

ORDINANCE NO. 40-07 N. S.

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF RICHMOND ADDING
CHAPTER 11.98 TO THE MUNICIPAL CODE OF THE CITY OF RICHMOND
ENTITLED BANNING OF THE POSSESSION OF LARGE-CAPACITY
MAGAZINES**

The Council of the City of Richmond, California do ordain as follows:

Section I. Amendment

Article XI of the Municipal Code of the City of Richmond is hereby amended by adding a Chapter 11.98 which reads as follows:

Chapter 11.98

BANNING THE POSSESSION OF LARGE CAPACITY MAGAZINES

Sections:

11.98.010	Purpose
11.98.020	Definition
11.98.030	Prohibition on Possession of Large Capacity Magazines
11.98.040	Exemptions
11.98.050	Penalty
11.98.060	Severability
11.98.070	Effective Date

11.98.010 Purpose

The purpose of this chapter is to ban the possession of large capacity magazines.

11.98.020 Definition

“Large-capacity magazine” means any ammunition feeding device with the capacity to accept more than 10 rounds, but shall not be construed to include any of the following:

- A. A feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds;
- B. A .22 caliber tube ammunition feeding device;
- C. A tubular magazine that is contained in a lever-action firearm.

11.98.030 Prohibition on Possession of Large-Capacity Magazines

A. No person, corporation, or other entity in the City of Richmond may possess any large-capacity magazine.

B. Any person who, prior to the effective date of this chapter, was legally in possession of a large-capacity magazine shall have 90 days from such effective date to do either of the following without being subject to prosecution:

- (1) Remove the large-capacity magazine from the City of Richmond; or
- (2) Surrender the large-capacity magazine to the Richmond Police Department for destruction.

11.98.040 Exemptions

Section 11.98.030 shall not apply to any government officer, agent, or employee, member of the armed forces of the United States, or peace officer, to the extent that such person is otherwise authorized to possess a large-capacity magazine, and does so while acting within the scope of his or her duties.

11.98.050 Penalty

Any person violating this chapter is guilty of a misdemeanor.

11.98.060 Severability

If any section, subsection, paragraph, sentence or word of this chapter is for any reason held to be invalid, such a decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have passed each section, subsection, paragraph, sentence or word of this chapter irrespective of the invalidity of any other section, subsection, paragraph, sentence or word.

11.98.070 Effective Date

This chapter shall become effective 30 days after its final adoption and passage.

First read at a regular meeting of the Council of the City of Richmond held September 18, 2007, and finally passed and adopted at a regular meeting thereof held October 2 , 2007, by the following vote:

- AYES: Councilmember Butt, Lopez, Rogers, Sandhu, Thurmond and Mayor McLaughlin
- NOES: Councilmember Bates
- ABSTENTIONS: Councilmember Marquez
- ABSENT: Councilmember Viramontes

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND

[SEAL]

Approved:

GAYLE McLAUGHLIN
Mayor

Approved as to form:

LOUISE RENNE, Interim
City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of Ordinance No. 40-07 N.S., finally passed and adopted by the Council of the City of Richmond at a meeting held on October 2, 2007, and published in accordance with law.