DIVISION 2. FIREARMS

Sec. 15-33. Defined.

"Firearms" is defined as a cannon, gun, pistol, revolver, automatic pistol, rifle, shotgun, "BB" gun, air gun, pellet gun or any other weapon of similar nature designed to discharge a projectile propelled by the expansion of a gas.
(Code 1961, § 11.1)

Sec. 15-34. Prohibited.

No person shall within the limits of the city discharge or fire any firearm, except as provided in the following section.
(Code 1961, § 11.2)

Sec. 15-35. Exception to discharge prohibition.

The provisions of the preceding section as to the use of any firearm shall not apply to any of the following cases:

(a) *Police, etc.* To police officers, sheriffs, constables, marshals or other police officers, or any person summoned by any such officers to assist in making arrests or preserving the peace, or persons who are members of the armed services of the United States, or the National Guard, while such persons are acting in the lawful discharge of their duties;

(b) *Self-defense.* To persons using firearms in the lawful defense of self, third persons, or the users' property;

(c) *Target range.* To persons discharging or firing such firearms or causing them to be discharged or fired at a regularly established firing, shooting or target range with the consent of the owner or person in charge of any such firing, shooting or target range; the term "regularly established firing, shooting or target range" as used in this subsection includes properly constructed indoor or outdoor home ranges on private property when such range is supervised by an adult.

(Code 1961, § 11.3)

Sec. 15-36. Possession by minors prohibited.

It shall be unlawful for any person under the age of eighteen (18) years to have in his possession in a public place any firearm, except as provided in the following section.
(Code 1961, § 11.4)

Sec. 15-37. Exceptions to possession by minors.

The provisions of the preceding section shall not apply to persons under the age of eighteen (18) years in the following cases:

(a) *When under charge of adult.* When such person is in the immediate charge of a parent, guardian or adult person having the responsibility for the conduct of the person under the age of eighteen (18) years.

(b) *Unloaded guns.* When the firearm is unloaded and either (1) in a dismantled or "take-down" condition or (2) completely wrapped or in a carrying case made for the purpose of carrying such firearm. A gun shall be deemed to be unloaded only when no ammunition or propellant is in any part of the gun or magazine or clip thereof.

(Code 1961, § 11.5)

Sec. 15-38. Sale to minors.

No person shall sell, deliver or transfer to any person under the age of eighteen (18) years ownership of any pistol, revolver or other similar weapon, capable of being concealed upon the person, designed to discharge a solid projectile propelled by the expansion of a gas.
(Code 1961, § 11.6)

Sec. 15-39. Violations.

Any person violating any of the provisions of this division and any parent or guardian of a minor person under the age of eighteen (18) years who knowingly permits or allows any such minor to purchase a weapon in violation of the preceding

section or to do any other act in violation of any of the other prohibitions hereof, shall be deemed guilty of a misdemeanor.
(Code 1961, § 11.7)

DIVISION 3. PROHIBITION ON THE SALE OF SATURDAY NIGHT SPECIALS, ALSO KNOWN AS JUNK GUNS

Sec. 15-40. Title, purpose and definitions.

This division shall be known as the "City of Belmont Saturday Night Special/Junk Gun Sales Prohibition" and may be so cited. Its purpose is to ensure the health, safety, and general welfare of City of Belmont citizens by eliminating the sale of cheaply made, inadequately designed and poorly manufactured handguns in the City of Belmont. Except as provided in section 15-41 herein, 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 semiautomatic pistol which:

(1) Is not originally equipped by the manufacturer with a locked-breech action.

(2) Is chambered for cartridges developing maximum permissible breech pressures above twenty-four thousand one hundred (24,100) copper units of pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute.

(3) For purpose of this subsection (b), "semiautomatic pistol" shall mean a firearm, as defined in California Penal Code Section 12001(b), which is designed to be held and fired with one (1) hand, and which does the following upon discharge: fires the cartridge in the chamber; ejects the fired cartridge case; and loads a cartridge from the magazine into the chamber. "Semiautomatic 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 nineteen thousand (19,000) copper units of pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute; and

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

(3) Is not originally equipped by the manufacturer with a nondetachable trigger guard; or

(4) If rimfire, is equipped with a barrel of less than twenty (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. No. 908, § 1, 8-13-96)

Sec. 15-41. Exclusions.

The term "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.