

**ORDINANCE NO. 2019- 001**

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF SAN BUENAVENTURA,  
CALIFORNIA, AMENDING DIVISION 24 OF  
THE SAN BUENAVENTURA MUNICIPAL  
CODE TO CREATE NEW USE TYPES AND  
DEFINITIONS FOR “FIREARM AND  
AMMUNITION SALES” AND TO AMEND  
THE M-1, M-2, AND MPD ZONES TO  
PERMIT FIREARM AND AMMUNITION  
SALES**

The Council of the City of San Buenaventura does ordain as follows:

**Section 1. FINDINGS.**

- A. The City Council finds that it is in the public interest, consistent with the City's General Plan and will further protect the public health, safety, and general welfare to establish special zoning regulations governing firearm sales and ammunition sales.
- B. That the sale of firearms and ammunition is particularly relevant as a land use issue in light of the long and increasingly frequent occurrences of public mass shootings in the United States. The mass shootings are detailed below:
  - 1. On August 1, 1966, from an observation deck of a clock tower at the University of Texas, a student sniper killed 17 people before the police were able to kill him. “Since then, the number [of mass shootings] has risen dramatically, and many of the deadliest shootings have occurred within the past few years.”<sup>1</sup>

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<sup>1</sup> Berkowitz, Lu and Alcantara, *The Terrible Numbers that Grow with Each Mass Shooting*, Washington Post (October 1, 2107 , updated June 29, 2018).

[https://www.washingtonpost.com/graphics/2018/national/mass-shootings-in-america/?noredirect=on&utm\\_term=.db9f4984ffa0](https://www.washingtonpost.com/graphics/2018/national/mass-shootings-in-america/?noredirect=on&utm_term=.db9f4984ffa0)

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2. The five deadliest shootings in the US have occurred since April 2007<sup>2</sup>
3. "A recent study published by the *Harvard Injury Control Research Center* shows that the frequency of mass shooting is increasing over time. The researchers measured the increase by calculating the time between the occurrences of mass shootings. According to the research, the days separating mass shooting occurrence went from on average 200 days during the period of 1983 to 2011 to 64 days since 2011."<sup>3</sup>
4. As of June 29, 2018, over 1102 victims have been killed in mass shootings and the victims were "from nearly every imaginable race, religion and socioeconomic background."<sup>4</sup>
5. "California has had more mass shootings than any other state."<sup>5</sup>
6. Beginning with the Columbine High School Shooting (April 1999) mass shootings which involve over 5 deaths (not including the shooter(s)) include the following<sup>6</sup>:
  - a. April 1999, Columbine High School Shooting in Littleton, Colorado - 13 dead.
  - b. July 1999, Atlanta Shootings, Atlanta, Georgia - 12 dead.

<sup>2</sup> Willingham and Ahmed, *Mass Shootings in America are a Serious Problem -- And These 9 Charts Show Just Why*, CNN (Updated November 6, 2017). <https://www.cnn.com/2016/06/13/health/mass-shootings-in-america-in-charts-and-graphs-trnd/index.html>

<sup>3</sup> Lemieux, *6 Things to Know about Mass Shootings in America*, The Conversation US June 13, 2016). <https://www.scientificamerican.com/article/6-things-to-know-about-mass-shootings-in-america/>

<sup>4</sup> Berkowitz, Lu and Alcantara, *The Terrible Numbers that Grow with Each Mass Shooting*, Washington Post (October 1, 2107 , updated June 29, 2018). [https://www.washingtonpost.com/graphics/2018/national/mass-shootings-in-america/?noredirect=on&utm\\_term=.db9f4984ffa0](https://www.washingtonpost.com/graphics/2018/national/mass-shootings-in-america/?noredirect=on&utm_term=.db9f4984ffa0)

<sup>5</sup> Berkowitz, Lu and Alcantara, *The Terrible Numbers that Grow with Each Mass Shooting*, Washington Post (October 1, 2107 , updated June 29, 2018). [https://www.washingtonpost.com/graphics/2018/national/mass-shootings-in-america/?noredirect=on&utm\\_term=.db9f4984ffa0](https://www.washingtonpost.com/graphics/2018/national/mass-shootings-in-america/?noredirect=on&utm_term=.db9f4984ffa0)

<sup>6</sup> Abdalla, *Lists of Mass Shootings Since Columbine Massacre*, The Villanovan (February 20, 2018) (bold added to show California locations). [http://www.villanovan.com/opinion/list-of-mass-shootings-since-columbine-massacre/article\\_be837bb6-16ae-11e8-b9dc-bfbfd95854b5.html](http://www.villanovan.com/opinion/list-of-mass-shootings-since-columbine-massacre/article_be837bb6-16ae-11e8-b9dc-bfbfd95854b5.html)

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- c. September 1999, Wedgewood Baptist Church shooting, Fort Worth, Texas – 7 dead.
- d. November 1999, Xerox Killings, Honolulu, Hawaii – 7 dead.
- e. December 1999, Tampa Hotel Shootings, Tampa Florida – 5 dead.
- f. December, 2000, Wakefield Massacre, Wakefield, Massachusetts – 7 Dead.
- g. July 2003, Lockheed Martin Shooting, Median, Mississippi – 6 Dead.
- h. March 2005, Living Church of God Shooting, Brookfield, Wisconsin – 7 Dead.
- i. March 2005, Red Lake High School, Red Lake Indian Reservation, Minnesota – 9 Dead.
- j. **January 2006, Goleta Postal Shootings, Goleta, California – 7 Dead.**
- k. March 2006, Capitol Hill Massacre, Seattle Washington – 6 Dead.
- l. October 2006, West Nickel Mines Amish School, Nickel Mines, Pennsylvania – 5 Dead.
- m. February 2007, Tolley Square Shooting, Salt Lake City, Utah – 5 Dead.
- n. April 2007, Virginia Tech University, Blacksburg, Virginia – 32 Dead.
- o. October 2007, Crandon Shooting, Crandon Wisconsin – 6 Dead.
- p. December 2007, Westroads Mall Shooting, Omaha Nebraska – 8 Dead.
- q. February 2008, Kirkwood City Council Shooting, Kirkwood, Missouri – 6 Dead.
- r. February 2008, Northern Illinois University, Dekalb, Illinois – 5 Dead.
- s. June 2008, Atlantis Plastics Shooting, Henderson Kentucky – 5 Dead.
- t. March 2009, Carthage Nursing Home Shooting – Carthage, North Carolina – 8 Dead.
- u. March 2009, Geneva County Massacre, Geneva and Samson, Alabama – 10 Dead.

- v. April 2009, Binghampton Shootings, Binghampton - 13 Dead.
- w. November 2009, Fort Hood Shooting, Fort Hood, Texas – 13 Dead.
- x. August 2010, Hartford Beer Distributor Shooting, Manchester, Connecticut – 8 Dead.
- y. January 2011, Tucson Shooting, Tucson, Arizona - 6 Dead.
- z. **October 2011, Seal Beach Shooting, Seal Beach, California – 8 Dead.**
- aa. **April 2012, Oikos University, Oakland, California – 7 Dead.**
- bb. May 2012, Seattle Café Shooting, Seattle, Washington – 5 Dead.
- cc. July 2012, Aurora Shooting, Aurora, Colorado – 12 Dead.
- dd. August 2012, Sikh Temple Shooting, Oak Creek, Wisconsin – 6 Dead.
- ee. September 2012, Accent Signage Systems Shooting, Minneapolis, Minnesota – 6 Dead.
- ff. December 2012, Sandy Hook Elementary School, Newtown, Connecticut – 27 Dead.
- gg. **June 2013, Santa Monica College, Santa Monica, California – 5 Dead.**
- hh. July 2013, Hialeah Shooting, Hialeah, Florida – 6 Dead.
- ii. September 2013, Washington Navy Yard Shooting, Washington D.C. – 12 Dead.
- jj. **May 2014, University of California Santa Barbara, Isla Vista, California – 6 Dead.**
- kk. October 2014, Marysville Pilchuck High School, Marysville, Washington – 4 Dead.
- ll. June 2015, Charleston Church Shooting, Charleston, South Carolina – 9 Dead.
- mm. July 2015, Chattanooga Military Recruitment Center, Chattanooga Tennessee – 5 Dead.
- nn. October 2015, Umpqua Community College, Roseburg, Oregon – 9 Dead.
- oo. **December 2015, San Bernardino Attack, San Bernardino, California – 14 Dead.**

- pp. February 2016, Kalamazoo Shooting Spree, Kalamazoo County, Michigan – 6 Dead.
- qq. June 2016, Orlando Night-club Shooting, Orlando, Florida – 49 Dead.
- rr. July 2016, Dallas Police Shooting, Dallas Texas – 5 Dead.
- ss. September 2016, Cascade Mall Shooting, Burlington, Washington – 5 Dead.
- tt. January 2017, Fort Lauderdale Airport Shooting, Fort Lauderdale, Florida- 5 Dead.
- uu. October 2017, Las Vegas Shooting, Las Vegas, Nevada – 58 Dead.
- vv. November 2017, Sutherland Springs Church, Sutherland Springs, Texas – 26 Dead.
- ww. **November 2017, Rancho Tehama Shooting, Rancho Tehama, California – 5 Dead.**
- xx. February 2018, Marjory Stoneman Douglas High School, Parkland, Florida – 17 Dead.
- yy. May 2018, Santa Fe High School, Santa Fe, Texas – 10 dead.<sup>7</sup>
- zz. June 2018, Capital Gazette Newsroom, Annapolis, Maryland – 5 dead.<sup>8</sup>
- aaa. October 2018, Tree of Life synagogue, Pittsburgh, Pennsylvania – 11 dead.<sup>9</sup>
- bbb. **November 2018, Borderline Bar & Grill, Thousand Oaks, California – 13 dead.<sup>10</sup>**

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<sup>7</sup> Jervis, *Santa Fe High Students Return to Site of Deadly Texas Shooting with More Security*, USA Today (August 20, 2018).  
<https://www.usatoday.com/story/news/2018/08/20/santa-fe-high-texas-school-shooting-back-school/1030660002/>

<sup>8</sup> Tavernise, Harmon and Salam, *5 People Dead in Shooting at Maryland's Capital Gazette Newsroom*, New York Times (June 28, 2018)  
<https://www.nytimes.com/2018/06/28/us/capital-gazette-annapolis-shooting.html>

<sup>9</sup> And one, Hanna, Sterling and Murphy, *Hate Crime Charges Filed in Pittsburgh Synagogue Shooting That Left 11 Dead*, CNN (Updated October 29, 2018)  
<https://www.cnn.com/2018/10/27/us/pittsburgh-synagogue-active-shooter/index.html>

<sup>10</sup> Karimi, *How a Night Out Turned into a Night of Horror at a Bar in California*, CNN (Updated November 14, 2018)

Section 2. ADDITION TO CODE. Section 24.115.3175, "Firearm and Ammunition Sales," is hereby added to the San Buenaventura Municipal Code to read as follows:

**"Sec. 24.115.3175. Firearm and  
Ammunition Sales.**

- A. In determining whether a use is firearm and ammunition sales use, only conduct or activities which constitute a regular and substantial course of conduct shall be considered.
- B. 'Regular and substantial course of conduct' means:
  - 1. Devoting more than twenty (20) percent of the total display area to the display of firearms and / or ammunition; or,
  - 2. Deriving at least fifty (50) percent of gross receipts from the sale, trade, display, or presentation of services and / or products pertaining to firearms and / or ammunition; or,
  - 3. Having ten (10) percent or more of its stock in trade consisting of firearms and / or ammunition.
- C. 'Firearm' shall mean any device, designed to be used as a weapon or modified to be used as a weapon that expels a projectile by the force of an explosion or other form of combustion.

- D. 'Ammunition' means any cartridge or encasement containing a bullet or projectile, propellant, or explosive charge, and a primer that is used in the operation of a firearm."

Section 3. AMENDMENT TO CODE. Section 24.260.020, "Uses—Permitted," of the San Buenaventura Municipal Code is hereby amended to read as follows:

**"Sec. 24.260.020. - Uses—Permitted.**

The following use types are permitted subject to the provisions of this Chapter:

1. *Residential.*  
None
2. *General.*  
Administrative, Business, and  
Professional Services  
Animal Sales and Services: Grooming  
and Pet Stores  
Animal Sales and Services: Veterinary  
Animal Boarding  
Automotive and Accessories:  
Automotive Rentals  
Automotive and Accessories:  
Automotive Repairs, Bodies  
Automotive and Accessories:  
Automotive Repairs, Systems  
Automotive and Accessories:  
Automotive Sales, Retail  
Automotive and Accessories:  
Automotive Sales, Wholesale  
Automotive and Accessories: Operable  
Vehicle Storage  
Automotive and Accessories: Parking  
Boating and Harbor Activities: Boat  
Building or Repair

Boating and Harbor Activities: Boat  
Sales and Services  
Business and Professional Support  
Construction Sales and Services:  
Building Contractor Yards  
Construction Sales and Services:  
Building Supply Stores  
Construction Sales and Services:  
Lumberyards  
Cultural and Library Services  
Dining Establishments: Ancillary Service  
Dining Establishments: Fast Counter  
Service  
Dining Establishments: Full Service  
Dining Establishments: Take Out  
Drinking Establishments  
Education Services: Commercial  
Emergency Shelter; With Minimal  
Supportive Services  
Equipment Rentals, Sales, and Services:  
Heavy  
Equipment Rentals, Sales, and Services:  
Light  
Firearm and Ammunition Sales  
Food and Beverage Retail Sales  
Food and Fish Processing: Fish and  
Meat Processing  
Food and Fish Processing: Food  
Processing  
Funeral and Interment Services  
Government Services  
Laundry Services  
Light Industrial  
Medical Services: Consulting  
Medical Services: Mobile Equipment  
Nursery Sales  
Oil Equipment Services: Light  
Personal Services  
Personal Storage  
Property Maintenance Services



Recreation Services: Public Parks and  
Playgrounds  
Recycling Services: Consumer  
Recycling Collection Points  
Repair Services  
Research or Laboratory Services  
Retail Sales  
Safety Services  
Shopping Center: Small  
Wholesaling and Distribution  
Wireless Telecommunications Facilities:  
Mini  
Wireless Telecommunications Facilities:  
Minor

3. *Agricultural.*  
None”

Section 4. AMENDMENT TO CODE. Section 24.260.050, “Same—  
Special Provisions,” of the San Buenaventura Municipal Code is  
hereby amended to read as follows:

**“Sec. 24.260.050. - Same—Special  
Provisions.**

Uses listed in Sections 24.260.020  
through 24.260.040 must also comply with the  
following special provisions:

1. *Design Review.* Design review approval  
must be obtained to the extent required  
by Chapter 24.545.
2. *Temporary Uses.* Temporary uses may  
be conducted in the M-1 zone only to the  
extent permitted by Chapter 24.120.
3. *Family Residential: Caretaker.*  
Caretaker's residences must comply with  
the provisions of Chapter 24.435.

4. *Group Care.* All Group Care uses must comply with the provisions of Chapter 24.435.
5. *Dining Establishments: Fast Service, Drive-Up.* Dining Establishments: Fast Service, Drive-Up uses must comply with the provisions of Chapter 24.475.
6. *Assembly Uses.* All assembly uses must comply with Chapter 24.480.
7. *Recycling Services Use Types.* Uses classified in the Recycling Services use type category must comply with the provisions of Chapter 24.485.
8. *Hazardous Waste Facility.* All uses classified within the Hazardous Waste Facility use type must comply with the provisions of Chapter 24.495.
9. *Wireless Telecommunications Facilities: Minor.* Uses classified in the Wireless Telecommunications Facilities: Minor use type shall require a Director's Permit pursuant to Chapter 24.505.
10. *Animal Boarding.* All animal boarding related activities must occur within an enclosed building, except for transporting animals to and from vehicles. An operational plan to address storage of food and disposal of waste products must be submitted with the Business License application.
11. *Emergency Shelter with Minimal Supportive Services.* Emergency shelters classified as an emergency shelter, with minimal supportive services, must comply with the provisions of Chapter 24.437.
12. *Farm Employee Housing.* All Farm Employee Housing uses shall comply with Section 24.435.030.

13. Firearm and Ammunition Sales. All uses, as defined by Section 24.115.3175, shall comply with Chapter 24.494."

Section 5. AMENDMENT TO CODE. Section 24.262.020, "Uses—Permitted," of the San Buenaventura Municipal Code is hereby amended to read as follows:

**"Sec. 24.262.020. - Uses—Permitted.**

The following use types are permitted subject to the provisions of this Chapter:

1. *Residential.*  
None

2. *General.*

Administrative, Business, and  
Professional Services  
Animal Boarding  
Animal Sales and Services: Grooming  
and Pet Stores  
Animal Sales and Services: Veterinary  
Automotive and Accessories:  
Automotive Rentals  
Automotive and Accessories:  
Automotive Repairs, Bodies  
Automotive and Accessories:  
Automotive Repairs, Systems  
Automotive and Accessories:  
Automotive Sales, Retail  
Automotive and Accessories:  
Automotive Sales, Wholesale  
Automotive and Accessories: Operable  
Vehicle Storage  
Automotive and Accessories: Parking  
Boating Harbor Activities: Boat Building  
or Repair

Boating Harbor Activities: Boat Sales  
and Services  
Business and Professional Support  
Construction Sales and Services:  
Building Contractor Yards  
Construction Sales and Services:  
Building Supply Stores  
Construction Sales and Services:  
Lumberyards  
Cultural and Library Services  
Dining Establishments: Ancillary Service  
Dining Establishments: Fast Counter  
Service  
Dining Establishments: Full Service  
Dining Establishments: Take Out  
Drinking Establishments  
Education Services: Commercial  
Emergency Shelter: With Minimal  
Supportive Services  
Equipment Rentals, Sales, and Services:  
Heavy  
Equipment Rentals, Sales, and Services:  
Light  
Firearm and Ammunition Sales  
Food and Beverage Retail Sales  
Food and Fish Processing: Fish and  
Meat Processing  
Food and Fish Processing: Food  
Processing  
Funeral and Interment Services  
General Industrial  
Government Services  
Laundry Services  
Light Industrial  
Medical Services: Consulting  
Medical Services: Mobile Equipment  
Nursery Sales  
Oil Equipment Services: Heavy  
Oil Equipment Services: Light  
Personal Services

Personal Storage  
Property Maintenance Services  
Recreation Services: Public Parks and  
    Playgrounds  
Recycling Services: Consumer  
    Recycling Collection Points  
Repair Services  
Research or Laboratory Services  
Retail Sales  
Safety Services  
Shopping Center: Small  
Wholesaling and Distribution  
Wireless Telecommunications Facilities:  
    Major

3. *Agricultural.*  
    None”

Section 6. AMENDMENT TO CODE. Section 24.262.050, “Uses—  
Special Provisions,” of the San Buenaventura Municipal Code is  
hereby amended to read as follows:

**“Sec. 24.262.050. - Uses—Special  
Provisions.**

Uses listed in Sections 24.262.020 through  
24.262.040 must also comply with the  
following provisions:

1. *Design Review.* Design review approval  
must be obtained to the extent required  
by Chapter 24.545.
2. *Temporary Uses.* Temporary uses may  
be conducted to the extent permitted by  
Chapter 24.120.
3. *Family Residential: Caretaker.*  
Caretaker's residences must comply with  
the provisions of Chapter 24.435.

4. *Group Care.* All Group Care uses must comply with the provisions of Chapter 24.435.
5. *Dining Establishments: Fast Service, Drive-Up.* All Dining Establishments: Fast Service, Drive-Up uses must comply with the provisions of Chapter 24.675.
6. *Assembly Uses.* All assembly uses must comply with the provisions of Chapter 24.480.
7. *Recycling Services.* All uses within the Recycling Services use type category must comply with the provisions of Chapter 24.485.
8. *Hazardous Waste Facility.* All use classified within the Hazardous Waste Facility use type must comply with the provisions of Chapter 24.495.
9. *Wireless Telecommunications Facilities: Minor.* Uses classified in the Wireless Telecommunications Facilities: Minor use type shall require a Director's Permit pursuant to Chapter 24.505.
10. *Animal Boarding.* All animal boarding related activities must occur within an enclosed building, except for transporting animals to and from vehicles. An operational plan to address storage of food and disposal of waste products must be submitted with the Business License Application.
11. *Emergency Shelter with Minimal Supportive Services.* Emergency shelters classified as an emergency shelter, with minimal supportive services, must comply with the provisions of Chapter 24.437.

12. *Farm Employee Housing.* All Farm Employee Housing uses shall comply with Section 24.435.030.
13. *Firearm and Ammunition Sales.* All uses, as defined by Section 24.115.3175, shall comply with Chapter 24.494."

Section 7. AMENDMENT TO CODE. Section 24.264.020, "Uses—Permitted," of the San Buenaventura Municipal Code is hereby amended to read as follows:

**"Sec. 24.264.020. - Uses—Permitted.**

The following use types are permitted subject to the provisions of this Chapter:

1. *Residential.*  
None
2. *General.*  
Administrative, Business, and  
Professional Services  
Animal Sales and Services: Veterinary  
Automotive and Accessories:  
Automotive Sales, Wholesale  
Automotive and Accessories: Parking  
Boating and Harbor Activities: Boat  
Building or Repair  
Business and Professional Support  
Construction Sales and Services:  
Building Contractor Yards  
Cultural and Library Services  
Dining Establishments: Ancillary  
Service  
Dining Establishments: Fast Counter  
Service  
Dining Establishments: Full Service  
Dining Establishments: Take Out  
Education Services: Commercial

Firearm and Ammunition Sales  
Food and Fish Processing: Fish and  
Meat Processing  
Food and Fish Processing: Food  
Processing  
Government Services  
Laundry Services  
Light Industrial  
Medical Services: Consulting  
Medical Services: Mobile Equipment  
Personal Storage  
Property Maintenance Services  
Recreation Services: Public Park and  
Playgrounds  
Recycling Services: Consumer  
Recycling Collection Points  
Repair Services, Appliance and  
Electronics  
Research or Laboratory Services  
Retail Sales  
Safety Services  
Utility or Equipment Substations  
Wholesaling and Distribution  
Wireless Telecommunications Facilities:  
Mini  
Wireless Telecommunications Facilities:  
Minor

3. *Agricultural.*  
None”

Section 8. AMENDMENT TO CODE. Section 24.264.050, “Same—  
Special Provisions,” of the San Buenaventura Municipal Code is  
hereby amended to read as follows:



**"Sec. 24.264.050. - Same—Special Provisions.**

Uses listed in Sections 24.264.020 through 24.264.040 are also subject to the following special provisions:

1. *Design Review.* Design review approval must be obtained to the extent required by Chapter 24.545.
2. *Planned Development Permit.* Approval of a planned development permit pursuant to Chapter 24.525 is required prior to initiation of a use on an undeveloped site, or prior to any construction of new structures or additions or alterations to existing structures in conjunction with, or in any way related to, the use types listed in Sections 24.264.020 and 24.264.030 except for the Recycling Services: Consumer Recycling Collection Points and Wireless Telecommunications Facilities: Mini and Minor Use Types.
3. *Temporary Uses.* Temporary uses may be conducted only to the extent permitted by Chapter 24.120.
4. *Family Residential: Caretaker.* Caretaker's residences must comply with the provisions of Chapter 24.435.
5. *Group Care.* All Group Care uses must comply with the provisions of Chapter 24.435.
6. *Dining Establishments: Fast Service, Drive-Up.* All Dining Establishments: Fast Service, Drive-Up uses must comply with the provisions of Chapter 24.475.

7. *Assembly Uses.* All assembly uses must comply with the provisions of Chapter 24.480.
8. *Recycling Services.* Uses classified in the Recycling Services: Consumer Recycling Collection Points and Recycling Services: Recycling Transfer use types must comply with the provisions of Chapter 24.485.
9. *Hazardous Waste Facility.* All use classified within the Hazardous Waste Facility use type must comply with the provisions of Chapter 24.495.
10. *Wireless Telecommunications Facilities: Minor.* Uses classified within the Wireless Telecommunications Facilities: Minor use type shall require a director's permit pursuant to Chapter 24.505.
11. *Firearm and Ammunition Sales.* All uses, as defined by Section 24.115.3175, shall comply with Chapter 24.494."

Section 9. ADDITION TO CODE. Chapter 24.494, "Firearm and Ammunition Sales," is hereby added to the San Buenaventura Municipal Code to read as follows:

**"Chapter 24.494  
Firearm and Ammunition Sales**

Sections:

- Sec. 24.494.010 – Intent and Purpose.
- Sec. 24.494.020 – Chapter Description.
- Sec. 24.494.030. – Definitions.
- Sec. 24.494.040. – Industrial Zones Only.
- Sec. 24.494.050. – Locational Criteria.
- Sec. 24.494.060. – Reserved.
- Sec. 24.494.070. – Existing Firearm and  
Ammunition Sales  
Business That Does Not

Comply with Section  
24.494.050, Locational  
Criteria.

**Sec. 24.494.010 – Intent and Purpose.**

The City Council of the City of San Buenaventura finds, having reviewed land use studies concerning the effects of firearm and ammunition sales in other cities including, but not limited to: Sacramento, CA; Los Angeles, CA; Sunnyvale, CA, that the violence and harm caused by and resulting from both the intentional and accidental misuse of firearms constitutes a clear and present danger to the populace, and find that sensible firearm safety measures provide some relief from that danger and are of benefit to the entire community.

It is not the intent of the City Council of the City of San Buenaventura to establish community standards on gun control or to restrict free expression, but to enact a content neutral ordinance which provides appropriate areas where firearm and ammunition sales can be operated without endangering nearby properties and the public.

It is further the intent of the City Council of the City of San Buenaventura that firearm and ammunition sales shall exhibit the same high standards of site planning, architecture, landscape, and exterior design required of all commercial or industrial developments, while minimizing general public view of firearm and ammunition related materials or activities.

### **Sec. 24.494.020. – Chapter Description.**

Chapter 24.494 establishes regulations governing the establishment and operation of firearm and ammunition sales as defined in this Chapter. This Chapter provides for the regulation of firearm and ammunition sales by allowing the concentration of firearm and ammunition sales only in certain areas of the city in order to, among other things, minimize deleterious effects on adjoining properties zoned for residential uses and other sensitive uses and otherwise further the purpose and intent set forth in Section 24.494.010.

### **Sec. 24.494.030. – Definitions.**

Words and phrases used in this Chapter shall be defined as follows:

- A. 'Ammunition' means any cartridge or encasement containing a bullet or projectile, propellant, or explosive charge, and a primer that is used in the operation of a firearm.
- B. 'Day care center' means such a facility as defined in Health & Safety Code § 1596.76, and includes any child day care facility other than a family day care home and includes infant centers, preschools, extended day care facilities and school age child care facilities which involves the supervision of more than 14 children under 18 years of age for a period less than 24 hours per day. Day care center does not include any adult day care facility.

- C. 'Firearm' shall mean any device, designed to be used as a weapon or modified to be used as a weapon, that expels a projectile by the force of an explosion or other form of combustion.
- D. 'Firearm and Ammunition Sales' means the selling, leasing, or transferring of any firearm or firearm ammunition in quantity, in series, in individual transactions, or in any other manner indicative of trade; or the preparation for such conduct as evidenced by the securing of applicable federal or state licenses; or the holding of one's self out as engaging in such conduct. Only conduct or activities which constitute a regular and substantial course of conduct shall qualify for purpose of this Section.
- E. 'Firearms dealer' means any person, corporation, partnership or other entity engaged in the business of selling, leasing, or otherwise transferring any new or used firearm or ammunition, which person or entity has obtained a law enforcement permit to sell, lease, or transfer firearms or ammunition.
- F. 'Park' means the land and easements owned or leased by the City of San Buenaventura which, by ordinance, resolution, regulation or agreement, is dedicated to or operated by the City for purposes of public recreation be it active or passive but does not include trails, bikeways or the like. The term shall include the buildings, parking lots, streets and sidewalks within the

territorial boundaries establishing the park.

- G. 'Regular and substantial course of conduct' means:
1. Devoting more than twenty (20) percent of the total display area to the display of firearms and / or ammunition; or,
  2. Deriving at least fifty (50) percent of gross receipts from the sale, trade, display, or presentation of services and / or products pertaining to firearms and / or ammunition; or,
  3. Having ten (10) percent or more of its stock in trade consisting of firearms and / or ammunition.
- H. 'Religious institution' means a stand-alone structure where people regularly attend to participate in or hold religious services and incidental religious education, but not including private schools as defined in this Section. Any storefront religious institution that does not occupy the majority of a multi-tenant facility is not included in this definition.
- I. 'Residentially zoned property' means any property within the City carrying a zoning classification that allows residential use as of right or allows for residential use with a planned development permit when no other use permit is required.
- J. 'School' means any child or day care facility, or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California

Education Code and maintained pursuant to standards set by the State Board of Education. This definition includes nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education for grades K-12, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university, nor does it include tutoring centers such as Kumon or Mathnasium.

**Sec. 24.494.040. – Industrial Zones Only.**

Firearm and ammunition sales may be established, subject to all other provisions of this Chapter and this Division, only in M-1, M-2, and M-P-D zones. For purposes of this Chapter, the establishment of any firearms sales shall include the locating and opening of such a business as a new business, the relocation of such business, the conversion of an existing business location to any firearm and ammunition sales use, or the expansion of an existing firearm and ammunition sales use.

**Sec. 24.494.050. – Locational Criteria.**

In the M-1, M-2, and M-P-D zones, where the firearm and ammunition sales regulated by this Chapter are permitted, no firearm and ammunition sales may be established:

- A. Within 500 feet of any daycare center, as defined in Section 24.494.030 with the distance between the firearm and ammunition sales business and the

daycare center shall be measured from the closest exterior wall of the firearm and ammunition sales business and the nearest property line of the daycare center, along a straight line extended between the two (2) points, without regard to intervening structures;

- B. Within 500 feet of any park, as defined in Section 24.494.030 with the distance between the firearm and ammunition sales business and the park shall be measured from the closest property line of the park and the closest exterior wall of the firearm and ammunition sales business, along a straight line extended between the two (2) points, without regard to intervening structures;
- C. Within 500 feet of any religious institution, as defined in Section 24.494.030 with the distance between the firearm and ammunition sales business and the religious institution shall be measured from the closest exterior wall of the firearm and ammunition sales business and the nearest property line of the religious institution, along a straight line extended between the two (2) points, without regard to intervening structures;
- D. Within 500 feet of any residentially zoned property, as defined in Section 24.494.030 with the distance between the firearm and ammunition sales business and the residentially zoned property shall be measured from the closest exterior wall of the firearm and ammunition sales business and the



nearest property line included within the residential zone, along a straight line extended between the two (2) points, without regard to intervening structures; or,

- E. Within 500 feet of any school, as defined in Section 24.494.030 with the distance between the firearm and ammunition sales business and the school shall be measured from the closest exterior wall of the firearm and ammunition sales business and the nearest property line of the school, along a straight line extended between the two (2) points, without regard to intervening structures.
- F. Within two hundred feet (200') from another legally authorized firearm and ammunition sales business. The distance between the firearm and ammunition sales businesses shall be measured from property line of one firearm and ammunition sales business to the nearest property line of the other firearm and ammunition sales business, along a straight line extended between the two (2) points, without regard to intervening structures.
- G. The sites of all uses that exist as of this Ordinance's effective date shall permanently remain as designated on the map and list of sites both of which are included as Exhibits to the Staff Report. Any subsequent establishment of a use shall not eliminate any potential firearm and ammunition sales business site(s) which meets the locational

requirements of this Chapter and the Ordinance adopting the same as of its effective date.

**Sec. 24.494.060. – Reserved.**

**Sec. 24.494.070. – Existing Firearm and Ammunition Sales Business That Does Not Comply with Section 24.494.050, Locational Criteria.**

- A. Any firearm and ammunition sales business lawfully operating on the date the locational standards for firearm and ammunition sales businesses set forth in Section 24.494.050 become effective, is hereby deemed a nonconforming use. A nonconforming use may be permitted to continue, but any such nonconforming use shall be subject to the nonconformity regulations set forth in Chapter 24.465, excepting that amortization shall not apply.
- B. A firearm and ammunition sales business lawfully operating as a conforming use shall not be rendered a nonconforming use by the location, subsequent to the grant or renewal of a business license for that firearm and ammunition sales business, of a church, synagogue, mosque, or temple, or any other noncommercial establishment operated by a bona fide religious organization, public or private school, educational facility, preschool, nursery, day-care center, residential zone, or residential use within 500 feet of the

firearm and ammunition sales business. This subsection applies only to the renewal of a valid business license and does not apply when an application for a business license is submitted after a business license has expired or has been revoked or otherwise terminated.”

#### Section 10. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

#### Section 11. CEQA FINDINGS.

**EXEMPTION FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT:** The City Council further finds that based on the whole record before it, including the negative Declaration, the Initial Study, the administrative record and all other written and oral evidence presented to the City Council. The City Council hereby finds that all environmental impacts of the project are less than significant. The City Council further finds that the Negative Declaration contains a complete, objective and accurate reporting of the environmental impacts associated with the Zoning Ordinance Amendment and reflects the independent judgment and analysis of the City Council. Based on the above finding, the City Council hereby adopts the Negative Declaration.

#### Section 12. THE ZONING ORDINANCE AMENDMENT.

The Zoning Ordinance Amendment shall take effect on the 31<sup>st</sup> day after its final passage and adoption in all areas of the City, and the City’s planning area, outside the Coastal Zone. As applied to areas of

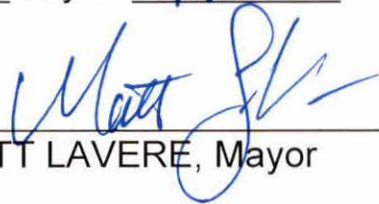
the City or the City's planning area within the Coastal Zone and regulated by the existing approved Local Coastal Program, this Zoning Ordinance Amendment shall become effective upon Approval of the Coastal Commission certification thereof.

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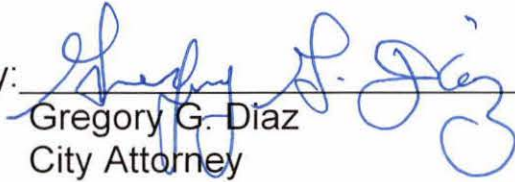
PASSED and ADOPTED this 18 day of March 2019.

  
\_\_\_\_\_  
MATT LAVERE, Mayor

ATTEST:

  
\_\_\_\_\_  
ANTOINETTE M. MANN, MMC, CRM  
CITY CLERK

APPROVED AS TO FORM  
Gregory G. Diaz, City Attorney

By:  2/20/2019  
\_\_\_\_\_  
Gregory G. Diaz      Date  
City Attorney

Exhibits  
None

CERTIFICATION

STATE OF CALIFORNIA                    )  
COUNTY OF VENTURA                )    SS.  
CITY OF SAN BUENAVENTURA        )

I, ANTOINETTE M. MANN, City Clerk of the City of San Buenaventura, DO HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Ordinance No. 2019-001 that was introduced by said City Council at a regular meeting held March 4, 2019, and adopted by said City Council at a regular meeting held March 18, 2019, by the following vote:

AYES:     Councilmembers Nasarenko, Brown, Friedman, Weir, Heitmann,  
          Deputy Mayor Rubalcava and Mayor LaVere

NOES:     None

ABSENT: None

I further certify that said Ordinance No. 2019-001 was published as required by law in the VENTURA COUNTY STAR, a newspaper of general circulation printed and published in said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Buenaventura, California.



Antoinette M. Mann, MMC, CRM  
City Clerk  
City of San Buenaventura, California



Date Attested

