

## BERKELEY POLICE DEPARTMENT

DATE ISSUED: December 9, 1993

GENERAL ORDER F-4

SUBJECT: FIREARMS DEALER LICENSING; CITY OF BERKELEY ORDINANCE  
6169 N.S.

### PURPOSE

- 1 - The purpose of this General Order is to explain the policies, procedures and responsibilities associated with the request for issuance of a Firearms Dealers License which would permit persons to engage in the business of selling, transferring, or leasing firearms and munitions and in related activities within the City limits of Berkeley.

### POLICY

- 2 - It is the policy of the City of Berkeley that the Chief of Police investigate applicants and business locations before issuing a Firearms Dealers License and insure that all applicable City Departments (Zoning, License and Collection, Fire and Toxics Management) have previously approved the proposed firearms and/or munitions sales business as defined in Ordinance 6196 N.S. and ensure compliance with all other aspects of the Ordinance.

### DEFINITIONS

- 3 - For the purpose of regulating firearms and munitions sales in Berkeley, the following definitions are applicable:
  - (a) "Firearm" means any device, designed 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) "Munitions" means any projectile or explosive substance for use with any firearm.
  - (c) "Firearms or Munitions dealer" means a person engaged in the business of selling, transferring, or leasing of any firearm or munitions pursuant to a Bureau of Alcohol, Tobacco and Firearms Federal Firearms License of types 1, 2, 6, 7, 8, 9, 10 or 11.
  - (d) "Applicant" is any person or entity (corporation or partnership) that has formally requested to operate as a Firearms or Munitions dealer.

### PROCEDURES

- 4 - Before the Chief of Police will consider an application for
  - (a) The applicant must submit a floor plan of the business site, including full compliance with Ordinance Section 7. This Section requires at a minimum:

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- (1) Secure locks, windows and doors.
  - (2) Adequate lighting.
  - (3) Fire and theft alarms.
  - (4) Any security measure deemed necessary by the Chief of Police or his/her designee.
- (b) Certification from the City of Berkeley Planning Department that the proposed business is not located in an area where firearms sales are prohibited.
- (c) Proof of compliance with all Federal, State and local laws which govern firearms businesses and commerce in general.

These include:

- (1) A valid Federal Firearms Dealer license.
  - (2) A State of California "Certificate of Eligibility" which insures that the applicant has been identified by fingerprint comparison and is not prohibited from possessing a firearm under the laws of the State.
  - (3) A completed "Firearms Dealer Application" form that requires relevant City of Berkeley departments to approve the proposed business. This includes License and Collection (business license), Zoning (zone and Use Permit approval), Fire Department (fire safety - munitions), and Toxic Management (toxic substances storage).
- (d) Submission of the fees established by City Council Resolution for administering this Ordinance.
- (e) The applicant shall provide a complete list of all officers, employees and agents involved with the proposed business, including full names and dates of birth. It is the applicant's responsibility to provide the Chief of Police with information on any personnel changes within ten (10) days.
- (f) All other conditions and requirements specified in the Ordinance shall be met.
- 5 - The Administrative Division Captain or designated officer shall be the contact representative for this process and will review all applications and supporting documents and will conduct the necessary investigations before submitting the application package to the Chief of Police for approval or denial.

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- (a) Departmental personnel from other Divisions (i.e., Detective Bureau investigators, Community Services Bureau personnel, etc.) shall, upon request, assist the Administrative Division Captain in processing such applications.
  - (b) The Administrative Division Captain shall maintain a file of all permits requested and/or approved by the Chief of Police.
- 6 - Continuing business inspections as required by Ordinance 6196 N.S. shall be the responsibility of the Administrative Division Captain or designated officer.
- 7 - The actual permit issued shall be a letter signed by the Chief of Police, authorizing the conduct of a firearms business as specified and shall be valid for a period of one year or until revoked, or the existing Federal Dealer's license expires or is revoked. This permit shall specify the year of permitted operation by exact dates.

### GROUND FOR DENIAL

- 8 - The Chief of Police shall give the applicant written notice of his/her decision to deny the application and set forth the ground(s) for said denial. Grounds for denial are given under the provisions of this Ordinance.

### GROUND FOR REVOCATION OF EXISTING LICENSE

- 9 - Any circumstance which constitutes grounds for denial of an application is sufficient cause for the Chief of Police to revoke an existing license.

### PERMIT RENEWAL

- 10 - A completed application shall be submitted to the designated investigator with proof of payment of application fees as established by Council Resolution.
- (a) The application for renewal must be submitted at least 45 days before expiration of the current license.
  - (b) A license renewal application will be considered when all of the conditions for original application as provided in the Ordinance have been met, including a current applicant, officer, employee and agent list.

References: City of Berkeley Ordinance 6196 N.S.  
Bureau of Alcohol, Tobacco & Firearms Regulations  
CALEA Standards