

FRANK T. MARTINEZ
City Clerk

KAREN E. KALFAYAN
Executive Officer

When making inquiries
relative to this matter
refer to File No.

06-1185

August 31, 2007

Honorable Antonio R. Villaraigosa, Mayor
City Attorney
City Administrative Officer
Chief Legislative Analyst
Los Angeles Police Department
Board of Police Commissioners

RE: ESTABLISHING PROPER METHODS OF DISPOSING OF FIREARMS AND AMMUNITION AND
PROHIBITING THE IMPROPER DISPOSAL OF GUNS AND AMMUNITION

At the meeting of the Council held August 10, 2007, the following action was taken:

Motion adopted to approve committee report recommendation(s)	X
Ordinance adopted	X
Ordinance number	179149
Posted date	08/28/07
Effective date	10/07/07
Mayor vetoed	
Mayor approved	08/27/07
Mayor failed to act - deemed approved	
Findings adopted	
Negative Declaration adopted	
Categorically exempt	
Generally exempt	

Frank T. Martinez

City Clerk
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CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

Office of the
CITY CLERK
Council and Public Services
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Los Angeles, CA 90012
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CLAUDIA M. DUNN
Chief, Council and Public Services Division
www.cityclerk.lacity.org

MEMO

To: Frank Martinez
City Clerk
Attention: Ordinance Desk

From: Claudia Culling
Senior Assistant City Attorney
Office of the City Attorney

Subject: NOTICE OF CORRECTION
Ordinance No. 179,149
Effective Date 10/7/07
Council File No. 06-1185

Date: August 30, 2007

During the codification of the above-referenced ordinance, we found a typographical error. Attached for your reference and information is a complete, corrected copy of the ordinance. A brief explanation and description of the correction follows.

Section 1 of this ordinance makes an erroneous reference to section "52.12.1." This number is a typographical error and has been replaced by the section number originally intended for this ordinance. Thus, the first line of Section 1 of this ordinance is corrected to read:

"Section 1. Section 55.12.1 is added to the Los Angeles Municipal Code to read:"

If you have any questions, please contact Carol Nakamura, Codes Administrative Coordinator, at 213-978-8152.

CC:CN:cn
Attachment

cc: Heather Aubry, Deputy City Attorney
Todd Myers, American Legal Publishing

ORDINANCE NO. 179,149 Eff. 10/7/07

An ordinance to establish the proper methods of disposing of firearms and ammunition and to prohibit the improper disposal of firearms and ammunition in the City of Los Angeles.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 55.12.1 is added to the Los Angeles Municipal Code to read:

(a) Definitions.

1. "Firearm," as used in this section, means any pistol, rifle, shotgun or other device designed to be used as a weapon, from which a projectile is expelled through a barrel by the force of an explosion or any other form of combustion, or any device that is capable of being altered so as to expel a projectile in that manner. The term firearm includes the frame of such weapon.

2. "Ammunition," as used in this section, means any projectile designed to be expelled through the barrel of a firearm by the force of any explosion or other form of combustion, including, but not limited to, cartridge cases, primers, bullets, or propellant powder.

(b) Disposal of a firearm and/or ammunition in the City of Los Angeles shall only be accomplished in either of the following two ways:

1. By selling, giving away or otherwise transferring the firearm and/or ammunition in accordance with all applicable provisions of the California Penal Code, Welfare and Institutions Code, and this Code; or

2. By surrendering the firearm and/or ammunition to a California law enforcement agency for the purpose of destruction.

(c) Any person in the City of Los Angeles who disposes of a firearm and/or ammunition in any manner other than as required by this section, including, but not limited to, by depositing those item(s) in a public trash receptacle or leaving in any public place, is guilty of a misdemeanor.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

FRANK T. MARTINEZ, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By _____
HEATHER AUBRY
Deputy City Attorney

Date _____

File No. 06-1185

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**TO THE COUNCIL OF THE
CITY OF LOS ANGELES**

File No. 06-1185

Your

PUBLIC SAFETY

Committee

reports as follows:

PUBLIC SAFETY COMMITTEE REPORT and ORDINANCE relative to establishing proper methods of disposing of firearms and ammunition and prohibiting the improper disposal of guns and ammunition.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. PRESENT and ADOPT accompanying ORDINANCE dated July 30, 2007, adding Section 52.12.1 to the Los Angeles Municipal Code (LAMC) establishing proper methods of disposing of firearms and ammunition and prohibiting the improper disposal of guns and ammunition.
2. RECEIVE and FILE Ordinances dated July 10, and July 25, 2007 (attached to the Council file) relative to firearm and gun disposal.

Fiscal Impact Statement: None submitted by the City Attorney. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

SUMMARY

On March 30, 2007, Council approved a Public Safety Committee requesting that the City Attorney prepare an ordinance relative to the proper disposal of guns and ammunition. In a report to the Board of Police Commissioners dated March 29, 2007 (attached to the Council file), the Police Department states that despite the recent approval of an ordinance requiring gun owners to report the loss or theft of a gun, tracing a gun back to its original owner has been difficult because the owner can claim that the gun was disposed of in a trash receptacle. Clear regulations for the disposal of guns and ammunition would eliminate this loophole. The Department believes that a safe and proper way for the public to dispose of unwanted firearms and ammunition is to surrender the items to a Police Station. All firearms and ammunition voluntarily surrendered to the Department will be destroyed. On April 17, 2007, the Board approved the Department's report and transmitted the matter to Council for consideration.

In a report to Council dated July 11, 2007 (attached to the Council file), the City Attorney transmits Ordinance dated July 10, 2007 regarding guns and ammunition disposal. On July 25, 2007, the City Attorney transmitted a revised Ordinance relative to this matter.

At its meeting held July 30, 2007, the Public Safety Committee discussed this matter with a representative of the City Attorney and the Police Department. At that time, the City Attorney presented a new, revised Ordinance. The Ordinance amends the LAMC to stipulate that the disposal of guns and ammunition can only be accomplished by their legal sale or transfer in accordance with state law, or by surrendering the firearm and/or ammunition to a California law enforcement agency for the purpose of destruction.

A representative of the Police Department stated that the Department will use brochures,

