

Temporary Moratorium on Firearm/Ammunition Retail Uses

Current regulations in the BMC concerning the land use or licensing requirements for the retail sale of firearms and ammunition do not sufficiently address the trend of increased concentration of these uses along critical commercial corridors. This raises concerns for sustainable and economically diverse retail areas in the community. Pursuant to Government Code Section 65858, the Burbank City Council may impose a moratorium for 45 days prohibiting the establishment of new retail businesses selling firearms or ammunition to allow staff time to study, analyze, and propose potential land use regulations concerning firearms retailers, including:

- Limiting or reducing the number of firearm retailers in the City by suspending the issuance of new licenses and allowing the number of retailers to decline over time through attrition;
- Amending the business license process governed by BMC Section 3-4-111 to establish additional requirements for firearms retailers, such as successfully passing an audit by a state or federal agency as a condition of license renewal⁸. Council may further consider implementation of local inspections regarding inventory, storage, site security, and transaction procedures; and
- Adopting a Zone Text Amendment to enact buffer zones and prevent the establishment of firearms retailers near sensitive-use locations.

Staff would evaluate appropriate locations for firearms retail establishments in the City and assess possible health and safety regulations for these businesses in relation to neighboring uses. Adoption of the urgency ordinance and possible consideration of a subsequent Zone Text Amendment would provide the City the ability to create comprehensive zoning regulations for the placement of future firearms and ammunition retailers. Without a temporary moratorium and absent extensive zoning regulations that govern the location of future firearms retail uses, new firearms retail establishments may result in compatibility issues with surrounding land uses and put the City at risk of impairing its substantial interests in economically sustainable development, community health and perceptions of safety, and public image.

Staff recommends the City Council adopt the proposed urgency ordinance (Attachment 1) establishing a moratorium on the issuance of new licenses for firearms dealers. Charter Section 500 authorizes the City Council to adopt an urgency ordinance as an emergency measure to preserve the public health, safety, and general welfare.

CEQA Compliance

The proposed urgency ordinance is exempt from review under the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3). CEQA applies only to projects which have the potential for causing a significant effect on the environment.

⁸ Granting of a business license is a ministerial process, and compliance may be managed via the administrative citation procedure. Furthermore, federal and state regulatory agencies may revoke a retailer's license if the business is not compliant with federal, state or local regulations.

