

ORDINANCE NO. 2037

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEASIDE AMENDING TITLES 5 AND 17 OF THE SEASIDE MUNICIPAL CODE TO ESTABLISH SECURITY REQUIREMENTS, OPERATING STANDARDS, AND ZONING REQUIREMENTS FOR THE STORAGE OR SALE OF FIREARMS AND AMMUNITION

WHEREAS, the City of Seaside has determined that the sale and storage of firearms and ammunition has the potential to create impacts which are not a factor for the sale or storage of most other goods and products; and

WHEREAS, City of Seaside staff has prepared amendments to the Municipal Code to establish appropriate locations, permitting requirements, and operating standards for the sales of firearms and ammunition; and

WHEREAS, the proposed Ordinance would allow for the establishment of businesses involved in the sales of firearms and ammunition while protecting the public from potential negative impacts, particularly with relation to the theft of firearms or ammunition; and

WHEREAS, the proposed Ordinance does not, and shall not be interpreted to, impede on the rights of any individual to keep and bear arms, as stipulated in the Second Amendment to the Constitution of the United States; and

WHEREAS, the proposed Ordinance was presented to the Public Safety Committee on June 18, 2025, which reviewed the draft Ordinance and provided support and feedback on the proposed language; and

WHEREAS, the proposed Ordinance was presented to the Planning Commission on June 25, 2025, which unanimously recommended that the City Council adopt the proposed Ordinance; and

WHEREAS, since this action does not allow for any activity that is not already permitted within the City of Seaside, this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEASIDE:

SECTION 1. The City Council hereby finds and determines the foregoing recitals, which are incorporated herein by reference, are true and correct.

SECTION 2. The Seaside Municipal Code is hereby amended to reflect the changes identified in the attached Exhibit "A."

SECTION 3. If any provision, section, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 4. This Ordinance shall become effective thirty days following adoption.

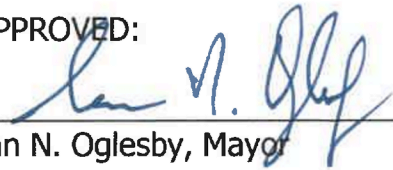
INTRODUCED at a regular meeting of the City Council of the City of Seaside, State of California, held on the 17th day of July 2025.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside, State of California, duly held on the 7th day of August 2025, by the following vote:

AYES:	4	COUNCIL MEMBERS:	Burks, Garcia-Arrazola, Oglesby, Pacheco
NOES:	0	COUNCIL MEMBERS:	None
ABSENT:	1	COUNCIL MEMBERS:	Miller
ABSTAIN:	0	COUNCIL MEMBERS:	None



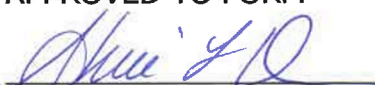
APPROVED:


Ian N. Oglesby, Mayor

ATTEST:


Dominique L. Davis, City Clerk

APPROVED TO FORM


Sheri L. Damon, City Attorney

Attach: Exhibit "A" – Proposed Ordinance Amendment

Exhibit “A”

SECTION 1. Chapter 5.36 of the Seaside Municipal Code is hereby amended to read as follows:

Chapter 5.36

FIREARMS SALES

Sections:

5.36.010 Firearms defined.

5.36.020 Applicability.

5.36.030 License Required.

5.36.040 License – Duration – Nontransferable.

5.36.050 License – Requirements.

5.36.060 License – Fee.

License - Revocation.

5.36.080 Appeal of suspension or revocation.

5.36.090 Violation – Penalty.

5.36.010 Firearms defined.

For the purposes of this Chapter, the terms “Firearm,” “Ammo” and “Ammunition” shall have the same meanings as defined in Section 17.98.020 of this Municipal Code..

5.36.020 Applicability.

Private persons selling their own Firearms shall be exempted from the purview of this chapter. For the purposes of this chapter, a person selling three or more Firearms in any calendar year shall be presumptively deemed to be engaged in the commercial sale of Firearms and shall be required to comply with the terms of this chapter.

5.36.030 License Required.

No person shall engage in the business of selling, offering for sale, displaying, repairing, or storing any Firearm within the city limits of Seaside, unless the person has first obtained a Firearms Dealer License from the Chief of Police.

5.36.040 License – Duration – Nontransferable.

A Firearms Dealer License issued by the Chief of Police shall be valid for a period of one year from the date of issuance and shall not be transferable from one person to another or from one location to another. The Chief of Police may require reinspection of the premises as a condition of renewal.

5.36.050 License – Requirements.

The Chief of Police shall review the application for a Firearms Dealer License and shall determine whether the issuance of the License would have any negative impacts upon public safety. At a minimum, an application must demonstrate to the satisfaction of the Chief of Police that all of the following conditions are met.

A. The seller shall hold a Federal Firearms Permit and shall meet all the provisions of the Gun Control Act of 1968 (as may be amended from time-to-time).

B. The seller shall comply with all applicable sections of the California Penal Code (as may be amended from time-to-time) relating to registration of sales of firearms.

C. The seller has obtained all discretionary land use approvals from the City of Seaside, including, but not necessarily limited to, a Planning Permit as required under Title 17 of this Municipal Code.

D. The seller shall provide substantial evidence demonstrating that the proposed location is a secure facility as defined by Section 17110 of the California Penal Code (as may be amended from time-to-time). The Chief of Police shall have the right, in conjunction with the Chief Building Official, to require as a condition for the issuance of a Firearms Dealer License that structural changes be made to the building in which the firearms are sold or stored.

E. All heating, ventilating, air-conditioning, and service openings shall be secured with steel bars or metal grating and shall meet the requirements of Title 15 of this Code.

F. If the proposed business location is street level, concrete or hardened steel bollards, or other barriers, such as security planters or other devices with a similar structural integrity to 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. Newly installed bollards must meet the following requirements:

1. Bollards must be a minimum of four inches in diameter and 36 inches in height;
2. Bollards shall be spaced so as not to obstruct accessible routes or accessible means of egress in compliance with Standard 206.8 of [Chapter 2](#) of the Federal Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.) (as may be amended from time-to-time), and have a clear width of not less than thirty-six inches but no more than sixty inches; and
3. Bollards shall be designed so as to be capable of stopping a five-thousand-pound vehicle traveling at 30 miles per hour, in accordance with ASTM International Standard Test Method F3016 (as may be amended from time-to-time).

G. The business shall install a lockable safe or fireproof vault meeting the standards for a gun safe implemented by the California Attorney General pursuant to Section 23650 of the California Penal Code (as may be amended from time-to-time) of sufficient size to simultaneously store all Firearms on-site.

H. The licensed business location shall be secured by a hard-wired alarm system that is installed and maintained by an alarm company operator licensed pursuant to the Alarm Company Act, Business & Professions Code sections 7590 et seq (as may be amended from time-to-time). The alarm system must be monitored by a central station listed by Underwriters Laboratories, Inc. and covered by an active Underwriters Laboratories, Inc.

alarm system certificate with a #3 extent of protection. The alarm system must include a battery back-up system to provide a minimum of 24 continuous hours of operation immediately following a loss of power. The alarm system requirement under this subsection is waived if the video surveillance system provided for under subsection I notifies the licensee and police department of any unauthorized intrusions.

I. The licensed business location shall be monitored by a hard-wired video surveillance system that, at minimum, meets the requirements under Penal Code section 26806 (as may be amended from time-to-time). The video surveillance system must be maintained in proper working order at all times. The video surveillance system must include a battery back-up system to provide a minimum of 24 continuous hours of operation immediately following a loss of power. If the system becomes inoperable, it must be repaired or replaced within fourteen calendar days. The licensee must inspect the system at least weekly to ensure that it is operational, and images are being recorded and retained as required.

J. Any other improvement or other activity which, in the opinion of the Chief of Police, would be necessary to eliminate any negative impacts on public safety.

5.36.060 License – Fee.

The fee for issuance of an annual Firearms Dealer License shall be set by the City Council. The annual fee shall be paid at the time the application is submitted to the Chief of Police and is nonrefundable.

5.36.070 License – Revocation.

A Firearms Dealer License issued under the provisions of this chapter shall be revoked by the Chief of Police upon proof to his or her satisfaction of a violation by the holder of such License, or any ordinance of the city or law of the state regulating or establishing standards for the commercial sale of Firearms. This action shall be in addition to any potential revocation of Planning Permits pursuant to Chapter 17.80 of the Municipal Code.

5.36.080 License – Appeal of suspension or revocation.

A. Any such person, whose application for a License is denied or whose License issued under the provisions of this chapter has been suspended or revoked, shall have the right to appeal to the City Council in writing within seven days after notification of such denial, suspension, or revocation, and to be heard by the City Council with relation thereto within 60 days of the submittal of such appeal. The appeal shall follow the same procedures as defined in Chapter 17.76 of the Municipal Code, and shall be subject to any applicable appeal fees. The action of the city council upon such appeal shall be final and conclusive with respect to the denial, suspension, or revocation of such License.

B. Approval by the City Council of a License under this Chapter shall not be deemed to constitute approval of any Planning Permits, which shall be approved separately as identified in Title 17 of this Municipal Code.

5.36.090 Violation – Penalty.

Any person violating any part of this chapter shall be guilty of an infraction and, upon conviction thereof, shall be punishable as provided in SMC 1.16.030.

SECTION 2. Table 2-4 of Section 17.14.030.B of the Seaside Zoning Ordinance is hereby amended as follows:

Land Use	CMX	CC	CRG	CA	CH	Specific Use Regs
Equipment rental – With outdoor storage	-	-	-	-	UP	
Firearm and Ammo Sales	-	UP	UP	-	-	17.52.105
Fuel Dealer	-	-	-	-	UP	

SECTION 3. Section 17.52.105 is hereby added to the Municipal Code to read as follows:

17.52.105 Firearm and ammunition sales.

The sale of Firearms and Ammunition shall be established and conducted in accordance with this Section.

A. No sales of Firearms or Ammunition shall occur within 1,000 feet of any of the following uses, as measured from the property lines for each respective use, unless such use is established subsequent to the establishment of the sales of Firearms or Ammunition:

1. City-Owned Parks/Recreation Centers;
2. Day Care Facilities licensed by the California Department of Social Services (CDSS) Community Care Licensing Division, including Child Care Infant Centers, Child Care Center Preschools, and School Age Child Care Centers, but excluding Family Child Care Homes, as such terms are defined by CDSS; and
3. Schools (excluding Specialized Education/Training Schools and schools serving only adults).

B. Firearms and Ammo Sales shall be prohibited at all locations east of Noche Buena Street and north of San Pablo Avenue (including the area north of the space between Fremont Boulevard and the City's boundary line where San Pablo Avenue would occur if it were continued in a straight line from its terminus at Fremont Boulevard).

C. Firearms and Ammo Sales uses shall operate in compliance with the following:

1. Any time a permittee is not open for business, every firearm shall be stored in one of the following ways:
 - a. 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 (as may be amended from time-to-time); or
 - b. Secured with a hardened steel rod or cable of at least one-quarter inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured

with a hardened steel lock that has a shackle. 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. No more than five firearms may be affixed to any one rod or cable at any time.

2. 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:

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

b. 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

c. Secured with a hardened steel rod or cable of at least one-quarter inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. 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. No more than five firearms may be affixed to any one rod or cable at any time.

SECTION 4. The following language is added to Section 17.98.020.A of the Municipal Code, to be inserted between the definitions of “Alteration” and “Ancillary Public Dance Facility”:

Ammo. Has the same meaning as Ammunition.

Ammunition. Cartridge cases, primers, bullets, or propellant powder designed for use in any Firearm, or any component thereof, but excluding 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 (as may be amended from time-to-time).

SECTION 5. The following language is added to Section 17.98.020.F of the Municipal Code, to be inserted between the definitions of “Finished Grade” and “Floor Area Ratio (FAR)”:

Firearm. A Firearm is 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 (as may be amended from time-to-time).

Firearm and Ammo Sales. Selling (retail or wholesale), leasing, or otherwise transferring ownership of Firearms and/or Ammunition.