohibited in public places.**

It is unlawful for any person in any public place within the city to gamble at cards, dice or any other game, device or contrivance. (1960 code § 14.8)

**9.16.030 Betting prohibited.**

It is unlawful for any person in any public place within the city to gamble at cards, dice or any other game, device or contrivance. (1960 code § 14.9)

**9.16.040 Keeping premises where gambling is conducted prohibited.**

It is unlawful for any person in the city knowingly to keep or maintain or conduct or contribute to the support of any public place where gambling or betting is being habitually carried on or conducted, or knowingly to let or underlet or transfer the possession of any house or premises for use for such purposes. (1960 code § 14.11)

**9.16.050 Visiting premises where gambling is conducted prohibited.**

It is unlawful for any person within the city knowingly to visit any public place where gambling or betting is being carried on or conducted. (1960 code § 14.10)

**9.16.060 Inviting persons to premises where gambling is conducted prohibited.**

It is unlawful for any person who has knowledge of the character of the place to invite, entice or persuade any person or persons to visit any public place where gambling or betting is being carried on or conducted. (1960 code § 14.12)

**9.16.070 Sale of items won as the result of gambling prohibited.**

It is unlawful for any person in any public place within the city to buy or sell anything of value won in any game or as the result of any bet or as a result of the determination of any uncertain event. (1960 code § 14.13)

**9.16.080 Violation deemed misdemeanor.**

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor. Penalties for misdemeanors shall be as set forth in Penal Code Section 19. (Ord. 1217 § 8, 1986)

**Chapter 9.20**

**HOTEL REGISTRATION**

Sections:

9.20.010 Hotel registration, retention.

**9.20.010 Hotel registration, retention.**

It is unlawful for any person in the city to engage in conducting any lodging house, rooming house, apartment house or hotel to permit any person to lodge therein without first requiring him/her to register his/her true name and address in a register kept for that purpose. This register shall be retained on-site for a period of not less than 30 days and shall be available for police inspection at any time during which the lodging house, rooming house, apartment house or hotel is open for business. (Ord. 1233 § 1, 1987)

**Chapter 9.28**

**PUBLIC INTOXICATION**

Sections:

9.28.010 Public intoxication prohibited where.

**9.28.010 Public intoxication prohibited where.**

It is unlawful for any person to appear in any private house, place or grounds, without the consent of the occupant thereof, to the annoyance of any person therein, nor in any public place within the city, in a state of drunkenness or intoxication. (1960 code § 14.2)

**9.30.010**

**Chapter 9.30**

**PUBLIC URINATION AND DEFECATION**

Sections:

9.30.010 Prohibited.

**9.30.010 Prohibited.**

No person shall urinate or defecate in public except when using a urinal, toilet or commode located in a bathroom, restroom or other structure enclosed from public view. (Ord. 1492 § 1, 1996)

**IV. Offenses Against Public Peace**

**Chapter 9.32**

**DISORDERLY ASSEMBLIES**

Sections:

9.32.010 Disorderly assemblies prohibited.

**9.32.010 Disorderly assemblies prohibited.**

It is unlawful for two or more persons to congregate or assemble for the purpose of engaging in any type of activity or disturbance that may result in harm to persons or property, or to make or endeavor to make any disturbance on any public street or other public property. (1960 code § 14.1.1)

**Chapter 9.36****NOISE**

## Sections:

- 9.36.010 Findings and purpose of provisions.
- 9.36.020 Loud, disturbing, unusual and unnecessary noise – Prohibited.
- 9.36.030 Loud, disturbing, unusual and unnecessary noise – Designated.
- 9.36.040 Blowers, fans and combustion engines.
- 9.36.050 Exhausts from engines, boats or vehicles.
- 9.36.060 Loading and unloading vehicles and opening crates and containers.
- 9.36.070 Noises adjacent to schools, courts, churches and hospitals.
- 9.36.080 Hammers, pile drivers, pneumatic tools and similar equipment.
- 9.36.090 Radios, phonographs, musical instruments and similar devices.
- 9.36.100 Yelling, shouting and similar noise.
- 9.36.110 Exceptions.

**9.36.010 Findings and purpose of provisions.**

It is hereby found and declared as follows:

A. That the making, creation or maintenance of loud, unnecessary, unnatural, unusual or habitual noises which are prolonged, unusual and unnatural in their time, place and use, affect and are a detriment to the public health, comfort, safety, welfare and prosperity of the residents of the city; and

B. That the necessity in the public interest for the provisions and prohibitions set forth in this chapter is declared as a matter of legislative determination and public policy, and it is further declared that the provisions of this chapter are in pursuance of and for the purpose of securing and promoting the public health, comfort, safety, welfare and prosperity, and the peace and quiet of the city and its inhabitants;

C. That in many instances the problems created by such noise can best be solved by better communication between neighbors, which the city encourages, but that those problems can become sufficiently severe to warrant the impositions of the provisions and prohibitions set forth in this chapter. (Ord. 1128 § 2, 1983; 1960 code § 13B.1)

**9.36.020 Loud, disturbing, unusual and unnecessary noise – Prohibited.**

It is unlawful for any person to make or continue, or cause to be made or continued, any loud, disturbing, unnecessary, unusual or habitual noise, or any noise which annoys, disturbs, injures or endangers the comfort, health, repose, peace or safety of other persons within the city. (Ord. 1128 § 2, 1983; 1960 code § 13B.2)

**9.36.030 Loud, disturbing, unusual and unnecessary noise – Designated.**

The following noises, set out in LMC 9.36.040 through 9.36.100, among others, are hereby declared to be loud, disturbing, unnecessary, unusual or habitual noises in violation of the provisions of this chapter; provided, however, such enumeration shall not be deemed or construed as in any degree exclusive, but merely illustrative, it being the intent and purpose of the provisions of this chapter to include and prohibit all noises of the kind and character described in LMC 9.36.020. (Ord. 1128 § 2, 1983; 1960 code § 13B.3)

**9.36.040 Blowers, fans and combustion engines.**

The operation of any noise-creating blower, power fan or internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, is prohibited, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device to deaden such noise in such a manner so as not to be plainly audible at a distance of either 75 feet from the source of the noise, or between the hours of 6:00 p.m. Saturday to 7:00 a.m. Monday; 8:00 p.m. to 7:00 a.m. on Monday, Tuesday, Wednesday and Thursdays; 8:00 p.m. Friday to 9:00 a.m. on Saturday or at all on city-observed holidays. (Ord. 1672 § 1, 2002; Ord. 1128 § 2, 1983; 1960 code § 13B.3(g))

**9.36.050 Exhausts from engines, boats or vehicles.**

The discharge into the open air of the exhaust of any steam engine, stationary internal-combustion engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom in such a manner so as not to be plainly audible at the dis-

## **9.36.060**

tance of either 75 feet from the source of the noise, or the property line, whichever is greater, is prohibited. (Ord. 1128 § 2, 1983; 1960 code § 13B.3(c))

### **9.36.060 Loading and unloading vehicles and opening crates and containers.**

The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers is prohibited. (Ord. 1128 § 2, 1983; 1960 code § 13B.3(d))

### **9.36.070 Noises adjacent to schools, courts, churches and hospitals.**

The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in use, or adjacent to any hospital, which noise unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital is prohibited, provided conspicuous signs are displayed in such streets, indicating that the streets are adjacent to a school, hospital or court. (Ord. 1128 § 2, 1983; 1960 code § 13B.3(e))

### **9.36.080 Hammers, pile drivers, pneumatic tools and similar equipment.**

The operation between the hours of 6:00 p.m. Saturday to 7:00 a.m. Monday; 8:00 p.m. to 7:00 a.m. on Monday, Tuesday, Wednesday and Thursdays; 8:00 p.m. Friday to 9:00 a.m. on Saturday or at all on city-observed holidays of any pile driver, pneumatic tools, derrick, electric hoist, sandblaster or other equipment used in construction, demolition or other repair work, the use of which is attended by loud or unusual noise, is prohibited. (Ord. 1672 § 2, 2002; Ord. 1128 § 2, 1983; 1960 code § 13B.3(f))

### **9.36.090 Radios, phonographs, musical instruments and similar devices.**

The following are prohibited:

A. The using or operating, or permitting to be played, used or operated, of any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the persons who are in

the room, vehicle or chamber in which such machine or device is operated, and who are voluntary listeners thereto; and

B. The operation of such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such manner as to be plainly audible at a distance of either 75 feet from the source of the noise, or the property line, whichever is greater, which shall be prima facie evidence of a violation of the provisions of LMC 9.36.040 through 9.36.100. (Ord. 1128 § 2, 1983; 1960 code § 13B.3(a))

### **9.36.100 Yelling, shouting and similar noise.**

Yelling, shouting, hooting, whistling or singing on the public streets between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence, or of any persons in the vicinity, is prohibited. (Ord. 1128 § 2, 1983; 1960 code § 13B.3(b))

### **9.36.110 Exceptions.**

A. Any homeowner/resident constructing home improvements to their residence and doing the work themselves (without a contractor present) with a valid building permit (if required) shall be allowed to utilize noise generating construction tools and equipment between the hours of 7:00 a.m. through 11:00 p.m. seven days a week.

B. Industrial areas located more than 500 feet from a residential development are exempt from the noise hour restrictions.

C. The city engineer and/or building official shall have the authority to authorize construction activities during the hours restricted by this chapter for the following reasons:

1. A public agency, other than the city, requires as a condition of a permit that the construction be done during the restricted hours.

2. Public health, safety or welfare requires the work to be done during the restricted hours.

3. Specific construction activities (such as large concrete foundation pours) can be identified and approved to occur as an exemption to this ordinance in the conditions of approval for a project at the time of the public hearing.

D. If the city engineer and/or building official approves the exception or it is an exception allowed by the conditions of approval for the project, the following shall be done by the contractor or city staff:

1. Notify the Livermore police department, watch commander, at least 24 hours in advance.
2. Notify residents and business owners that are adjacent to the work area at least 24 hours in advance. The limits of this notification shall be determined by the city engineer and/or building official. (Ord. 1672 § 3, 2002)

## Chapter 9.40

### FIREWORKS

#### Sections:

- 9.40.010 Definitions.
- 9.40.020 Sale, possession or use prohibited.
- 9.40.030 Exceptions.
- 9.40.040 Applicability of state fireworks law.
- 9.40.050 Fireworks may be seized or destroyed by police.
- 9.40.060 Violation – Penalty.

#### 9.40.010 Definitions.

As used in this chapter:

A. “Approved site” means an area approved by the fire chief or fire marshal and prepared in such a manner as to prevent the ignition and spread of fire and the escape of fire to adjoining property.

B. “Fireworks” means and includes:

1. Any combustible or explosive composition or any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, whether manufactured, homemade or improvised;
2. Fireworks classified by the State Fire Marshal as “dangerous fireworks” and as “safe and sane fireworks” pursuant to Health and Safety Code Sections 12561 and 12562;
3. Any pyrotechnic device for which the State Fire Marshal requires a license to manufacture, sell, transport or operate; and
4. Firecrackers, torpedoes, skyrockets, Roman candles, cherry bombs, sparklers, chasers, snakes or other fireworks of like or similar construction and any fireworks containing any explosive or flammable compound or substance.

This definition of fireworks does not include devices that are: (a) identified in Health and Safety Code Section 12540 which are not subject to the state fireworks law (Division 11, Part 2, of the Health and Safety Code, Section 12500 et seq.); (b) classified as exempt fireworks pursuant to Health and Safety Code Section 12565; (c) capable of making an audible popping sound and/or propelling confetti or streamers into the air when the device is twisted or a string is pulled, or a mild audible popping sound when dropped on the ground, provided such devices are not subject to the state fireworks law; or (d) that are classified as

## **9.40.020**

model rocket engines pursuant to Health and Safety Code Section 12565. (Ord. 1794 § 1, 2006; Ord. 1131 § 2, 1983; 1960 code § 9.30)

### **9.40.020 Sale, possession or use prohibited.**

It is unlawful for any person to give away, sell, offer for sale, solicit the sale of, possess, purchase, use, ignite, explode, fire, or otherwise discharge any fireworks within the city. (Ord. 1794 § 1, 2006; Ord. 1131 § 2, 1983; 1960 code § 9.31)

### **9.40.030 Exceptions.**

The provisions of this chapter shall not apply to the following:

A. A public display of fireworks by the city at an approved site. The city may contract with a licensed pyrotechnic operator to conduct the display. Any public display shall be performed in accordance with the requirements of the Health and Safety Code and the rules and regulations of the State Fire Marshal.

B. A public fireworks display or the use of fireworks for television, film, theater, or movie production, provided a permit therefor is first secured from the city.

A permit from the city may be secured by application to the city fire chief, who shall make a recommendation to the city council for approval or disapproval and stating whether the applicant has secured all appropriate licenses from the State Fire Marshal for the type of fireworks to be used. The city council may grant or deny such application for permit based upon the evidence before it, and may impose conditions upon the permit requiring the applicant to obtain all necessary and appropriate permits and licenses from the State Fire Marshal before engaging in the display or use applied for.

C. The use by railroad or other transportation agencies for signal purposes or illumination by flares or fuses.

D. The sale or use of blank cartridges for theatrical purposes, athletic events, or military ceremonies. (Ord. 1794 § 1, 2006; Ord. 1131 § 2, 1983; 1960 code § 9.32)

### **9.40.040 Applicability of state fireworks law.**

This chapter does not supersede the state fireworks law, but is intended to supplement the provisions of Division 11, Part 2, of the Health and

Safety Code (Section 12500 et seq.) as well as the administrative regulations adopted pursuant to that law. (Ord. 1794 § 1, 2006)

### **9.40.050 Fireworks may be seized or destroyed by police.**

Any member of the Livermore police department or the Livermore-Pleasanton fire department shall seize, take, remove or cause to be removed and arrange for the destruction at the expense of the owner of all fireworks offered or exposed for sale, stored, possessed, transported, or otherwise in violation of this chapter. (Ord. 1794 § 1, 2006)

### **9.40.060 Violation – Penalty.**

Persons violating this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed \$500.00, or by imprisonment in the city or county jail for a period not exceeding 30 days, or by both such fine and imprisonment, and the license shall be revoked. (Ord. 1794 § 1, 2006)

V. Offenses Against Property

Chapter 9.56

Chapter 9.52

TRESPASSING ON GOLF COURSES

REMOVING MONUMENTS OR BENCH MARKS

Sections:

Sections:

- 9.52.010 Permission required to remove or disturb a monument.
- 9.52.020 Removing or disturbing any bench mark or control monument prohibited when.

- 9.56.010 Trespassing or playing on golf courses without permission prohibited.

**9.52.010 Permission required to remove or disturb a monument.**

**9.56.010 Trespassing or playing on golf courses without permission prohibited.**

In the event it becomes necessary to remove or disturb a monument, the person doing so shall first obtain permission in writing from the superintendent of streets of the city. (1960 code § 14.17)

It is unlawful for any person to trespass or play upon the Las Positas Golf Course, the Springtown Golf course, or upon any private or public golf course in the city without the express consent of the person in charge of the management thereof. (Ord. 1120 § 1, 1982; 1960 code § 14.26)

**9.52.020 Removing or disturbing any bench mark or control monument prohibited when.**

It is unlawful for any person maliciously to remove or disturb, or cause to be removed or disturbed, any monument, azimuth, reference or witness mark set for the purpose of locating or preserving the lines of any street or property subdivision, or as a bench mark, or any control monument as defined in Sections 8801 to 8834 of the Public Resources Code of the state within the city. (1960 code § 14.16)

**Chapter 9.60**

**PUBLIC PONDS AND FOUNTAINS**

Sections:

- 9.60.010 Placing trash, soap or other substances in ponds or fountains prohibited.
- 9.60.020 Driving vehicles in ponds or fountains prohibited.

**9.60.010 Placing trash, soap or other substances in ponds or fountains prohibited.**

It is unlawful for any person to place or cause to be placed any foreign substance in any pond or fountain located in a public park, grounds or other public area. "Foreign substance" means and includes, but shall not be limited to, soap, detergent, chemicals of any kind, trash, or refuse of any kind whatsoever. (1960 code § 14.18.1)

**9.60.020 Driving vehicles in ponds or fountains prohibited.**

It is unlawful for any person to operate a wheeled vehicle, whether motor-driven or not, in any pond or fountain located in a public park, grounds, or other public area. (1960 code § 14.18.1)

VI. Consumer Protection (Reserved)

Chapter 9.76

VII. Offenses By or Against Minors (Reserved)

WEAPONS

VIII. Weapons

Chapter 9.72

FIREARMS

Sections:

9.76.010 Carrying concealed weapon without permit prohibited – Exception.

**9.76.010 Carrying concealed weapon without permit prohibited – Exception.**

It is unlawful for any person not a peace officer to wear or carry concealed about his person any pistol, dirk, Bowie knife, slingshot, sand club, metallic knuckles, or other dangerous or deadly weapon, without first obtaining a written permit to do so from the chief of police, which permit he may grant when he may deem it necessary. (1960 code § 14.23)

Sections:

9.72.010 Discharging firearms and toy pistols prohibited.

9.72.020 Shooting missiles with bows, airguns, sling shots and other devices prohibited – Exceptions.

**9.72.010 Discharging firearms and toy pistols prohibited.**

No person shall fire or discharge any gun, cannon, rifle, pistol, toy pistol or firearms of any kind within the corporate limits of the city. (1960 code § 14.3)

**9.72.020 Shooting missiles with bows, airguns, sling shots and other devices prohibited – Exceptions.**

It is unlawful and a misdemeanor to fire or discharge any anvil loaded with powder, bow, airgun, slingshot or other device whereby a shot, bullet or other dangerous missile is projected, within the city; provided, that with the permission of the chief of police first had, cannon or anvils may be discharged at any point in such permission specified, and that any person may within or upon his own enclosure shoot dangerous or destructive beasts. (1960 code § 14.4)

## Chapter 9.78

### PROHIBITION OF COMMERCIAL SALE OF SATURDAY NIGHT SPECIALS

#### Sections:

- 9.78.010 Findings.
- 9.78.011 Title.
- 9.78.012 Purpose and intent.
- 9.78.013 Definitions.
- 9.78.014 Exclusions.
- 9.78.015 Roster of Saturday Night Specials.
- 9.78.016 Notification.
- 9.78.017 Reconsideration by the chief of police.
- 9.78.018 Appeal of classification.
- 9.78.019 Publication of the roster.
- 9.78.020 Effective date of roster.
- 9.78.021 Additions to the roster.
- 9.78.022 Sale prohibited.
- 9.78.023 Exemptions.
- 9.78.024 Penalty.

#### 9.78.010 Findings.

The city council of the city of Livermore finds that:

A. Saturday Night Specials, also known as “junk guns,” are poorly constructed, and not suitable for or readily adaptable to sporting purposes.

B. Saturday Night Specials are small and light making them easy to conceal, and present a threat to the public welfare and law enforcement officers.

C. Of the firearms traced nationally in 1995, the three firearms most commonly traced to crimes were Saturday Night Specials.

D. Numerous public leaders and law enforcement officials have supported a ban on Saturday Night Specials.

E. The federal government has already prohibited the importation of foreign manufactured Saturday Night Specials.

F. In recent years, firearms manufacturers have made token modifications to those handguns commonly known as “Saturday Night Specials,” including: carbon steel breechface inserts, solid steel barrel tubes, a greater number of steel linings incorporated in soft castings. These modifications have resulted in no advancement, or only marginal advancement, in the durability of the handguns.

G. In recent years, firearms manufacturers have grafted improvised safety devices onto the core design of those handguns commonly known as Saturday Night Specials. These devices include: frag-

ile half-cock hammer notches in derringers and single-action revolvers, manual pistol slide locks, rudimentary hammer or trigger locks that act by simple interference, and crude grip safety levers.

H. Such cosmetic remodeling by firearms manufacturers does not ameliorate the core design deficiencies of Saturday Night Special handguns. The city council further finds that Saturday Night Special handguns continue to be dangerous products due to their low quality of manufacture and metallurgy, so as to be unacceptable to commerce.

I. A firearm’s frame, barrel, breechback, cylinder and slide must be completely fabricated of heat treated carbon steel, forged alloy or other material of equal or higher tensile strength in order to reliably contain the weapon’s ballistic power. The city council further finds that any firearm in which all of these components do not meet this standard is an inherently unsafe product.

J. Firearms manufacturers have increased the ballistic power of many semi-automatic pistols by chambering them to fire high pressure ammunition, yet have not changed the materials used in the firing chamber, slide or breechface so as to contain the peak pressures generated by such ballistic power and to prevent parts breakage from over-stress which can result in injury to the user.

K. The city council finds that the action mechanism contained in many currently produced derringers and single-action revolvers is based upon century-old designs, so that chambering such weapons for high pressure ammunition results in a ballistic pressure which exceeds the pressure levels the design is originally intended to withstand. (Ord. 1502 § 1, 1997)

#### 9.78.011 Title.

This chapter shall be known as the “City of Livermore Saturday Night Special/Junk Gun Sales Prohibition”. (Ord. 1502 § 1, 1997)

#### 9.78.012 Purpose and intent.

The purpose of this chapter is to ensure the health, safety, and general welfare of city of Livermore citizens by eliminating the sale of cheaply made, inadequately designed and poorly manufactured handguns in the city of Livermore. (Ord. 1502 § 1, 1997)

**9.78.013 Definitions.**

Except as provided in LMC 9.78.014, the term “Saturday Night Special,” as used in this section shall mean any of the following:

A. A pistol, revolver, or firearm capable of being concealed upon the person, as those terms are defined in the California Penal Code Section 12001(a), which contains a frame, barrel, breech-block, cylinder or slide that is not completely fabricated of heat treated carbon steel, forged alloy or other material of equal or higher tensile strength.

B. A semi-automatic pistol which:

1. Is not originally equipped by the manufacturer with a locked-breech action; and

2. Is chambered for cartridges developing maximum permissible breech pressures above 24,100 copper units of pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute.

3. For purpose of this subsection (B)(2) of this section, “semi-automatic pistol” shall mean a firearm, as defined in California Penal Code Section 12001(b), which is designed to be held and fired with one hand, and which does the following upon discharge: (i) fires the cartridge in the chamber; (ii) ejects the fired cartridge case; and (iii) loads a cartridge from the magazine into the chamber. “Semi-automatic pistol” shall not include any assault weapons designated in California Penal Code Section 12276.

C. A pistol, revolver, or firearm capable of being concealed upon the person, as those terms are defined in California Penal Code Section 12001(a), which:

1. Uses an action mechanism which is substantially identical in design to any action mechanism manufactured in or before 1898 that was originally chambered for rimfire ammunition developing maximum safe permissible breech pressures below 19,000 copper units of pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute; and

2. Is chambered to fire either centerfire ammunition or rimfire ammunition developing maximum permissible breech pressures above 19,000 copper units of pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute.

3. Is not originally equipped by the manufacturer with a nondetachable trigger guard.

4. If rimfire, is equipped with a barrel of less than 20 bore diameters in overall length protruding from the frame.

5. For purposes of this subsection C, “action mechanism” shall mean the mechanism of a firearm by which it is loaded, locked, fired and unloaded commonly known as the cycle of operation. (Ord. 1502 § 1, 1997)

**9.78.014 Exclusions.**

The terms “Saturday Night Special” does not include any of the following:

A. Any pistol which is an antique or relic firearm or other weapon falling within the specifications of paragraphs (5), (7) and (8) of subsection (b) of California Penal Code Section 12020; or

B. Any pistol for which the propelling force is classified as pneumatic, that is, of, or related to, compressed air or any other gases not directly produced by combustion; or

C. Children’s pop guns or toys; or

D. An “unconventional pistol” as defined in California Penal Code Section 12020(c) (12); or

E. Any pistol which has been modified to either render it permanently inoperable, or permanently to make it a device no longer classified as a Saturday Night Special. (Ord. 1502 § 1, 1997)

**9.78.015 Roster of Saturday Night Specials.**

As soon as practicable, but no earlier than July 1, 1997, the chief of police or his/her designee shall compile, publish, and thereafter maintain a roster of Saturday Night Specials. The roster shall list those firearms, by manufacturer and model number, which the chief of police or his/her designee determines fit the definition of Saturday Night Special set forth in LMC 9.78.013. (Ord. 1502 § 1, 1997)

**9.78.016 Notification.**

Upon completion of a list of firearms to be placed on the roster for the first time, the police chief or his/her designee shall send written notification to: (1) the manufacturer of every firearm on said list; and (2) every dealer within the city who is licensed to sell and transfer firearms pursuant to Section 12071 of the Penal Code of the State of California and LMC 9.76.010. Such notification shall do the following:

A. Identify the model number of the firearm which has been classified as a Saturday Night Special within the meaning of LMC 9.78.013; and

**9.78.017**

B. Advise the recipient that the recipient may, within 30 days of receipt, apply for reconsideration of the classification of the firearm as a Saturday Night Special; and

C. Advise the recipient that the burden of proving a firearm does not constitute a Saturday Night Special within the meaning of LMC 9.78.013 shall be on the recipient. (Ord. 1502 § 1, 1997)

**9.78.017 Reconsideration by the chief of police.**

A. The chief of police, or his/her designee, shall, prior to the effective date of the ordinance codified in this chapter, establish standards and procedures for the form and content of an application, conducting an administrative hearing and evaluating evidentiary testimony relating to the decision of the chief of police or his/her designee to classify the firearm in question as a Saturday Night Special as defined in LMC 9.78.013.

B. Upon timely filing of one or more complete applications for reconsideration, the chief of police or his/her designee shall evaluate the evidence submitted by the applicant(s). The applicant(s) shall have the burden of demonstrating that the firearm does not constitute a Saturday Night Special within the meaning of LMC 9.78.013. (Ord. 1502 § 1, 1997)

**9.78.018 Appeal of classification.**

A. If the chief of police or his/her designee determines that the firearm under reconsideration has been properly classified as a Saturday Night Special, then the applicant(s) shall have the right to appeal such decisions to the city manager, and the applicant(s) shall have the right to a hearing before the city manager or his/her designee prior to inclusion of the firearm in question on the roster.

B. The city manager, or his/her designee, is authorized to establish standards and procedures for the form and content of an appeal, conducting an administrative hearing and evaluating evidentiary testimony relating to the decision of the chief of police or his/her designee to classify the firearm in question as a Saturday Night Special as defined in LMC 9.78.013.

C. The burden of proof shall be on the appellant(s) to demonstrate that the firearm does not constitute a Saturday Night Special within the meaning of LMC 9.78.013.

D. All parties involved shall have the right to offer testimonial, documentary and tangible evidence bearing on the issues and to be represented by counsel.

E. The city manager or his/her designee shall hear and consider all relevant evidence. Upon the conclusion of the hearing, the city manager or his/her designee shall, based on the evidence presented, determine whether the firearm constitutes a Saturday Night Special within the meaning of LMC 9.78.013.

F. In all instances, the decision of the city manager or his/her designee whether to classify the firearm in question as a Saturday Night Special as defined in LMC 9.78.013 and to place said firearm on the roster is final. (Ord. 1502 § 1, 1997)

**9.78.019 Publication of the roster.**

The chief of police or his/her designee shall place on the roster those firearms which have been determined to constitute a Saturday Night Special within the meaning of LMC 9.78.013. The chief of police or his/her designee shall cause the roster to be published in the following manner:

A. Notification of the roster's completion shall be published at least once in the official newspaper as designated by the city and circulated in the city within 15 days after its completion; and

B. A copy of the roster, certified as a true and correct copy thereof, shall be filed in the office of the city clerk of the city of Livermore; and

C. A copy of the roster, certified as a true and correct copy thereof, shall be distributed to every dealer within the city who is licensed to sell and transfer firearms pursuant to Section 12071 of the Penal Code of the state of California and LMC 9.76.010. (Ord. 1502 § 1, 1997)

**9.78.020 Effective date of roster.**

The roster shall become effective on the fifteenth day after its publication. (Ord. 1502 § 1, 1997)

**9.78.021 Additions to the roster.**

Additions to the roster shall be made in accordance with the following:

A. Semi-Annual Determination. On a semi-annual basis, the chief of police or his/her designee shall determine the need to place firearms on the roster. Upon identifying one or more firearms as a Saturday Night Special, the chief of police or

his/her designee shall prepare a draft list of the additions to the roster.

B. Notification of Additions to Roster. In the event that a draft list of firearms to be added to the roster is prepared, the chief of police or his/her designee shall endeavor to send written notification in accordance with the provisions of LMC 9.78.016.

C. Reconsideration by the Chief of Police. Any person who the chief of police or his/her designee notifies pursuant to subsection B of this section may apply for reconsideration of the classification of that firearm as a Saturday Night Special in accordance with the provisions of LMC 9.78.017.

D. Appeal of Classification. Whenever a firearm has been determined to be properly classified as a Saturday Night Special after reconsideration, the applicant may file an appeal to the city manager and the city manager or his/her designee shall hold a hearing in accordance with the provisions of LMC 9.78.018.

E. Additions of Firearms to Roster. After all appeals have been exhausted, the chief of police or his/her designee shall place on the roster those additional firearms which have been determined to constitute a Saturday Night Special within the meaning of LMC 9.78.013. The chief of police or his/her designee shall cause the roster, as amended to include these additional firearms, to be published in accordance with LMC 9.78.019.

F. Effective Date of Additions to the Roster. The addition of new firearms to the roster shall not operate to preclude the enforcement of the roster with respect to firearms previously listed thereon. The publication of the roster, as amended to include new firearms, shall be effective as to those newly added firearms on the fifteenth day after its publication as set forth in LMC 2.78.020. (Ord. 1502 § 1, 1997)

#### **9.78.022 Sale prohibited.**

After August 1, 1997, no wholesale or retail firearms dealer within the city of Livermore shall sell, offer or display for sale, give, lend or transfer ownership of, any firearm listed on the roster of Saturday Night Specials. This section shall not preclude a wholesale or retail gun dealer from processing firearm transactions between unlicensed parties pursuant to Section 12072(d) of the Penal Code of the state of California. (Ord. 1502 § 1, 1997)

#### **9.78.023 Exemptions.**

Nothing in this chapter relative to the sale of Saturday Night Specials shall prohibit the disposition of any firearm by sheriffs, constables, marshals, police officers, or other duly appointed peace officers in the performance of their official duties, nor to persons who are authorized by the United States federal government for use in the performance of their official duties; nor shall anything in this chapter prohibit the use of any firearm by the above mentioned persons in the performance of their official duties. (Ord. 1502 § 1, 1997)

#### **9.78.024 Penalty.**

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this chapter shall be punishable by a fine of not more than \$1,000 or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed, continued or permitted by such person and shall be punishable accordingly. (Ord. 1502 § 1, 1997)

**Chapter 9.80**

**TRIGGER LOCK REQUIREMENT**

Sections:

- 9.80.010 Findings.
- 9.80.011 Definitions.
- 9.80.012 Requirement to sell or provide trigger locks or similar devices.
- 9.80.013 Exemption.
- 9.80.014 Posted notice.
- 9.80.015 Penalty.

**9.80.010 Findings.**

The city council of the city of Livermore finds that:

- A. Violence is an increasing threat to our society and residents; and
- B. Many firearms which are initially purchased legally are later obtained and used by unauthorized persons; and
- C. Tragic consequences have resulted when children gain access to guns which are stored at their homes without safety devices; and
- D. Trigger locks and other safety devices can prevent tragic accidents as well as the unlawful use of firearms. (Ord. 1493 § 1, 1996)

**9.80.011 Definitions.**

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

- A. "Firearm" means any device, designed to be used as a weapon or modified to be used as a weapon, from which is expelled through a barrel a projectile by the force of an explosion or other form of combustion.
- B. "Firearms dealer" means a person engaged in the business of selling, transferring, or leasing, or advertising for sale, transfer, or lease, or offering or exposing for sale, transfer, or lease, any firearm.
- C. "Person" means natural person, association, partnership, firm, or corporation.
- D. "Trigger lock" means a mechanical locking device which blocks or impairs the action of the trigger, rendering the firearm inoperable until removed. (Ord. 1493 § 1, 1996)

**9.80.012 Requirement to sell or provide trigger locks or similar devices.**

Firearms dealers doing business within the city of Livermore shall not sell, lease, or otherwise

transfer any firearm without also selling or providing a nonreturnable trigger lock, or similar safety device, to prevent the unintentional discharge of the firearm. (Ord. 1493 § 1, 1996)

**9.80.013 Exemption.**

Persons providing firearms for temporary use only within a designated firing range, shall be exempt from the provisions of this chapter, so long as such firearms are not permitted to be removed from the firing range premises and the period of use does not exceed eight hours. (Ord. 1493 § 1, 1996)

**9.80.014 Posted notice.**

Firearms dealers operating within the city of Livermore shall conspicuously post the following notice at their place of business in the area in which the firearms are sold, leased or transferred. The letters on the notice must be legible, at least one inch in height, and shall read:

A TRIGGER LOCK OR OTHER SAFETY DEVICE MUST BE SOLD OR PROVIDED WITH EACH FIREARM. THESE DEVICES PREVENT THE UNINTENTIONAL DISCHARGE AND USE OF YOUR FIREARM. LIVERMORE MUNICIPAL CODE TITLE 9, ARTICLE VIII, CHAPTER 9.80

(Ord. 1493 § 1, 1996)

**9.80.015 Penalty.**

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this chapter shall be punishable by a fine of not more than \$1,000 or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed, continued or permitted by such person and shall be punishable accordingly. (Ord. 1493 § 1, 1996)