

STAFF REPORT



DATE: July 26, 2022

TO: Justin Hess, City Manager

FROM: Joseph H. McDougall, City Attorney
Michael Albanese, Chief of Police
Patrick Prescott, Community Development Director

SUBJECT: Adoption of an Urgency Ordinance Imposing a Moratorium on New Firearms Retailers in the City of Burbank and Consideration of Proposed Regulatory Frameworks

RECOMMENDATION

1. Adopt AN UNCODIFIED URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK IMPOSING A MORATORIUM ON THE ESTABLISHMENT OF NEW RETAIL USES SELLING FIREARMS OR AMMUNITION (Attachment 1) (Requires 4/5th vote for adoption)
2. Consider possible regulatory frameworks for firearms retailers in the City of Burbank, as well as short-term and long-term actions, and provide direction to staff as necessary.

BACKGROUND

At the February 8, 2022, City Council meeting, staff presented a first step report outlining the current process for retailers to secure a license to sell firearms in the City of Burbank. Council directed staff to investigate the effects of firearms retailers and make recommendations on possible regulatory frameworks.

Federal, State, and Local Laws

Federal, state, and local laws govern the sale and possession of firearms. The Gun Control Act of 1968 (GCA) is the primary vehicle for federal regulation of firearms and, among other things, requires individuals dealing in firearms to obtain a Federal Firearms

License.¹ The GCA bars Federal Firearms Licensees (FFLs) from knowingly selling or transferring a firearm to certain individuals (“prohibited possessors”) including felons, unlawful narcotics users, persons with domestic violence restraining orders, and persons experiencing severe mental illness. FFLs are also bound by the minimum age requirements in the GCA and may not sell a shotgun or rifle to individuals under 18 years old or a handgun to individuals under 21 years old. The law further stipulates that FFLs must maintain records of the acquisition, transfer, and disposition of firearms. In accordance with the Brady Handgun Violence Prevention Act of 1993, FFLs must also conduct background checks on firearms purchasers. In California, firearms retailers submit information on a prospective buyer to the California Department of Justice (Cal DOJ), which serves as a point of contact for the FBI’s National Instant Criminal Background Check System and searches records in relevant national and state databases to confirm whether or not an individual is a prohibited possessor. In 1994, the Violent Crime Control and Law Enforcement Act further required that prospective FFLs submit photographs and fingerprints as part of their application for licensure² and certify that their business complies with all state and local laws, including zoning regulations.

The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) serves as the federal regulatory body for FFLs, issuing licenses and inspecting retailers for compliance with national firearms laws by conducting comprehensive, unannounced on-site audits. The Firearms Owners’ Protection Act of 1986 limits these warrantless compliance inspections to one per every 12-month period, and any FFL who refuses to adhere to the examination may lose their license or be denied a renewal. ATF agents may inspect a retailer’s business premises, storage areas, inventory, and acquisition and sales logs, and if found out of compliance, the retailer may be issued a penalty ranging from a warning letter to revocation of their license. During the federal government’s 2020 Fiscal Year (October 2019 to September 2020), the ATF conducted 5,823 audits of retailers nationwide, revoking a total of 40 licenses. The Los Angeles Field Division of the ATF conducted 209 audits and issued 15 warning letters, with no license revocations. Although the ATF posts summary audit data on its website, audit results for specific retailers are not publicly available but may be obtained through Public Disclosure Requests, which typically take 90 days to process.

At the state level, various laws regulate the activities of firearms dealers in California.³ In addition to a federal firearms license from the ATF, retailers must obtain a Certificate of Eligibility⁴ (COE) from Cal DOJ, a seller’s permit from the California Department of Tax and Fee Administration, and a valid listing on Cal DOJ’s Centralized List of Firearms Dealers. With few exceptions, California law establishes a minimum age of 21 to purchase a firearm; prohibits an individual from purchasing more than one handgun within a 30-day period; and requires that private party transfers be conducted by a licensed firearms dealer. Prospective buyers must show proof of California residency, possess a valid

¹ [Bureau of Alcohol, Tobacco, Firearms, and Explosives: National Firearms Act and Gun Control Act](#)

² Federal firearms license regulations are found in Title I, Gun Control Act of 1968 (27 CFR Part 478) within the limitations of Chapter 44, Title 18, United States Code.

³ [California DOJ: 2021 Firearm Laws Summary](#)

⁴ State law regulating firearm retailers is found in California Penal Code Section 26705, Article 1 License to Sell, Lease, or Transfer Firearms at Retail.

Firearm Safety Certificate, and perform a safe handling demonstration in the presence of a Cal DOJ-certified instructor. When conducting a sale, firearms retailers must submit a Dealer Record of Sale (DROS) to Cal DOJ with identifying information for both the retailer and the purchaser, prompting a mandatory 10-day waiting period during which a background check is conducted. All firearms sold or transferred in California by a licensed retailer must also be accompanied by a Cal DOJ-approved firearms safety device (i.e., gun safe or lock) in an effort to prevent minors and unauthorized users from accessing or firing the weapon. California law also bans the manufacture, import, and sale of assault weapons, which includes semiautomatic firearms with large magazines designed for rapid fire, such as AK-47s and AR-15s.

Like the ATF, Cal DOJ conducts independent audits of retailers in the state. Every two years, the agency completes an on-site inspection of firearms retailers that includes a spot check of inventory and examination of paperwork. Businesses that fail an audit may receive an administrative write-up or possibly lose their COE, barring them from operating as a firearms retailer in California. Cal DOJ inspection outcomes are not published but may be obtained through a Public Records Act request.

Within the City of Burbank, the licensing and operation of firearms dealers is governed by Burbank Municipal Code (BMC) Section 3-4-111: Firearms, Section 5-3-801: License to Sell Firearms at Retail, and Section 10-1-673: Prohibited Occupations (Attachment 2 – BMC Sections). To obtain a local firearms dealer license, business owners must satisfy federal and state licensing requirements, undergo a review of their business location by the Community Development Department for compliance with zoning laws, and submit to a background check conducted by the Burbank Police Department. The background check includes a review of a business owner's driving record, arrest record, and warrant history.

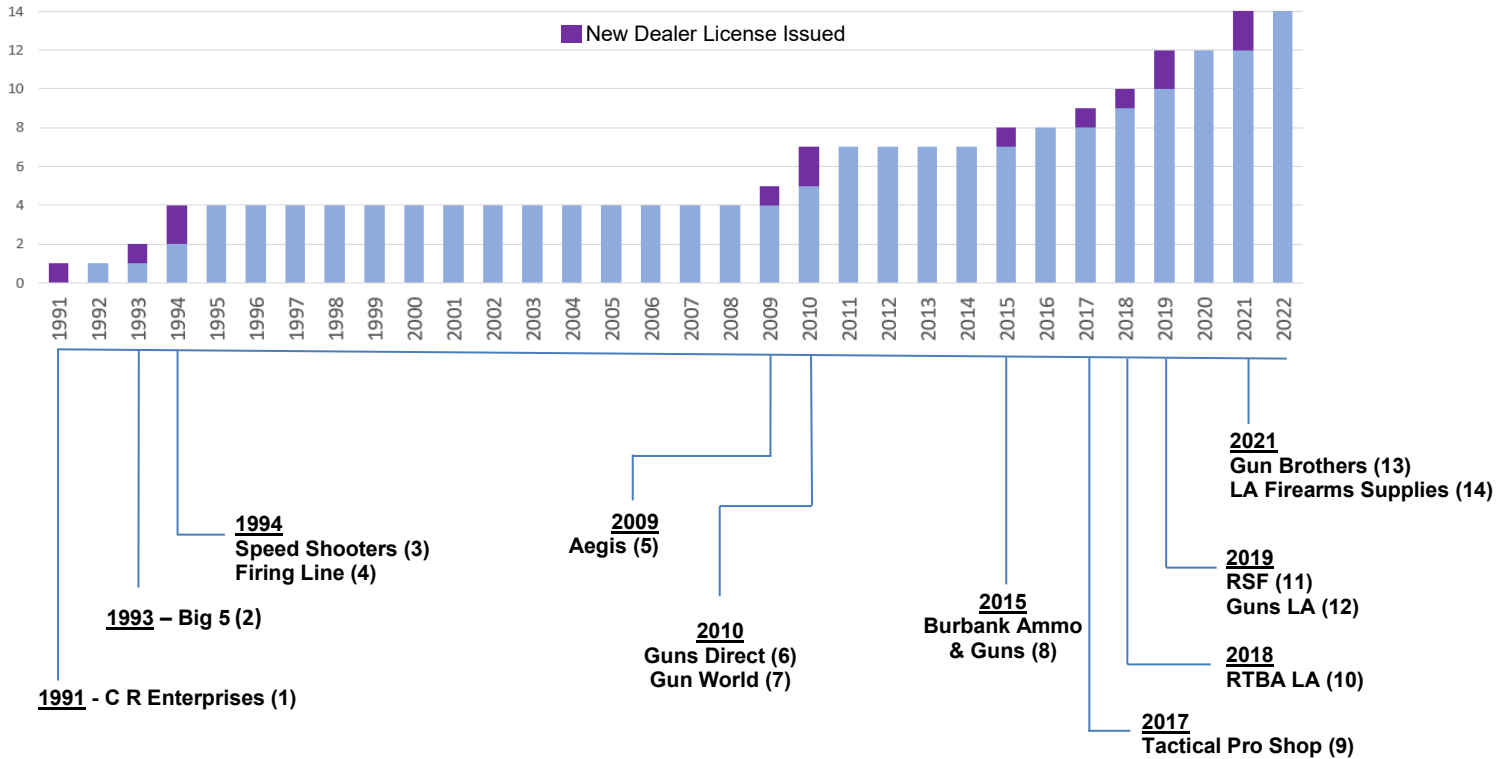
Timeline of Licensed Retailers in the City

As of June 2022, the City of Burbank has 14 licensed firearms dealers, with the first retailer licensed in 1991 and the two most recent licenses issued in 2021. From 1991 to 2022, no more than two new licenses have been issued in any single year. Of the 14 licensed dealers in Burbank, 12 operate in a commercial building, while two (C R Enterprises and Speed Shooters) are located at residential addresses (see Attachment 3 – Maps). The original licenses for these two dealers were issued prior to the 1998 BMC change prohibiting such uses in residential locations (BMC Section 10-1-673). In comparison, the cities of Glendale, Pasadena, and Los Angeles have 10, three, and 36 firearms dealers, respectively. Based on population size from the 2020 Census, the City of Burbank has a higher concentration of firearms dealers per capita than any of the surveyed neighboring cities, with one dealer per every 7,386 residents.

Table 1. Firearms Dealers Per Capita

Municipality	Firearms Dealers	Per Capita Rate
Burbank	14	1 per 7,386 residents
Glendale	10	1 per 19,935 residents
Pasadena	3	1 per 47,339 residents
Los Angeles	36	1 per 110,277 residents

Figure 1: Firearms Dealers in the City of Burbank



Investigation of Potential Negative Secondary Effects

Per City Council's direction and to inform the consideration of possible regulatory frameworks at a local level, staff completed an analysis of crime data to determine whether firearms dealers have an inordinate impact on crime rates in the City of Burbank. Staff reviewed calls for service (CFS) data and police reports for five complete calendar years (2017-2021), a timeframe in which the number of licensed firearms dealers increased by 75% (six new licenses issued).

Firearms Retailers as the Subject of Crime

Calls for Service: Between 2017 and 2021 there were 123 CFS originating from or regarding activity in or immediately adjacent to a firearms dealer in the City of Burbank. This represents 0.09% of the 140,241 CFS that the Burbank Police Department received during this time period.

Table 2. Calls for Service by Year

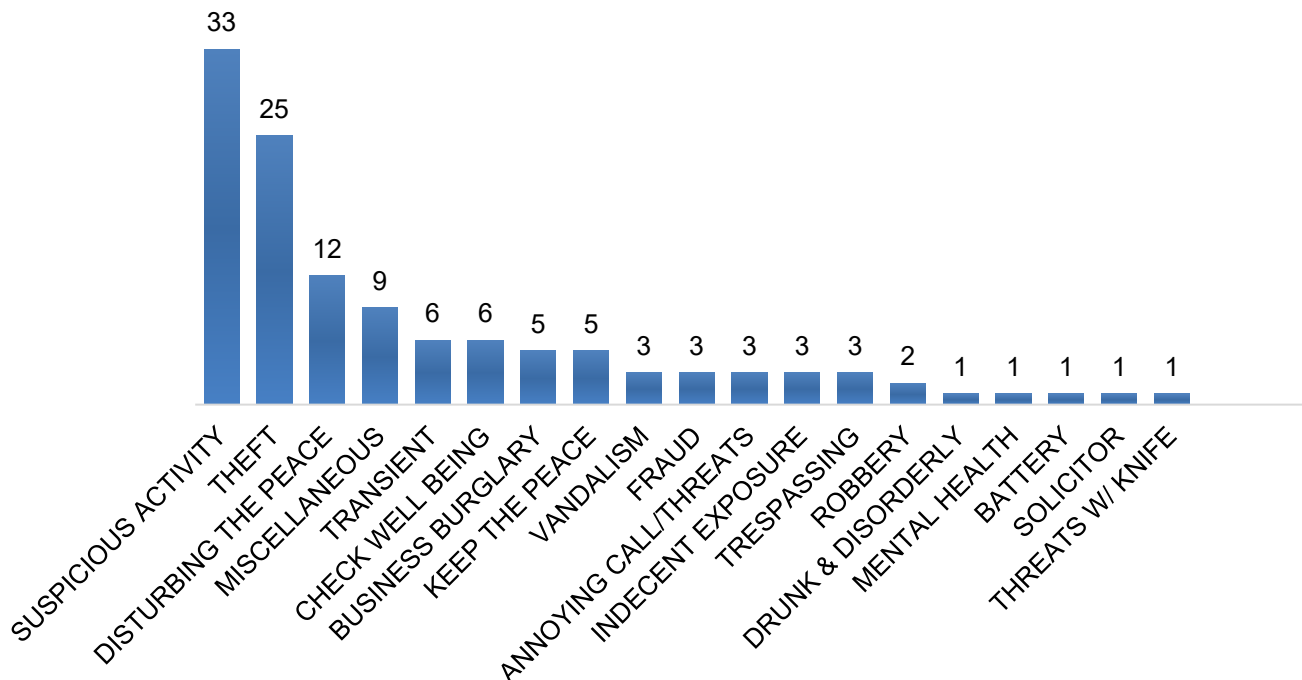
Year	Dealer	Citywide	%
2017	10	28,946	0.03%
2018	18	27,898	0.06%
2019	31	28,648	0.11%
2020	36	27,392	0.13%
2021	28	27,357	0.10%
TOTAL	123	140,241	0.09%

The largest category of calls was associated with suspicious activity and includes reporting from firearms dealers of individuals who may be suspect of committing a weapons violation or intend to unlawfully use or obtain a weapon. Of the 123 CFS, 10 resulted in an arrest, 40 culminated in a report documenting the incident with potential follow-up investigation, and 22 ended with an advisal or referral. The highest percentage of calls (34%) were related to Big 5 Sporting Goods, which unlike other firearms retailers in Burbank is a large retail establishment that maintains an expansive selection of sporting equipment beyond firearms and ammunition. 43% of CFS from Big 5 alone occurred in response to potential petty theft incidents and comprises 72% of all CFS regarding theft from or occurring at the premises (store or parking lot) of a firearms dealer.

Table 3. Calls for Service by Retailer (2017-2021)

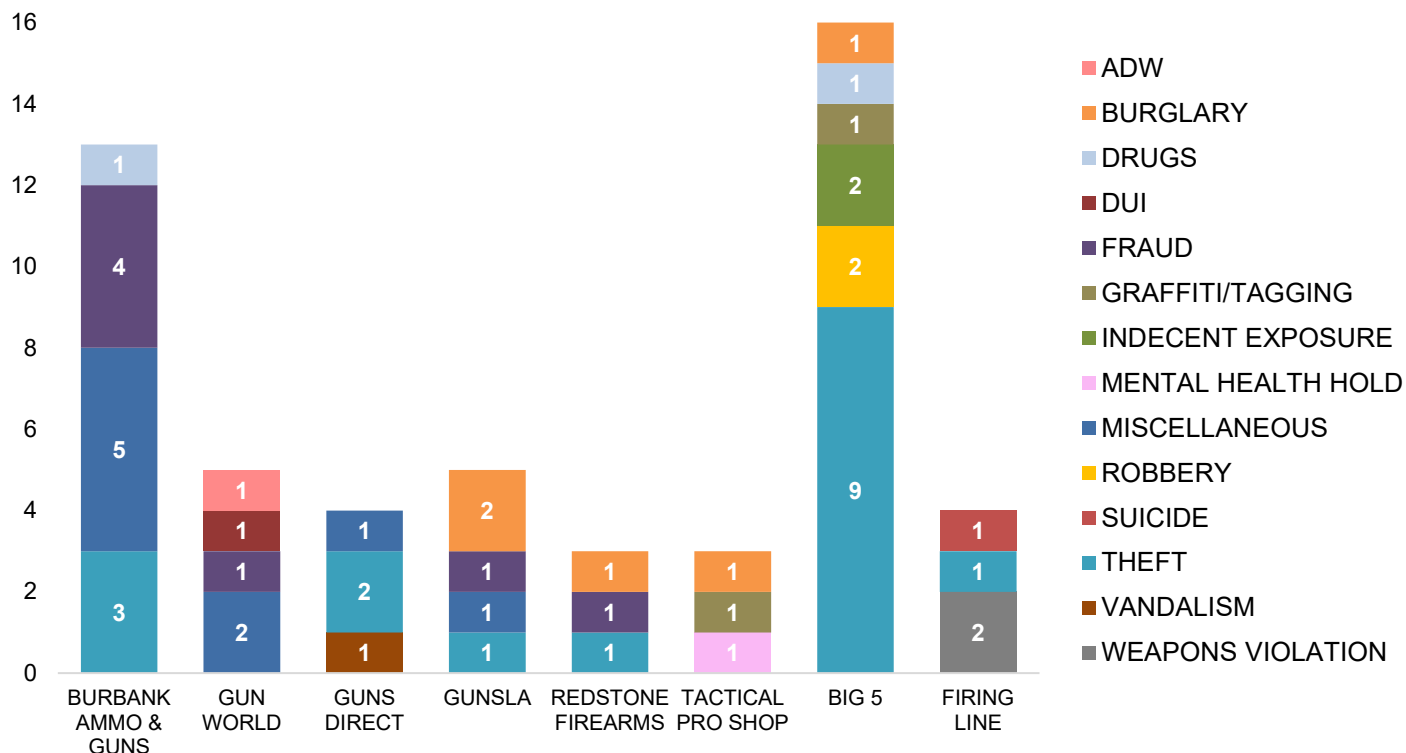
Retailer	Address	CFS
Aegis	1004 Magnolia Blvd.	0
Big 5 Sporting Goods	510 N. Victory Blvd.	42
Burbank Ammo & Guns	1313 W. Magnolia Blvd.	22
C R Enterprise	265 W. Providencia Ave.	0
Firing Line	1060 N. Lake St.	11
Gun Brothers	3804 W Burbank Blvd. #B	0
Gun World	2412 W. Magnolia Blvd. (former location) 3800 W. Magnolia Blvd. (current location)	11
Guns Direct	1521 W. Magnolia Blvd.	10
Guns LA	3906 W. Burbank Blvd.	8
LA Firearms Supplies	1212 W. Magnolia Blvd.	0
Redstone Firearms	916 W. Burbank Blvd. Suite X	13
RTBA LA	2319 Olive Ave. Suite A	0
Speed Shooters	1734 N. Evergreen St.	0
Tactical Pro Shop	3503 W. Burbank Blvd.	6

Figure 2: Calls for Service by Type (2017-2021)



Reported Incidents: Between 2017 and 2021, there were 53 incidents resulting in an arrest, citation, mental health hold, or documentation of criminal activity at eight of the 14 firearms dealer locations. These incidents were reported as part of the Burbank Police Department's response to a call for service and include incidents reported at the front counter or documented as part of an investigation.

Figure 3: Incidents by Location and Type (2017-2021)



In several incidents, the firearms dealer itself was the target of a crime such as theft, robbery, burglary, vandalism, or graffiti. Of all 24 incidents of theft, robbery, or burglary at a dealer location, two involved the theft of a firearm. Other major categories include fraud relating to a transaction or identity theft, as well as miscellaneous crimes including documentation of suspicious activity or threats against a firearms dealer. Of note, there has been one incident at the Firing Line Indoor Shooting Range in the last five years where a firearm was rented and used at the range to commit suicide.

Retail Crime: Narrowing the analysis, staff compared the level of retail crime at firearms businesses from 2017 through 2021 to overall retail crime citywide for the same period.

Table 4. Retail Crime (2017-2021)

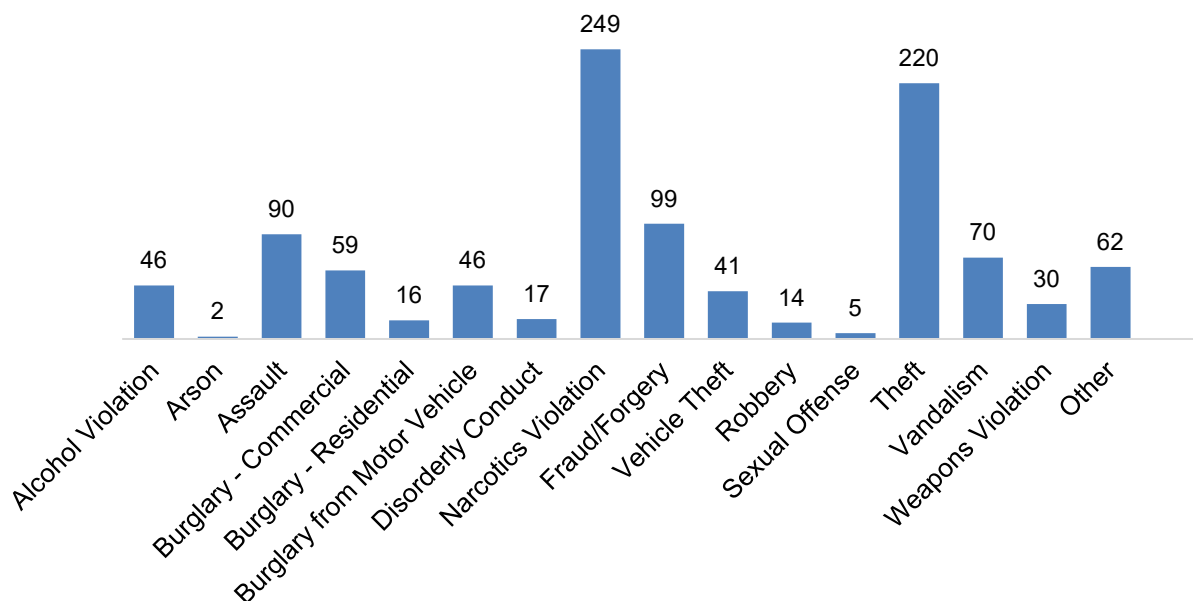
Year	Dealer	Hobby Lobby	7-Eleven	Citywide
2017	2	5	1	194
2018	7	4	1	141
2019	4	4	4	158
2020	4	1	4	138
2021	7	5	3	176

45% of incidents occurring at a firearms retailer can be attributed to retail crime, such as petty theft, grand theft, robbery, and burglary. However, the number of these incidents at firearms dealers is comparable to other retail locations in the City, such as Hobby Lobby (641 N Victory Blvd) or 7-Eleven (600 N Hollywood Way). Furthermore, the number of retail crime incidents at firearms dealers was significantly less compared to overall retail crime in Burbank, even adjusting for large retailers that experience or have experienced a high rate of retail crime such as Costco, Target, Walmart, and Fry's Electronics.

Firearms Retailers as the Source of Crime

Proximity Crimes: To determine the potential secondary effects of firearms dealers on the surrounding community, staff tabulated all “proximity crimes” between 2017 and 2021. These crimes occurred within a 500-foot radius of a licensed firearms dealer and exclude incidents occurring at the dealer’s address. Noting that the occurrence of a crime in the vicinity of a firearms dealer may not necessarily entail causality, there were a total of 1,066 unique proximity crimes over a five-year period for all 14 licensed dealers⁵. The top five categories of crime occurring in the vicinity of a firearms dealer in Burbank include narcotics violations, retail-related theft, fraud, assault, and vandalism.

Figure 5. Proximity Crime Totals by Category (2017-2021)



However, these categories of crime may not be unique to areas surrounding firearms dealers as a comparative analysis for the same timeframe indicates that they also constitute top categories of proximity crime at other retail locations in the City. Consequently, the prevalence of these crimes in the vicinity of firearms dealers may reflect citywide trends. Of note, most firearms retailers in the City of Burbank are located along major commercial corridors and thoroughfares. Incidents of crime in the vicinity of

⁵ Although they hold a retail license, not all FFLs in the City of Burbank engage in the sale of firearms, such as Tactical Pro Shop, which primarily services the film industry, and Firing Line, which rents firearms and sells ammunition for use on-site.

a firearms retailer may be identified and reported through a call for service, routine patrol activity, or traffic stops. Proximity crimes may occur for a variety of social, economic, and environmental reasons, and the occurrence of crime does not necessarily indicate a nexus to a firearms retailer, since an individual committing a crime may not frequent a firearms retail location or utilize their products to perpetrate a crime.

Gun Crimes: Staff also examined the prevalence of “gun crimes”, defined as criminal actions involving anything from the brandishing of a gun up to and including the discharge of a firearm. Between 2017 and 2021, there were 260 instances of gun-related violations, threats, or violence in the City of Burbank, with 67 occurring in 2021. For comparison, the cities of Glendale and Pasadena report 163 and 99 incidents of gun crimes in 2021, respectively.

Table 5. Gun Crimes Per Capita (2021)

City	Dealers	Per Capita Rate
Burbank	14	6 per every 10,000 people
Glendale	10	8 per every 10,000 people
Pasadena	3	7 per every 10,000 people

The graph below depicts the rate of gun crimes compared to the number of gun stores per year between 2017 and 2021 in the City of Burbank. Between 2017 and June 2022, the Burbank Police Department recovered 493 firearms during response to or investigation of a crime. Weapons may be recovered on scene for multiple reasons, including possession by a prohibited possessor, unlawful use of a weapon, violation of concealed carry laws, ownership by a deceased victim, safekeeping due to a domestic violence incident, and possession of a stolen weapon.

Figure 6. Gun Crimes by Year (Burbank)



Two firearms originally purchased from dealers in the City of Burbank were used in two separate criminal incidents, an assault with a deadly weapon (ADW) in 2019 in which a firearm was brandished during a domestic dispute and during an attempted murder in 2022 where a firearm was discharged.

Currently, regional data on gun crimes is not readily available. However, in 2021 the California legislature passed AB 1191, which requires Cal DOJ to publish an annual report beginning July 1, 2023 that traces any firearm that is illegally used or possessed in a crime to the California licensed dealer that originally sold the firearm.

Staff also reviewed other forms of gun-related crimes in the City of Burbank. In the past five years, the Department has recorded a total of 62 guns stolen in 23 residential burglaries and 14 vehicle burglaries. Communities nationwide have also seen the

emerging use of ghost guns in the commission of violent crime. Ghost guns are defined as non-serialized, untraceable firearms, often assembled from parts purchased online. In 2021, the Burbank Police Department recovered 20 ghost guns during an arrest or criminal investigation. As of the end of June 2022, the Department has recovered 12 ghost guns this year.

DISCUSSION

Heightened community concerns regarding firearms have prompted federal, state, and local governments to consider options to mitigate gun violence. New laws at the state level ban the marketing of any firearms-related products in a manner that appears to be designed or intended for minors (Assembly Bill 2571), as well as outlaw the sale of firearm kits used to build untraceable guns (Assembly Bill 1621). Following a recent Supreme Court decision, Senator Portantino introduced SB 918 which seeks to create a standardized process for the approval of concealed carry (CCW) permits in California, establishes new gun storage and training requirements for permit holders, limits public sites where a permit holder may carry a firearm, and sets a minimum age of 21 to apply for a CCW permit.⁶ Congress recently passed and President Biden signed into law the Bipartisan Safer Communities Act, which increases funding and resources for access to mental health care for children, institutes a three-day waiting period and juvenile records check for firearms purchasers under the age of 21, adds significant criminal penalties for firearms traffickers, and suspends the right to purchase a firearm for a period of five years after a misdemeanor conviction for domestic violence.

In line with the City's Legislative Platform and prior Council action, the City of Burbank will continue to advocate support for measures that seek to reduce gun violence. Furthermore, at a local level several immediate, short-term, and long-term options exist that Council may consider to address community concerns regarding firearms and firearms retailers.

Proposed Next Steps

Governments at all levels have a substantial interest in protecting people from those who use firearms, whether acquired lawfully or illegally, to commit crimes resulting in injury or death. The Second Amendment to the United States Constitution protects an individual's right to bear arms and is a principal argument in litigation against gun control measures. Notably, the U.S. Supreme Court has ruled against local bans on certain firearms (*District of Columbia v. Heller*, 2008 & *McDonald v. Chicago*, 2010) citing the right to self-defense as a central component of the Second Amendment.

Local jurisdictions across California have adopted a variety of ordinances with regulations ranging from liability insurance and additional site security requirements for firearms retailers to prohibitions on unaccompanied minors entering firearms businesses.⁷ In *Suter v. City of Lafayette* the California Court of Appeal held that state law authorizes local governments to impose additional licensing requirements on firearms and ammunition

⁶ SB 918 is progressing through the legislative process and was last referred to the Assembly Appropriations Committee on June 29, 2022.

⁷ [Giffords Law Center: Local Gun Safety Legislation in California](#)

dealers. An Alameda County ordinance prohibiting gun stores within 500 feet of any school, liquor store, or residence was upheld in *Teixeira v. County of Alameda*, which ruled that imposing conditions and qualifications on the commercial sale of arms, specifically regulating the location of these businesses, was presumptively lawful as long as it did not meaningfully restrict an individual's legal access to firearms.

The City is authorized by Article XI, Section 7 of the California Constitution to make and enforce all local, police, and other ordinances and regulations not in conflict with general laws. Local jurisdictions across the state have adopted zoning ordinances and business regulations that govern the sale of ammunition and firearms, and several municipalities have adopted moratoria on an urgency basis prohibiting new firearms or ammunition retailers while such ordinances or regulations are studied and considered. The neighboring cities of Glendale, Pasadena, and Los Angeles have established specific zoning designations and locations where firearm retail uses are allowed; in specific instances Pasadena and the City of Los Angeles require the approval of a Conditional Use Permit (CUP) or approval from a decision-making body before a firearm retail use can operate (Attachment 4 – Zoning Regulations).

Under the City's current zoning regulations, firearms stores are allowed by-right in all commercial zones that allow general retail uses. Firearms retailers apply for and operate under a business license that indicates their use as a "Firearms Dealer". Currently, firearms retailers are concentrated along commercial corridors throughout the City of Burbank, and many are adjacent to residential neighborhoods and sensitive uses that include amongst other things, schools, child day care facilities, and places of public assembly including places of worship, public parks, and libraries (Attachment 3 - Maps). Burbank community members have raised questions and concerns about the number of firearms retailers in the City, specifically their adjacency to residential neighborhoods and sensitive-use locations.

Absent zoning regulations that may include, but are not limited to, buffer zones and distance separation requirements, the City could see a proliferation of these types of retail uses within its commercial corridors. Of concern is the potential for the City to gain a reputation as a "one-stop shop" for firearms retailers as these businesses have tended to congregate near each other. Due to security requirements, these businesses tend to eliminate store front windows or cover them over with metal security and/or scissor gates and have security cameras and large fencing to harden a site against potential theft. In doing so, the proliferation of these retail uses could create a less than attractive storefront appearance along critical commercial corridors where the City would like to preserve a pedestrian friendly environment in which retail stores, restaurants, and offices open onto the street.

In addition, current regulations have the potential to result in new firearms or ammunition retail stores that could, in the long run, displace other neighborhood-serving retail uses from commercial tenant spaces and therefore impact the City's effort to preserve an inviting aesthetic along critical commercial corridors.

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.

Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Therefore, it is the City's determination that this ordinance will not have a significant effect on the environment and is not subject to CEQA.

Other Short-Term and Long-Term Options

The enforcement of firearms laws and the prevention of gun violence often require the cooperation of multiple governmental and community organizations. The Burbank Police Department continues to work with state and local agencies in this endeavor. In 2006, California became the first state to monitor individuals who legally purchased or acquired firearms and later became prohibited from owning or possessing them. The State of California Bureau of Firearms (BOF) maintains an Armed and Prohibited Persons System (APPS) database and coordinates with local law enforcement agencies to conduct surveillance, serve warrants, make arrests, and confiscate weapons from prohibited possessors. The Burbank Police Department has participated in joint operations with the BOF and maintains communication with the state agency regarding future collaborative efforts. In the past, BOF has also provided grant funding to assist local law enforcement in off-setting additional costs to support these enforcement efforts.

In partnership with the Los Angeles County Department of Mental Health, the Burbank Police Department also maintains a Mental Health Evaluation Team (MHET). MHET is a co-response model that pairs a police officer with specialized training and a licensed clinical social worker to conduct crisis response, case management, consultation, training, and education pertaining to members of the community experiencing mental illness. MHET plays a large part in the Department's collaboration with the Burbank Unified School District to develop and maintain a threat assessment model. The joint effort involves school officials and staff, law enforcement, and mental health professionals that work to maintain a safe school climate and address behaviors or communications that may pose a serious threat of violence. The Department will continue to coordinate with the school district to enhance the program, pursue best practices, and remain agile in assessing and responding to potential threats.

In addition to a temporary moratorium on new firearms retail establishments, Council may direct staff to pursue other short-term and long-term options to address community concerns regarding firearms.

Educational Campaign – Through its newsletter, press releases, social media platforms, and community engagement, the Burbank Police Department facilitates numerous awareness campaigns on a variety of public safety topics, from safe driving habits to crime prevention strategies. Utilizing social media and school and community outreach events, the Burbank Police Department can enhance general firearms safety education initiatives and provide information to increase awareness of existing programs that promote the safe and responsible handling of a firearm. These programs include:

- Gun Lock Program - Community members can request a free gun lock at the front counter of the Police Department lobby.

- Safe Storage Program - Firearms may be turned in and stored for safekeeping for a modest fee.
- Firearms Surrender/Destruction Program – Unwanted firearms may be surrendered for destruction.

Red Flag Procedure – In 2016, California implemented a Red-Flag law that established a process for law enforcement, family members, co-workers, employers, and teachers to seek a Gun Violence Restraining Order (GVRO) to temporarily remove access to firearms and ammunition from an individual at significant risk of self-harm or harming others. The Department currently has a policy that governs the process whereby an officer may petition the court for a GVRO, and the Department has successfully sought two orders in the past five years. This legal instrument can be vital for victims of domestic violence, and the Department can improve community awareness of the process.

Ghost Gun Ordinance – At a national level, the U.S. Department of Justice recently launched the National Ghost Gun Enforcement Initiative to prioritize federal prosecution of individuals who use ghost guns in the commission of a crime. In 2021, the City of San Diego adopted an ordinance prohibiting the purchase or sale of parts of firearms that lack serial numbers and enabling misdemeanor prosecution for violators. The City Council may consider institution of a similar ordinance to regulate ghost guns.

Gun Buyback Program – The City of Burbank does not currently have a gun buyback program; however, several cities and counties have implemented such initiatives in the past year. Typically, law enforcement agencies have coordinated with non-profits or local government to hold a one-day event where residents can turn in firearms and/or ammunition for various incentives, including gift cards and cash. Notably, the City of Los Angeles facilitates an annual event through the Mayor's Office of Gang Reduction and Youth Development; at its March 2022 event, the city recovered 235 firearms. Council may consider implementation of such a program in the City of Burbank; however, several questions need to be addressed relating to program funding, the type of monetary incentive to provide, program eligibility, the degree of anonymity for program participants, program effectiveness, and legal and procedural implications.

FISCAL IMPACT

Adoption of the proposed Urgency Ordinance (Attachment 1) imposing a temporary moratorium on new firearms and ammunition retail businesses would not impact the City's ability to collect Business License fees and property taxes from the existing firearm retail businesses already established. Implementation of a gun buyback program will require additional appropriation to provide monetary incentives for public participation, as well as cover staffing costs. Additional costs may also be incurred to research and develop ordinance(s) should Council seek to pursue certain long-term options listed in this report.

CONCLUSION

Per Council's direction, staff conducted an analysis of the potential secondary effects of firearms dealers and is proposing immediate, short-term, and long-term actions for Council consideration. While a review of available data does not indicate that firearms dealers/retailers create an inordinate demand for public safety services, their congregation along critical commercial corridors raises concerns for sustainable and

economically diverse retail areas in the City. Adoption of the Urgency Ordinance to impose a temporary moratorium on new firearms retail uses would allow staff time to research this issue and present a comprehensive zoning proposal so Council may consider various regulatory frameworks for firearms retailers. Staff further recommends the City Council consider additional short-term and long-term options, such as implementation of an educational campaign, a gun buyback program, and a ghost gun ordinance, and direct staff to return with further information as necessary.

ATTACHMENT

Attachment 1 – Urgency Ordinance

Attachment 2 – Burbank Municipal Code Sections

Attachment 3 – Maps of Licensed Firearm Dealers/Retailers in the City of Burbank

Attachment 4 – Neighboring Cities Zoning Regulations and Licensed Firearms Dealers

Attachment 5 – Correspondences Received

Correspondences