ORDINANCE NO. 2022-_____

AN ORDINANCE OF THE CITY OF CULVER CITY, STATE OF CALIFORNIA, ADDING CHAPTER 11.19 TO THE CULVER CITY MUNICIPAL CODE TO ADOPT LICENSING AND SECURITY REQUIREMENTS FOR RETAIL ESTABLISHMENTS SELLING FIREARMS AND AMMUNITION.

WHEREAS, the City of Culver City is an urban, densely populated city, with a population of approximately 40,000 residents living in approximately five square miles; and

WHEREAS, the Culver City City Council, like government at all levels, has a substantial interest protecting the community from those persons who acquire guns lawfully or illegally and then use them to commit crimes resulting in injury or death of their victims or who use them in the commission of other coercive crimes such as robbery, sexual assault or homicide, including recent mass shooting events in Chicago, Illinois, Uvalde Texas, Oakland, California, and at a college campus in Louisiana, as well as the many other mass homicides over the past several years; and

WHEREAS, retail establishments that sell ammunition and firearms currently exist in the City; and

WHEREAS, on August 22, 2022, the City Council discussed potentially regulating retail firearms dealers, and received public comment, which included oral and written comments that expressed concerns about the absence of local health and safety regulations pertaining to retail ammunition or firearms establishments; the effect of firearms and ammunition on public safety; and the security of such establishments; and

WHEREAS, in addition to the current requirement that such establishments obtain a conditional use permit, the City Council discussed potentially requiring a regulatory permit to be issued by the Culver City Police Department that would apply to all existing and any new retail firearms or ammunition establishments; and

WHEREAS, the California Penal Code requires local jurisdictions to accept firearms dealer licenses, and emphasizes the authority of cities and counties to regulate firearms dealers; and

WHEREAS, Federal Firearm Licensees are required by federal law to comply with all state and local dealer laws as a condition for retaining their federal licenses; and

WHEREAS, while California is among a minority of states that impose licensing requirements on firearms dealers, the standards are a minimum threshold; and

WHEREAS, the International Association of Chiefs of Police recommends that local governments impose their own licensing or permitting requirements on firearms dealers because local requirements can respond to specific community concerns, and local review of licenses and permits provides additional resources to identify and stop corrupt dealers; and

WHEREAS, a 2009 study found that cities in states that comprehensively regulate retail firearms dealers and cities where these businesses undergo regular compliance inspections have significantly lower levels of gun trafficking than other cities; and

WHEREAS, no federal or California law imposes security requirements on firearms dealers during business hours or requires firearms dealers or ammunition sellers to install burglar alarms or surveillance cameras. California law explicitly allows local jurisdictions to impose security requirements on firearms dealers that are stricter or at a higher standard than those imposed by state law; and

WHEREAS, no federal or California law requires firearms dealers to obtain liability insurance; and

WHEREAS, California law requires firearms dealers to report the loss or theft of any firearm within 48 hours of discovery to the local law enforcement agency where the dealer's business premises are located, but does not otherwise require dealers to provide inventory reports to local law enforcement agencies; and

WHEREAS, in October 2016, the Giffords Law Center conducted an audit of 155 California cities, towns, and counties, and determined that 80 cities and 17 counties require firearms dealers to obtain a license or permit, and 29 cities and four counties require firearms dealers to obtain liability insurance; and

WHEREAS, firearms dealers are a high-value target for criminals, and have often been magnets for break-ins, theft, and destruction of property; and

WHEREAS, under existing law, firearms dealers are subject to potential liability if they negligently supply a firearm to a person who is likely to and does use the firearm in a manner involving unreasonable risk of physical injury – such as a sale to an intoxicated person or a minor. Firearms dealers may also be subject to potential liability for conduct that causes harm if the conduct violates an applicable state or federal law. Further, firearms dealers may be subject to potential liability if patrons are

injured on their premises, or for other conduct creating premises liability or property owner liability; and

WHEREAS, injuries and deaths from firearms, as well as from other accidents that may occur on a business' property, can devastate individuals and burden social safety nets. Liability insurance reduces these harms by providing necessary compensation to individuals who may be injured by the actions of a gun dealer; and

WHEREAS, in order to ensure that any victims who are injured by a firearms dealer's negligence or other conduct receive the compensation to which they are legally entitled, firearms dealers should maintain adequate insurance policies, and such a local law has been upheld by the California Court of Appeal; and

WHEREAS, based on the foregoing, the City Council finds it is in the best interest of the health, safety and welfare of the community to reasonably regulate firearms and ammunition retail sales locally.

NOW, THEREFORE, the City Council of the City of Culver City **DOES HEREBY ORDAIN** as follows:

SECTION 1. The Culver City Municipal Code is hereby amended by enacting and adopting Chapter 11.19, to read as follows:

Chapter 11.19
Firearms and Ammunition Retail Establishments

11.19.005 Purpose of Chapter.
11.19.010 Definitions.
11.19.015 Regulatory permit—Required.
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11.19.095 Report of Permit Revocation to Federal and State Authorities.
11.19.100 Hearing for Permit Denial or Revocation.

§11.19.005 Purpose of Chapter.

It is the purpose and intent of this Chapter to establish a local program for the license and regulation of the sale, lease, or transfer of firearms or ammunition. The provisions of this Chapter are not intended to contradict or duplicate any applicable state or federal law.

§11.19.010 Definitions.

For the purpose of this Chapter, unless the context clearly requires a different meaning, the following words, terms and phrases have the meanings given to them in this section:

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

"Applicant" means any person who applies for a regulatory permit, or the renewal of such a permit, to sell, lease or transfer firearms or ammunition, including any officer, director, partner, or other duly authorized representative applying on behalf of an entity.

To "engage in the business of selling, leasing, or otherwise transferring any firearm or ammunition" means to conduct a business by the selling, leasing or transferring of any firearm or ammunition, or to hold one's self out as engaged in the business of selling, leasing or otherwise transferring any firearm or ammunition, or to sell, lease or transfer firearms or ammunition in quantity, in series, or in individual transactions, or in any other manner indicative of trade.

"Firearm" means any device, designed to be used as a weapon or modified to be used as a weapon, from which is expelled through a barrel a projectile by the force of explosion or other means of combustion, provided that the

term "firearm" shall not include an "antique firearm" as defined in section 921(a)(16) of Title 18 of the United States Code.

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

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

"Police Chief" means the City of Culver City Police Chief or the Chief's designated representative.

§11.19.015 Regulatory Permit—Required.

It is unlawful for any person, corporation, partnership or other entity to engage in the business of selling, leasing, or otherwise transferring any firearm or ammunition within the City without a regulatory permit, as required by this Chapter, and without complying with all applicable requirements of the City's Zoning Code as set forth in Title 17.

§11.19.020 Regulatory Permit—Application.

An Applicant for a permit or renewal of a permit under this Chapter shall file with the Police Chief an application in writing, signed under penalty of perjury, on a form prescribed by the City. The Applicant shall provide all relevant information requested to demonstrate compliance with this Chapter, including:

A. The Applicant's name, including any aliases or prior names age and address;

B. The Applicant's federal firearms license and California firearms dealer numbers, if any;

C. A photocopy of the Applicant's driver's license, passport, or other government-issued identification card bearing a photograph of the Applicant.

D. The address of the proposed location for which the permit is sought, together with the business name, and the name of any corporation, partnership or other entity that has any ownership in, or control over, the business;

E. The names of all persons who will have access to or control of workplace firearms or ammunition, including but not limited to, the Applicant's

employees, agents and/or supervisors, if any; such information shall be kept confidential and shall not be disclosed as a public record.

F. A current Certificate of Eligibility from the California Department of Justice under Penal Code section 26710 for the Applicant and for each individual identified in subsection (E) above, demonstrating that the person is not prohibited by state or federal law from possessing firearms or ammunition;

G. Proof of a possessory interest in the property at which the proposed business will be conducted, as owner, lessee or other legal occupant, and, if the Applicant is not the owner of record of the real property upon which, the Applicant's business is to be located and conducted, the written consent of the owner of record of such real property to the Applicant's proposed business;

H. A floor plan of the proposed business which illustrates the Applicant's compliance with the security provisions outlined in Section 11.19.040 of this Chapter;

I. Proof of compliance with all applicable federal, state and local licensing and other business laws;

J. Information relating to every license or permit to sell, lease, transfer, purchase, or possess firearms or ammunition which was sought by the Applicant, or by any individual identified in subsection (E), from any jurisdiction in the United States, including, but not limited to, the date of each application and whether it resulted in the issuance of a license, and the date and circumstances of any revocation or suspension;

K. The Applicant's agreement to indemnify, defend and hold harmless the City, its officers, elected officials, agents and employees from and against all claims, losses, costs, damages and liabilities of any kind pursuant to the operation of the business, including attorneys' fees, arising in any manner out of the negligence or intentional or willful misconduct of (a) the Applicant; (b) the Applicant's officers, employees, agents and/or supervisors; or (c) if the business is a corporation, partnership or other entity, the officers, directors or partners, which shall be in a format approved by the City;

L. A Certificate of Insurance reflecting liability insurance and endorsement requirements in compliance with Section 11.19.045 of this Chapter ;

M. The date, location and nature of all criminal convictions of the Applicant, if any, in any jurisdiction in the United States.

§11.19.025 Regulatory Permit—Application Fee.

Each application for a regulatory permit shall be accompanied by a nonrefundable fee for administering this Chapter as established by City Council resolution.

§11.19.030 Investigation by Police Chief.

The Police Chief shall conduct an investigation of the Applicant and the Applicant's employees, agents, and/or supervisors, if any, as set forth in the subsections below, to determine, for the protection of the public health and safety, whether the regulatory permit may be issued or renewed.

A. Prior to permitting an Applicant to engage in the business of selling, leasing, or otherwise transferring any firearm or ammunition, or prior to the issuance or renewal of a regulatory permit under this Chapter, the Police Chief shall review all application materials, employee lists, current Certificates of Eligibility. and all other documentation to confirm compliance with state and federal law; and

B. Prior to issuance or renewal of the permit, the Police Chief shall inspect the premises to ensure compliance with this Chapter.

C. The Police Chief may grant or renew a regulatory permit if the Applicant or Permittee is in compliance with this Chapter and all other applicable federal, state and local laws.

§11.19.035 Grounds for Permit Denial or Revocation.

A. The Police Chief shall deny the issuance or renewal of a regulatory permit, or shall revoke an existing permit, if the operation of the business would not or does not comply with federal, state or local law, or if any of the following conditions exist:

1. The Applicant, or any individual identified in section 11.19.020(E), does not have a current Certificate of Eligibility issued by the California Department of Justice.
2. The Applicant is not licensed as a dealer in firearms under all applicable federal, state and local laws.
3. The Applicant has not satisfied all applicable requirements of the Zoning Code.
4. The Applicant has failed to fully comply with the application requirements, such as by refusing or failing to provide all of the requested information or refusing to agree to indemnify, defend, and hold harmless the City of Culver City, its elected and appointed officials, officers, and employees, against claims arising from operation of the business.
5. The Applicant has made a false or misleading statement of a material fact or omission of a material fact in the application for a

regulatory permit, or in any other documents submitted to the Police Chief pursuant to this Chapter. If a permit is denied on this ground, the Applicant is prohibited from reapplying for a permit for a period of five years.

6. The Applicant, or any individual identified in section 11.19.020(E), has had a license or permit to sell, lease, transfer, purchase or possess firearms or ammunition from any jurisdiction in the United States revoked, suspended or denied for good cause within the immediately preceding five years.

7. The Applicant is within a class of persons defined in Welfare and Institutions Code sections 8100 or 8103.

B. The regulatory permit of any person or entity found to be in violation of any of the provisions of this Chapter may be revoked.

§11.19.040 On-site Security Requirements.

A. If the proposed or current business location is to be used at least in part for the sale of firearms, the permitted place of business shall be a secure facility within the meaning of Penal Code section 17110.

B. If the proposed or current business location is to be used at least in part for the sale of firearms, all heating, ventilating, air-conditioning, and service openings shall be secured with steel bars or metal grating.

C. If the proposed or current business location is street level, bollards or other barriers, such as security planters or other devices with a similar structural integrity of bollards, shall be installed to protect the location's front entrance, any floor-to-ceiling windows, and any other doors, that could be breached by a vehicle. This subsection (C) shall not apply to elevated loading docks or to locations of a licensee's premises that are fitted with steel roll-down doors. Any bollards shall not obstruct accessible routes or accessible means of egress in compliance with state and federal law.

D. Any time a Permittee is not open for business, every firearm shall be stored in a secure facility within the meaning of Penal Code section 17110, or in a locked fireproof safe or vault in the licensee's business premises that meets the standards for a gun safe implemented by the Attorney General pursuant to Penal Code section 23650.

E. Any time a Permittee is open for business, every firearm shall be unloaded, inaccessible to the public and secured using one of the following three methods, except in the immediate presence of and under the direct supervision of an employee of the Permittee:

1. Secured within a locked case so that a customer seeking access to the firearm must ask an employee of the Permittee for assistance;

2. Secured behind a counter where only the Permittee and the Permittee's employees are allowed. During the absence of the Permittee or a Permittee's employee from the counter, the counter shall be secured with a locked, impenetrable barrier that extends from the floor or counter to the ceiling; or

3. Secured with a hardened steel rod or cable through the trigger guard of the firearm, which shall be secured with a hardened steel lock that has a shackle, and the lock and shackle shall be protected or shielded from the use of a bolt cutter and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises, or in the alternative, the firearm is secured in a equivalent manner, as approved by the Chief of Police.

F. Any time a Permittee is open for business, all ammunition shall be stored so that it is inaccessible to the public and secured using one of the methods mentioned in subsection (E)(1) or (2), except in the immediate presence of and under the direct supervision of an employee of the Permittee.

G. The permitted business location shall be secured by an alarm system that is installed and maintained by an alarm company operator licensed pursuant to state law. The alarm system must be monitored by a central station and in compliance with Chapter 11.04 of this Code.

H. The permitted business location shall be monitored by a video surveillance system approved by the Police Chief and that includes cameras, monitors, and video recorders.

1. The interior and exterior of the permitted business location shall be monitored. The number and location of the cameras are subject to the approval of the Police Chief. At a minimum, the cameras shall be sufficient in number and location to monitor the critical areas of the business premises, including, but not limited to, all places where firearms or ammunition are stored, sold, or transferred, including, but not limited to, all counters, safes, vaults, cabinets, cases, entryways, and parking lots.

2. The video surveillance system shall operate continuously, without interruption, whenever the Permittee is open for business. Whenever the Permittee is not open for business, if not operating continuously, the system shall be triggered by a motion detector and begin recording immediately upon detection of any motion within the monitored area.

3. The video surveillance system must be maintained in proper working order at all times. If the system becomes inoperable, it must be repaired or replaced within 14 calendar days. The Permittee must inspect the system at least weekly to ensure that it is operational, and images are being recorded and retained as required by the Police Chief.

I. Business operating hours shall be limited to 9:00 a.m. to 10:00 p.m., seven days a week.

J. The Applicant shall comply with all California laws regulating the sales of firearms and ammunition, including but not limited to Penal Code sections 26815, 26885, 32000, 32310, and 30363.

K. The Police Chief may impose security requirements in addition to those listed in this section prior to issuance of the regulatory permit. Failure to fully comply with the requirements of this section shall be sufficient cause for denial or revocation of the regulatory permit by the Police Chief.

§11.19.045 Liability Insurance.

A. If the proposed or current business location is to be used for the sale of firearms, no regulatory permit shall be issued or reissued unless there is in effect a policy of insurance in a form approved by the City and executed by an insurance company approved by the City, insuring the Applicant against liability for damage to property and for injury to or death of any person as a result of the theft, sale, lease or transfer or offering for sale, lease or transfer of a firearm or ammunition, or any other operations of the business. The policy shall also name the City and its officials, officers, employees and agents as additional insureds. The limits of commercial general liability shall be in an amount consistent with the City's standard insurance requirements; the Certificate of Insurance and required endorsements shall be submitted to and approved by the City. Limits of liability may be increased if deemed necessary by the City Attorney.

B. Upon expiration of the policy of insurance, if no additional insurance is obtained, the regulatory permit shall be revoked.

§11.19.050 Restricted Admittance of Minors and Other Prohibited Purchasers.

A. Where firearm sales activity is the primary business performed at the business premises, no Permittee or any of his or her agents, employees, or other persons acting under the Permittee's authority shall allow the following persons to remain on the premises unless accompanied by his or her parent or legal guardian:

1. Any person under 21 years of age, if the Permittee sells, keeps or displays only firearms capable of being concealed on the person, provided that this provision shall not prevent a supervisory agent or employee who has the authority to control activities on the business premises from keeping a single firearm capable of being

concealed on the person on the business premises for purposes of lawful self-defense; or

2. Any person under 18 years of age, if the Permittee sells, keeps or displays firearms other than firearms capable of being concealed on the person.

B. Where firearm sales activity is the primary business performed at the business premises, the Permittee and any of his or her agents, employees, or other persons acting under the Permittee's authority shall be responsible for requiring clear evidence of age and identity of persons to prevent persons not permitted to remain on the premises pursuant to subsection (a) by reason of age from remaining on the premises. Clear evidence of age and identity includes, but is not limited to, a motor vehicle operator's license, a state identification card, an armed forces identification card, or an employment identification card which contains the bearer's signature, photograph and age, or any similar documentation which provides reasonable assurance of the identity and age of the individual.

C. Where firearm sales activity is the primary business performed at the business premises, no Permittee or any of his or her agents, employees, or other persons acting under the Permittee's authority shall allow any person to remain on the premises who the Permittee or any of his or her agents, employees, or other persons acting under the Permittee's authority knows or has reason to know is prohibited from possessing or purchasing firearms pursuant to federal, state, or local law, except as required by law or court order.

§11.19.055 Inventory Reports.

A. Within the first 10 business days of April and October of each year, the Permittee shall cause a physical inventory to be taken that includes a listing of each firearm held by the Permittee by make, model, and serial number, together with a listing of each firearm the Permittee has sold since the last inventory period. In addition, the inventory shall include a listing of each firearm lost or stolen that is required to be reported pursuant to Penal Code section 26885.

B. Immediately upon completion of the inventory, the Permittee shall forward a copy of the inventory to the address specified by the Police Chief, by such means as specified by the Police Chief. With each copy of the inventory, the Permittee shall include an affidavit signed by an authorized agent or employee on behalf of the Permittee under penalty of perjury stating that within the first 10 business days of that April or October, as the case may be, the signer confirmed that the inventory was conducted by the signer, or by store personnel under the supervision of the signer, and to the best of their knowledge, the inventory is true and correct..

C. The Permittee shall maintain a copy of the inventory on the premises for which the regulatory permit was issued for a period of not less than five years from the date of the inventory and shall make the copy available for inspection by federal, state or local law enforcement upon request.

§11.19.060 Display of Regulatory Permit.

The regulatory permit, or a certified copy of it, shall be displayed in a prominent place on the business premises where it can easily be seen by those entering the premises.

§11.19.065 Issuance of Regulatory Permit--Duration.

A. A regulatory permit expires one year after the date of issuance.

B. A permit may be renewed for additional one-year periods if the Permittee submits a timely application for renewal, accompanied by a nonrefundable renewal fee established by City Council resolution. Renewal of the permit is contingent upon the Permittee's compliance with the terms and conditions of the original application and permit, as detailed in this Chapter. Police Department personnel, at the direction of the Chief, shall inspect the permitted business premises for compliance with this Chapter prior to renewal of the permit. The renewal application and the renewal fee must be received by the Police Department no later than 45 days before the expiration of the current permit.

C. A decision regarding issuance, renewal, or revocation of the regulatory permit may be appealed in the manner provided in Section 11.19.100.

§11.19.070 Nonassignability.

A regulatory permit issued under this Chapter is not assignable. Any attempt to assign a regulatory permit shall result in revocation of the permit.

§11.19.075 Compliance by existing business.

A person engaged in the business of selling, leasing, or otherwise transferring any firearm or ammunition on the effective date of this Chapter shall, within 180 days of the effective date, comply with this Chapter. However, any person whose business, on the effective date of this Chapter, is located in any location that makes them ineligible to obtain a Conditional Use Permit, or, any person whose business, on the effective date of this Chapter, has legally operated continuously in the City beginning prior to the date that a Conditional Use Permit was required by the City's

Zoning Code, is eligible to apply for a regulatory permit, provided that they comply with all other applicable provisions of this Code.

§11.19.080 Law Enforcement Inspections.

Permittees shall have their places of business open for inspection by federal, state and local law enforcement during all hours of operation. The Police Chief shall conduct periodic inspections of the Permittee's place of business without notice to assess the Permittee's compliance with this Chapter. The inspections shall be of the parts of the Permittee's place of business that are used to store or sell firearms, ammunition, records, and/or documents. The Police Chief shall conduct no more than two inspections of a single place of business during any six-month period, except that the Police Chief may conduct follow-up inspections that exceed two in a six-month period if he or she has good cause to believe that a Permittee is violating this Chapter. Permittees shall maintain all records, documents, firearms and ammunition in a manner and place accessible for inspection by federal, state and local law enforcement.

§11.19.085 Posted Warnings.

A. A Permittee shall comply with Penal Code section 26835 and post all signs required by that section. A Permittee shall also post conspicuously the following warnings in block letters not less than one inch in height, within the licensed premises:

1. "WITH FEW EXCEPTIONS, IT IS A CRIME TO SELL OR GIVE A FIREARM TO SOMEONE WITHOUT COMPLETING A DEALER RECORD OF SALE FORM AT A LICENSED FIREARMS DEALERSHIP."

2. "ACCESS TO A FIREARM SIGNIFICANTLY INCREASES THE RISK OF DEATH BY SUICIDE, DOMESTIC DISPUTE, HOMICIDE, AND UNINTENTIONAL GUNSHOT."

3. "STORING YOUR GUNS LOCKED, UNLOADED, AND SEPARATE FROM AMMUNITION CAN REDUCE THE RISK OF SELF-INFLICTED AND UNINTENTIONAL DEATH AND INJURY AMONG CHILDREN AND TEENS."

B. Within the licensed premises, a Permittee shall post the suicide prevention signage as required by Section 13.03.225 of this Code.

C. At each entrance to the licensed premises a Permittee shall post: "THESE PREMISES ARE UNDER VIDEO SURVEILLANCE. YOUR IMAGE MAY BE RECORDED."

D. If a Permittee sells, keeps or displays only firearms capable of being concealed on the person, the Permittee shall post conspicuously at each entrance to the premises, a sign stating: "FIREARMS ARE KEPT, DISPLAYED OR OFFERED ON THE PREMISES, AND PERSONS UNDER THE AGE OF 21 ARE EXCLUDED UNLESS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN."

E. If a Permittee sells, keeps or displays firearms other than firearms capable of being concealed on the person, the Permittee shall post conspicuously at each entrance to the premises, a sign stating: "FIREARMS ARE KEPT, DISPLAYED OR OFFERED ON THE PREMISES, AND PERSONS UNDER THE AGE OF 18 ARE EXCLUDED UNLESS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN.

F. Where firearm sales activity is the primary business performed at the business premises, the Permittee shall post conspicuously at each entrance to the premises, a sign stating: "FIREARMS ARE KEPT, DISPLAYED OR OFFERED ON THE PREMISES, AND PERSONS PROHIBITED FROM POSSESSING OR PURCHASING FIREARMS PURSUANT TO FEDERAL, STATE, OR LOCAL LAW ARE EXCLUDED."

§11.19.090 Violations.

The Police Chief may revoke the permit of any Permittee found to be in violation of any of the provisions of this Chapter. In addition to any other penalty or remedy as set forth in this Code, the City Attorney may commence a civil action to seek enforcement of these provisions.

§11.19.095 Report of Permit Revocation to Federal and State Authorities.

In addition to any other penalty or remedy, the City Attorney shall report any person or entity whose regulatory permit is revoked pursuant to this Chapter to the Bureau of Firearms of the California Department of Justice and the Bureau of Alcohol, Tobacco, Firearms & Explosives within the U.S. Department of Justice.

§11.19.100 Hearing for Permit Denial or Revocation.

A. Within 10 days of the Police Chief mailing a written denial of an application or mailing a written revocation of a permit, the Applicant may appeal by requesting a hearing before the Police Chief. The request must be made in writing, setting forth the specific grounds for appeal. If the Applicant submits a timely request for an appeal, the Police Chief shall within 30 days of receipt of the request set a time and place for the hearing.

B. Appeal hearings are informal, and formal rules of evidence and discovery shall not apply. However, rules of privilege shall be applicable to the

extent they are permitted by law, and irrelevant, collateral, undue, and repetitious testimony may be excluded.

C. The City bears the burden of proof to establish the grounds for denial, nonrenewal, or revocation by a preponderance of evidence.

D. The Police Chief shall provide a written decision regarding the appeal within 14 calendar days of the hearing. The decision of the Police Chief is final and conclusive. The written final decision shall also contain the following statement: "The decision of the Police Chief is final and binding. Judicial review of this decision is subject to the time limits set forth in California Code of Civil Procedure Section 1094.6."

§11.19.105 Promulgation of Regulations, Standards and Other Legal Duties.

A. The City Manager is authorized to establish any additional rules, regulations and standards related to the application, issuance, denial or renewal of the permits authorized under this Chapter, the ongoing operation and City's oversight of retail firearms and ammunitions retail establishments, or any other subject determined to be necessary to carry out the purposes of this Chapter.

B. Any regulations promulgated by the City Manager pursuant to this Section shall be provided to each firearms and ammunition retail establishment, published on the City's website, and maintained and available to the public in the Office of the City Clerk.

C. Regulations promulgated by the City Manager shall become effective upon date of publication on the City's website. Firearms and ammunitions retail establishments shall be required to comply with all state and local laws and regulations, including but not limited to any rules, regulations or standards adopted by the City Manager.

SECTION 2. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines. The activity will not result in direct or reasonably foreseeable indirect physical change in the environment and is not a project as defined in Section 15378 because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 3: Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed as cited in Section 1 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 4: Pursuant to Section 619 of the City Charter, this Ordinance shall take effect thirty (30) days after its adoption. Pursuant to Section 616 and 621 of the City Charter, prior to the expiration of fifteen (15) days after the adoption, the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the Culver City News and shall post this Ordinance or a summary thereof in at least three (3) places within the City.

SECTION 5: City Council hereby declares that, if any provision, section, subsection, paragraph, sentence, phrase or word of this Ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason or any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases, or words of this Ordinance, and as such they shall remain in full force and effect.

APPROVED and ADOPTED this _____day of _____, 2022.

_____
DR. DANIEL LEE, MAYOR
City of Culver City, California

ATTEST:

_____
JEREMY BOCCHINO
City Clerk

APPROVED AS TO FORM:

_____
HEATHER BAKER
City Attorney