

# Burbank Municipal Code

## Sections Relating to Firearms

### Section 3-4-111: Firearms

Every person engaging in the business of selling or otherwise transferring, or renting, or advertising for sale, or offering or exposing for sale or transfer or rental at retail, pistols, revolvers, or other firearms, shall pay for revenue purposes a license fee in the amount set forth in the Burbank Fee Resolution. [Formerly numbered Section 8-14; renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3623, eff. 6/28/03.]

### Section 5-3-206: Replica Firearms

- A. Prohibition of Sale: No person shall display, market for sale, or sell any replica or facsimile of a firearm in the City. The provisions of this subsection shall not apply to any replica or facsimile firearm which, because of its distinct color, exaggerated size, or other design feature, cannot reasonably be perceived to be a real firearm.
- B. Brandishing: Except in self-defense, no person shall draw, exhibit, or brandish a replica or facsimile of a firearm or simulate a firearm in a rude, angry, or threatening manner, with the intent to frighten, vex, harass, or annoy any other person.
- C. Brandishing a Replica Firearm in Presence of a Public Safety Officer: No person shall draw, exhibit, or brandish a replica or facsimile of a firearm or simulate a firearm in the presence of a peace officer, firefighter, emergency medical technician, or paramedic engaged in the performance of his or her duties, and the person committing such brandishing knows or has reason to know that such police officer, firefighter, emergency medical technician, or paramedic is engaged in the performance of his or her duties.
- D. Definitions:
  - FIREARM: Shall have the same meaning as the term "firearm" under the Dangerous Weapons Control Law of the State of California.
  - REPLICA OR FACSIMILE OF A FIREARM: Any device or object made of plastic, wood, metal, or any other material which is a replica, facsimile, or toy version of, or is otherwise recognizable as, a pistol, revolver, shotgun, sawed off shotgun, rifle, machine gun, rocket launcher, or any other firearm. As used in this section, "replica or facsimile of a firearm" shall include, but is not limited to, toy guns, movie props, hobby models (either in kit form or fully assembled), starter pistols, air guns, inoperative firearms, or any other device which might reasonably be perceived to be a real firearm.
- E. Effective Date: The provisions of subsection A of this section shall not become effective or enforceable until January 1, 1988. [Added by Ord. No. 3085; formerly numbered Section 20-23; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Section 5-3-801: License to Sell Firearms at Retail**

Any person engaging in the business of selling or otherwise transferring, or renting, or advertising for sale, or offering or exposing for sale or transfer or rental at retail, pistols, revolvers, or other firearms capable of being concealed upon the person, shall obtain the license required by Title 2, Chapter 1, Article 4, of the Penal Code of the State of California from the Community Development Department, the purpose of this section being to provide for the granting of the local license prescribed by Section 12071 and amendments thereto of said Penal Code. No license shall be issued by the Community Development Department hereunder unless first approved by the Chief of Police, in writing. Said license shall be in form as prescribed by the Attorney General and subject to the conditions prescribed by Section 12071 and amendments thereto of the Penal Code of the State of California. [Formerly numbered Section 20-57; renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3828, eff. 8/24/12; 2194.]

### **Section 5-3-802: Unlawful to Sell Without Prior Notice to Chief of Police**

No person shall sell, deliver or otherwise transfer any pistol, revolver, or other firearm capable of being concealed upon the person, to any person without notifying the Chief of Police of the intended sale or transfer at least twenty four (24) hours before the transfer is made, giving the name and address of the transferor, a description of the firearm, and the name and address of the transferee. [Formerly numbered Section 20-58; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Section 5-3-803: Permit to Discharge Firearms and Other Weapons**

No person shall fire, shoot or discharge any gun, rifle, pistol or other firearm, or any air gun, air rifle or air pistol, or any spring gun, spring rifle or spring pistol, or any carbon dioxide or other gas operated gun, rifle or pistol without first having obtained a permit from the Chief of Police so to do.

Any permit issued by the Chief of Police under this section shall state the purposes for which issued, time or times for shooting, and date of expiration. No permit shall be valid for a period in excess of seven (7) days.

The provisions of this section shall not apply to a peace officer in the performance of his duty, nor to any person:

- A. While shooting in a municipally licensed or municipally owned or operated shooting gallery, pistol or target range; or
- B. While shooting in any place or location approved, in writing, by the Chief of Police for target practice or shooting; or
- C. While shooting in and as a part of an adult supervised training program or curriculum of any public or private school or club or association organized for instruction in the use of firearms; or
- D. While lawfully defending life or property. [Formerly numbered Section 20-59; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Section 5-3-804: Concealed Weapons, Permit Fee**

No person, except a peace officer, shall wear, or in any manner carry, concealed upon his person any loaded or unloaded gun, pistol or revolver, or any other dangerous or deadly weapon without having, at the same time, actually in his possession and upon his person, a permit so to do from the Chief of Police. Such permits shall be numbered, consecutively, in the order in which they are issued. No permit shall be granted for a longer period than one year. Each such permit shall be in a form prescribed by the Attorney General and shall state the name, occupation, residence, and business address of the applicant, his age, height, weight, color of eyes and hair; and reason for desiring a license to carry the weapon. Such license shall, in addition, contain a description of the weapon or weapons authorized to be carried, and if a firearm give the name of the manufacturer, the serial number and the caliber. No person shall be issued a permit under this section without paying the City a registration fee of three dollars (\$3.00). [Formerly numbered Section 20-60; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Section 5-3-805: Records of Licenses and Permits**

The Chief of Police shall keep a record of all licenses and permits issued under this article. [Formerly numbered Section 20-61; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Section 5-3-806: Dangerous or Deadly Weapons**

- A. Definition: "Dangerous or deadly weapons" includes, but is not limited to: any dirk or dagger; any knife with a blade three inches (3") or more in length, and any snap blade or spring blade knife, regardless of the length of the blade; any ice pick or similar sharp stabbing tool; any straight edge razor or any razor blade fitted to a handle; any dangerous or deadly weapon within the meaning of any law of this State restricting the use thereof; and any cutting, stabbing or bludgeoning weapon or device capable of inflicting grievous bodily harm; and any firearm other than one carried pursuant to a valid permit, issued by a duly authorized governmental authority, or an ordinary rifle, shotgun, or handgun lawfully carried for purposes of hunting or other lawful sport. It shall not include an official Boy Scout knife or similar knife acquired for and used for the Boy Scouts of America program or Girl Scout program or any similar nationally recognized youth program.
- B. Loitering with Concealed Weapon: No person shall, while carrying concealed upon his person any dangerous or deadly weapon, loaf or loiter upon any public street, sidewalk or alley or wander about from place to place with no lawful business to perform, or hide, lurk or loiter upon or about the premises of another.
- C. Fighting with Concealed Weapon: No person shall, who has concealed upon his person or who has in his immediate physical possession any dangerous or deadly weapon, engage in any fight or participate in any rough or disorderly conduct upon any public place or way or upon the premises of another.
- D. Loitering with Concealed Weapon Where Intoxicating Liquor Sold: No person shall, who has concealed upon his person any dangerous or deadly weapon,

loiter about any place where intoxicating liquors are sold or any other place of public resort.

- E. Carrying Weapon in Automobile; Exceptions: No person shall have in his possession, in any automobile, any dangerous or deadly weapon, but this restriction shall not be deemed to prohibit the carrying of ordinary tools or equipment carried in good faith for uses of honest work, trade or business, or for the purpose of legitimate sport or recreation. [Formerly numbered Section 20-62; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Section 5-3-807: Sale of Ammunition to Minors**

No person shall sell, exchange, give or loan to any person under sixteen (16) years of age any ammunition, cartridge, shell, pellets, BB shot, shot or other missile designed for use in any firearm or spring or air gun or gas operated gun of any description. Shooting galleries and ranges may furnish ammunition to persons under sixteen (16) years of age to be expended at the gallery or range under the supervision of a responsible adult, provided the parent or guardian personally appears and consents in writing. [Formerly numbered Section 20-63; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Section 5-3-808: Possession of Firearms by Minors**

- A. No person under sixteen (16) years of age shall have in his possession any firearm, spring gun, air gun or gas operated gun, or ammunition for such weapons.

This section shall not apply to a minor under the age of sixteen (16) years when engaged in shooting as provided for in Section 5-3-803 of this article, or when traveling to and from any of the places mentioned in subsections 5-3-803A, B, and C of this article for the purposes of shooting.

- B. Other Dangerous Devices: No person under sixteen (16) years of age shall have in his possession any other device not mentioned in subsection A of this section capable of discharging a dangerous or deadly missile unless engaged in shooting or practicing at a location designated for such purpose by the Chief of Police, or when traveling to or from any such location, or when defending life or property.
- C. Applicability: The preceding subsections A and B of this section shall be applicable to minors between sixteen (16) and eighteen (18) years of age, in possession of the items mentioned therein, without the consent of a parent or legal guardian. [Formerly numbered Section 20-64; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Section 10-1-673: Prohibited Occupations**

The following activities are prohibited as home occupations:

- A. MOTOR VEHICLE REPAIR AND DETAILING.

Those occupations conducted on the premises that entail motor vehicle repair work, including any and all aspects of body or fender work. Also prohibited is auto detailing on the premises.

B. MECHANICAL AND ELECTRONIC REPAIR.

Mechanical and electronic repair utilizing, maintaining or storing more mechanical or electronic equipment on the premises than is common to a residence.

C. KENNELS.

Those occupations and uses which entail harboring, training, or raising of dogs, cats, birds, or other animals.

D. FOOD HANDLING.

Those occupations which entail food handling, food processing, food warehousing, or food packaging, except in conjunction with a cottage food operation with a valid Health Department permit/license.

E. FIREARMS.

Those occupations that entail the manufacturing, sale, lease, or rental of firearms and/or ammunition. However, this prohibition shall not apply to a person legally and continuously operating a home occupation involving the manufacturing, sale, lease, or rental of firearms and/or ammunition pursuant to a business permit issued prior to September 1, 1998. On or before October 16, 1998, all home occupations involving the manufacturing, sale, lease, or rental of firearms and/or ammunition must be permanently discontinued unless the home occupation has been legally and continuously operated by the same person at the same location pursuant to a business permit effective prior to September 1, 1998.

F. PRODUCTS PROCESSING.

Those occupations which entail the repair, processing, or alteration of goods, materials, or objects; provided, however, that custom sewing/tailoring is permitted if the goods are not manufactured or processed as stock for sale or distribution. This code section is not intended to prohibit: watch repair, jewelry repair, and original jewelry creation. This ordinance does not prohibit artists and artist studios, with the exception of prohibiting welding as a form of artistry for commercial business purposes, or commercial ceramic artistry, wherein a commercial kiln is utilized. This Article does not regulate forms of artistry that are for the sole purpose of non-business hobby-making and/or non-business personal artistic expression.

G. OTHER PROHIBITED HOME OCCUPATIONS.

Any activity where the conduct or operations of such activity would violate the provisions of this Article or any statute, ordinance, law or regulation or any activity determined by the Community Development Director to be similar to those activities listed above. [Amended by Ord. No. 3841, eff. 6/14/13; Formerly numbered Section 31-75.2; Renumbered by Ord. No. 3058, eff. 2/21/87; 3514, 3495, 2725.]

## Section 10-1-673.1: Additional Regulations and Exemptions for Permitted Home Occupations Involving Firearms

### A. ADDITIONAL REGULATIONS.

In addition to the other provisions of this Division, all permitted home occupations that entail the manufacturing, sale, lease or rental of firearms and/or ammunition must also comply with the following regulations:

#### 1. Active Alarm System.

All direct entries into the dwelling unit or accessory structure, whichever houses firearms and/or ammunition, shall be secured by an active alarm system that is connected to a 24-hour monitored, state-licensed security alarm service. For the purposes of this Division entries means doors, windows, skylights, trapdoors, and any other similar entryway into the dwelling unit or accessory structure.

#### 2. Firearms Kept in Safe.

All firearms and/or ammunition involved in the home occupation shall be locked in an anchored metal safe which is constructed of no less than 10 gauge metal, in one room of the dwelling unit, or accessory structure. For the purposes of this Article, anchored shall be defined as permanently mounted to the floor or having an empty weight of 1,000 pounds or more so that heavy equipment or tools would be required to remove the safe.

#### 3. Daytime Hours.

Showing or transferring a firearm and/or ammunition to a customer or prospective customer shall only take place between the hours of 7 a.m. and 10 p.m.

#### 4. City May Inspect.

City of Burbank Police Department Personnel shall have the right to enter any premises where a home occupation involving firearms and/or ammunition is conducted for the purposes of inspection for compliance with this Division.

#### 5. No Large or Small Family Day Care on Premises.

No home occupation involving firearms and/or ammunition may be conducted at any dwelling unit, including any accessory structures, if a large family day care home or a small family day care home operates on the premises.

### B. EXEMPTION FROM CERTAIN REGULATIONS.

Permitted home occupations involving the manufacturing, sale, lease, or rental of firearms and/or ammunition are exempt from the provisions of Sections 10-1-672(E) and 10-1-672(I). [Added by Ord. No. 3514, eff. 5/1/99.]