



OFFICE OF THE CITY ATTORNEY

ROCKARD J. DELGADILLO

CITY ATTORNEY

REPORT NO. R 0 7 - 0 2 5 5

JUL 11 2007

REPORT RE:

**DRAFT ORDINANCE ESTABLISHING THE PROPER METHODS OF
DISPOSING OF FIREARMS AND AMMUNITION AND PROHIBITING THE
IMPROPER DISPOSAL OF FIREARMS AND AMMUNITION IN
THE CITY OF LOS ANGELES.**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 06-1185

Honorable Members:

This office has prepared and now transmits for your action the attached draft ordinance, approved as to form and legality. This draft ordinance adds Section 52.12.1 to the Los Angeles Municipal Code to establish the proper methods of disposing of firearms and ammunition in the City of Los Angeles and to prohibit the improper disposal of these items.

As a general rule, a local ordinance will be upheld against constitutional challenge if it is reasonably related to promoting the health, safety and welfare of the public, and if the means adopted are reasonably appropriate to the purpose. In our view, the proposed ordinance meets this standard and is consistent with the state legislature's apparent intent to permit local governments to tailor firearms legislation to the particular needs of their communities.

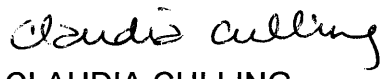


Pursuant to Council Rule 38, we sent a draft of this ordinance to the Los Angeles Police Department and requested that any comments be presented directly to the Public Safety Committee.

If you have any questions, please contact Heather Aubry at 213.978.8393. She or another member of this office will be available when you consider this matter to answer any questions you may have.

Sincerely,

ROCKARD J. DELGADILLO, City Attorney

By 
CLAUDIA CULLING
Special Counsel - Municipal

CC:HA:lee
Transmittal

ORDINANCE NO. _____

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 52.12.1 is added to the Los Angeles Municipal Code to read:

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

(b) "Ammunition," as used in this section, means any bullet, cartridge, magazine, clip, speed loader, autoloader, or projectile capable of being fired from a firearm.

(c) 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 the Los Angeles Police Department, or other law enforcement agency.

(d) 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

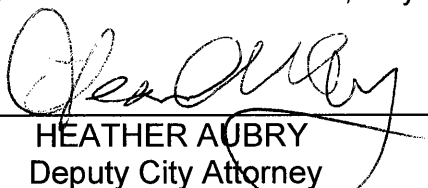
By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By  _____
HEATHER AUBRY
Deputy City Attorney

Date 7-10-07

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