

Chapter 9.16

FIREARMS*

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9.16.010 Firearms in possession of minors. It is unlawful for any person under the age of eighteen years to wear, carry, or have in his or her possession, custody or control, or within any vehicle under his or her control or direction, any pistol, revolver, gun, rifle, or other firearm of any character or description, whether concealed or otherwise, within the town, unless such person be accompanied by his or her parent or guardian; provided, however, that this section shall not be construed or deemed to prohibit any such person who resides, or is temporarily sojourning, within the town from owning, possessing or keeping within his or her place of residence or place of business within the town any pistol, revolver, gun, rifle or other firearm. (Prior code §3300).

9.16.020 Surrender and disposition of firearms. The unlawful wearing, carrying, possession, custody or control by any person under the age of eighteen years, or within any vehicle under the control or direction of any such person, of any pistol, revolver, gun, rifle, or other firearm of any character or description, within the town, as defined in Section 9.16.010, is declared to be a nuisance. Any such firearms taken from the person, or vehicle of any person unlawfully wearing, carrying or having the possession, custody or control of the same, are declared to be nuisances and shall forthwith be surrendered to the chief of police who shall hold and dispose of them subject and according to the order and direction of the judge of the city court provided, however, that after the expiration of one year from the date any such firearms are so surrendered to the chief of police, as aforesaid, he shall, unless otherwise ordered by the judge of the city court, destroy the firearms, or cause them to be destroyed, to such an extent that they shall become and be wholly and entirely ineffective and useless for the purpose for which they are manufactured. (Prior code §3301).

* For statutory provisions relating to the control of deadly weapons, see Pen. C.A. §12000 et seq.

9.16.020 Surrender and disposition of firearms. The unlawful wearing, carrying, possession, custody or control by any person under the age of eighteen years, or within any vehicle under the control or direction of any such person, of any pistol, revolver, gun, rifle, or other firearm of any character or description, within the town, as defined in Section 9.16.010, is declared to be a nuisance. Any such firearms taken from the person, or vehicle of any person unlawfully wearing, carrying or having the possession, custody or control of the same, are declared to be nuisances and shall forthwith be surrendered to the chief of police who shall hold and dispose of them subject and according to the order and direction of the judge of the city court provided, however, that after the expiration of one year from the date any such firearms are so surrendered to the chief of police, as aforesaid, he shall, unless otherwise ordered by the judge of the city court, destroy the firearms, or cause them to be destroyed, to such an extent that they shall become and be wholly and entirely ineffective and useless for the purpose for which they are manufactured. (Prior code §3301).

9.16.030 Definitions.

"Air rifle" means any air rifle, BB gun, pellet gun, paintball gun, air pistol, air gun, or similar instrument from or by means of which any bullet, shot, pellet, BB, paintball, or similar missile is projected, whether by force of explosion or compressed air.

"Structure" for the purposes of Chapter 9.16 means any building, residential or otherwise, used, normally used, or available for use by human beings for purposes of inhabitation or business.

"Street" means any state highway, county highway, town street, or public roadway used by the public, or roadway available to the public for use.

"Adult" means anyone over the age of eighteen years.

"Minor" means anyone under the age of eighteen years. (Ord. 564 §1 (part), 2002).

9.16.040 Restrictions on use. It shall be unlawful for any adult or minor person to discharge an air rifle within five hundred feet of any structure or street. (Ord. 564 §1 (part), 2002).

9.16.050 Exceptions to restrictions on use. The provisions of Section 9.16.040 shall not be applicable:

(a) When said adult or minor person is lawfully hunting pursuant to the provisions of the California Fish and Game Code and has in his possession a valid hunting license as prescribed by said code, and that any said minor person is in the immediate charge and presence of a parent, guardian, or adult person having responsibility for the conduct of such minor person.

(b) When the discharge occurs at a bona fide shooting gallery, target range, fun club, educational institution or military institution, organized, operated, and supervised by adult personnel.

(c) When said person is engaged in the lawful defense of his person or property. (Ord. 564 §1 (part), 2002).

9.16.060 Restriction of possession. It shall be unlawful for any minor to wear, carry, or have in his or possession, custody or control or within any vehicle under his or her control or direction, any air rifle as defined by Section 9.16.030, whether concealed or otherwise, within the town. (Ord. 564 §1 (part), 2002).

9.16.070 Exceptions to restriction on possession. The provisions of Section 9.16.060 shall not be applicable:

(a) When said minor person is in the immediate charge and presence of a parent, guardian, or adult person having responsibility for the conduct of such person.

(b) When the possession by said minor person occurs at bona fide shooting gallery, target range, fun club, educational institution or military institution, organized, operated, and supervised by adult personnel.

(c) When said minor is engaged in the necessary defense of his person or property. (Ord. 564 §1 (part), 2002).

9.16.080 Penalty for violation. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor or infraction and upon conviction thereof may be punished by a fine up to the sum of five hundred dollars or by imprisonment the county jail of Marin County for a period not exceeding six months, or by both such fine and imprisonment. (Ord. 564 §1 (part), 2002).

9.16.090 Nuisance declared. Any air rifle possessed or discharged in violation of this chapter shall be deemed a public nuisance and shall be surrendered immediately to the director of public safety for the town of Ross. Annually, the director of public safety shall destroy, or cause to be destroyed such air rifles, unless the town council shall by resolution provide for the disposal of such air rifles in some other lawful manner. (Ord. 564 §1 (part), 2002).

9.16.100 Severability. If any section, provision, sentence, clause or phrase is for any reason declared to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this chapter, or the chapter as an entity, it being the legislative intent that this chapter shall stand notwithstanding the invalidity of such section, sentence, clause or phrase. (Ord. 564 §1 (part), 2002).