

Firearm Retail Use Regulations Section 1119 of Article 11 of Chapter 1 of Title 10 Zoning Regulations**10-1-1119: FIREARM RETAIL USE REGULATIONS:****A. PURPOSE**

It is the purpose and intent of this Section to establish local development and location standards for the permitting of facilities engaging in the sale, lease, or transfer of firearms or ammunition. The requirements of this section apply in addition to all applicable licensing, building, zoning, and site development standards of the Code. The provisions of this Section are not intended to contradict any applicable state or federal law.

B. DEFINITIONS.

The following definitions shall have the following meanings and shall apply only to this Section.

“Ammunition” means ammunition or cartridge cases, primers bullets, or propellant powder designed for use in any firearm, and any component thereof, but shall not include blank cartridges or ammunition that can be used solely in an “antique firearm” as that term is defined in § 921(a)(16) of Title 18 of the United States Code.

“Firearm” means any device, designed to be used as a weapon or modified to be used as a weapon, from which is expelled through a barrel a projectile by the force of explosion or other means of combustion, provided that the term “firearm” shall not include an “antique firearm” as defined in section 921(a)(16) of Title 18 of the United States Code.

“Firearm Retail Activity” means any person or establishment engaging in the business of selling, leasing, or transferring of any firearm or ammunition, or to hold oneself out as engaged in the business of selling, leasing, or otherwise transferring any firearm or ammunition, or to sell lease, or transfer firearms or ammunition in quantity, in series, or in individual transactions, or in any other manner indicative of trade.

“Firearm Retailer” means any person or establishment engaged in firearm retail activity.

“Gun Shows or Events” means a function sponsored by any national, state, or local organization, devoted to the sale of firearms for the collection, competitive use, or other sporting use of firearms, or an organization or association that sponsors functions devoted to the sale of firearms for the collection, competitive use, or other sporting use of firearms in the community.

“Permittee” means any person, corporation, partnership, or other entity engaged in the business of selling, leasing, or otherwise transferring any firearm or ammunition, which person or entity has obtained a regulatory permit to sell, lease, or transfer firearms or ammunition.

“Person” means any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

“Residential Zones” means properties zoned as R-1, R-2, R-3, R-4, MDR-3, MDR-4, and MDR-5.

“Sensitive Uses” means schools, public libraries, religious institutions, and public parks and open space, as further defined below.

1. “School” means any educational institution as defined by the California Department of Education. This definition includes public, private, and charter schools, primary and secondary schools, adult education, colleges, and universities under the jurisdiction of the California Department of Education. The location of schools can be found in the [County of Los Angeles Management System “Location of schools, colleges, and universities in Los Angeles County” database](#).

2. “Public library” means a library that is operated by a public jurisdiction as defined by the State of California. This definition includes public libraries operated by the County of Los Angeles and the City of Burbank. The location of libraries can be found in the [County of Los Angeles Management System “Location of libraries” database](#).
3. “Religious institution” means an institution owned, controlled, and operated and maintained by a bona fide church, religious denomination, or religious organization composed of multid denominational members of the same well-recognized religion, lawfully operating as a nonprofit religious corporation pursuant to Part 4 (commencing with Section 9110) of Division 2 of Title 1 of the State of California Corporations Code. The location of religious institutions can be found in the [County of Los Angeles Location Management System “Location of churches in Los Angeles County” database](#).
4. “Public park and open space” means any dedicated park and open space maintained by a public jurisdiction, such as the County of Los Angeles, City of Burbank, or State of California. The location of parks and open spaces can be found in the [County of Los Angeles Location Management System “Location of parks in Los Angeles County” database](#).

C. PERMITTING PROCESS

1. No person or establishment may engage in firearm retail activity unless a Conditional Use Permit for firearm retail activity has been approved for such establishment.
2. No person shall engage in or operate as a firearm retailer without first obtaining and maintaining a valid firearm retailer’s license for each location at which firearm retail activity is to occur pursuant to all applicable federal, state, and local laws.
3. Notwithstanding any other provision, gun shows or events must comply with all the development standards outlined in this Section.

D. PROHIBITION

1. Notwithstanding any other provision, firearm retail activity on city property is prohibited.

E. COMPLIANCE BY EXISTING FIREARM RETAILERS

An establishment or person engaged in firearm retail activity on the effective date of this Code section shall, within 180 days of the effective date, comply with this Code section.

1. Any firearm retailer that on the effective date of this Code section is located in any location that makes them ineligible to obtain a Conditional Use Permit, is eligible to continue as a nonconforming use, provided that they comply with all other applicable regulations.
2. Firearm retailers that are considered to be a nonconforming use shall continue to be subject to those provisions of the Code that govern nonconforming uses to the extent that those provisions do not conflict with the provisions of this Code section.
3. Whenever a nonconforming firearm retailer files an out of business license or upon termination, expiration, surrender or other expiration of the Federal Firearm License, such firearm retail activity shall not be resumed.

F. LOCATION

1. Firearm retail activity is permitted with a Conditional Use Permit in accordance with the use table in Code section 10-1-502.
2. Firearm retailers of all types must maintain a separation from residential zones, as defined, of at least **X feet**. This distance shall be measured between the property lines in accordance with measuring separation distance requirements as set forth in this Code section.
3. Firearm retailers of all types must maintain a separation from sensitive uses, as defined, of at least **X feet**. This distance shall be measured between the property lines in accordance with measuring separation distance requirements as set forth in this Code section.

4. Separation distance shall be measured horizontally in a straight line between the two closest points of the properties. This distance shall be measured without regard to topography or structures that would interfere with a straight-line measurement.
5. Separation requirements in accordance with this section shall be based on the zones and uses that are in place at the time the applicant has submitted a completed application.

E. VIDEO SURVEILLANCE SYSTEM

Firearm retail activity must comply with the video surveillance system approved by the Police Chief consistent with Article 7, Chapter 4, of Title 3 of the Burbank Municipal Code. The video surveillance system must meet all requirements of California Penal Code 26806 when applicable. And in any instance of inconsistent standards, the firearm retail activity must comply with the stricter of the two.

F. SECURE STORAGE OF FIREARMS

When a firearm retailer is not opened for business, all inventory firearms shall be stored in the licensed location using the following methods and consistent with the requirements of California Penal Code 26890, as may be updated from time to time.

G. BOLLARDS

If the proposed or current firearm retail facility is street level, bollards or other barriers, such as security planters or other devices with a similar structural integrity of bollards, shall be installed to protect the location's front entrance, any floor-to-ceiling windows, and any other doors, that could be breached by a vehicle. This requirement shall not apply to elevated loading docks or to locations of a permittee's premises that are fitted with steel rolldown doors. Any bollards shall not be located within the public right-of-way or obstruct accessible routes or accessible means of egress in compliance with state and federal law.

H. LIGHTING

Lighting shall be provided to illuminate the interior, facade, and the immediate surrounding area of the firearm retail facility, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented to deflect light away from adjacent properties.