

SUDBURY DRAFT FIREARM ZONING BYLAW

ARTICLE XX: AMEND ZONING BYLAW, SECTIONS 2200 AND 7000, FIREARMS BUSINESS USE

To see if the Town will vote to amend the Sudbury Zoning Bylaw, Sections 2200 and 7000, as set forth below, by adding the following provisions; or act on anything relative thereto:

2200. PRINCIPAL USE REGULATIONS

A.

Removing ID-6 from the ID category and inserting category IDX-1 (Industrial District Special Use) in Section 2200, PRINCIPAL USE REGULATIONS the table.

B.

Insert in Section 2230, Table of Principal Use Regulations, Part C. Commercial, after “28. Marijuana Establishment” a new use category entitled “29. Firearm Business Use”, as shown in the table below.

PRINCIPLE USES	A-RES	C-RES	WI	BD	LBD	VDB	ID	LID	IP	RD	IDX-1
C: COMMERCIAL											
29: Firearm Business Use	N	N	N	N	N	N	N	N	N	N	SP ZBA

B(1) For the IDX-1 District the following uses are permitted:

- Firearm business use, as defined below,
- Heavy and light manufacturing,
- Warehousing,
- Sales of industrial and agricultural tools, products and equipment,
- Maintenance and repair of commercial vehicles,
- Commercial landscape and building materials sales and support.

B(2) For the IDX-1 District the following uses are prohibited:

Housing,
Daycare,
Farmstands,
Restaurants,
Banking,
Healthcare services,
Athletic and gymnasium facilities,
Meeting halls, function rooms and places of assembly.

B(3) For any use not specified in B(1) or B(2) in IDX-1, the applicant shall apply to the Zoning Board of Appeals, though no Special Permit shall be required for any non-Firearm Business Use.

C.

2250. Firearm Business Use.

Insert under Section X.X, Business Uses, the following new subsection X.X.XX as follows: X.X.XX Firearm Business – An indoor retail or wholesale operation involving the purchase or sale of Firearms and Ammunition. Accessory sale of Firearm Accessories including but not limited to bags, siting systems, slings and scabbards, or maintenance kits; any retail or manufacturing operation involving the repairing, altering, cleaning, polishing, engraving, bluing or performing of any mechanical operation on any Firearm. Sale of conversion devices such as an auto sear, fuel filters or solvent filters, trigger switches or similar products that when combined create an illegal weapon are not allowed.

(12) Refer to Section 3.13 for specific standards, requirements, exemptions and special permit criteria for Firearm Businesses.

C. Insert under Section 3, Principal Use Table, Principal Use Definitions and Accessory Use Regulations, a new subsection 3.13 as follows:

3.13 Special Provisions for Firearm Businesses –

3.13.1 Purpose – To provide reasonable regulations pertaining to the location, siting, design, placement, security, safety, monitoring, and modifications of

Firearms Businesses within the Town of Sudbury to minimize the adverse impacts of Firearms Businesses on adjacent properties, residential neighborhoods, schools and other places where children congregate, and to protect and promote the quality of the Town of Sudbury's neighborhoods, commercial and business districts, and the general welfare, health and safety of the citizens of Sudbury.

3.13.2 Compatibility with State and Federal Laws and Regulations – The provisions of this bylaw are not intended to supersede federal or state laws or regulations except to the extent that any such laws or regulations allow a community to adopt standards more stringent than the minimum standards provided in such laws and regulations.

3.13.3 Applicability – This Section 3.13 shall apply to all Firearm Businesses including related BUILDINGS.

3.13.3.1 No Firearms Business use shall commence until the operator of such Firearm Business has obtained all necessary Federal, State and other required local approvals and licenses.

3.13.3.2 The establishment and continued operation of Firearms Businesses shall be subject to continued compliance with all special permits, including any conditions thereof, the provisions of this Bylaw, any other applicable requirements of the Zoning Bylaw, and all applicable Federal, State, and local laws and regulations.

3.13.4 Special Permit for Firearm Businesses – The Zoning Board of Appeals may grant a Special Permit for a Firearm Business in the IDX-1 District. When granting such special permit, the Zoning Board of Appeals shall vote in the affirmative the Mandatory Findings for special permits required in Section 10.3 of this Bylaw, and in addition, find that the following standards and requirements are met:

3.13.4.2 Configuration and Operations – Firearm Businesses shall be conducted entirely within a BUILDING and comply with the following standards:

a. Hours of operation shall be limited to 8 AM to 8 PM. The Special Permit Granting Authority may allow extended hours for non-retail operations, such as manufacturing, administration, and/or deliveries.

b. Firearm Businesses shall not sub-lease space from a tenant of any BUILDING or STRUCTURE and is prohibited from sub-leasing the Firearms Business use space to another Firearm Business.

c. The Firearm Business shall procure and at all times while in operation maintain insurance issued by an insurance company licensed to do business in the Commonwealth, insuring the Firearm Business **and having the Town of Sudbury as a named insured**, 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 operation of the Firearm Business. The limits of liability shall not be less than \$5,000,000 for each incident of damage to property or incident of injury to death to a person; provided however, that increased limits of liability may be required by the Special Permit Granting Authority upon a finding that the size of the operation warrants greater liability. Notice of termination of any applicable insurance must be given to the Special Permit Granting Authority at least 30 days prior to the effective date of the cancellation.

d. Firearm Businesses shall submit a security plan to the Sudbury Police Department for review and approval prior to applying for special permit. The plan must include, but is not limited to, the following:

1. Names and phone number of all management staff and keyholders,
2. Certification that no employees have past history of felony record,
3. A plan showing exterior ground lighting,
4. Description of security systems and alarms,
5. 24-hour video surveillance system in parking lots, building entrances and exits and transaction or point-of-sale locations.

5A A security system with direct connection to the Sudbury Police Department, or other continuously monitored security business, to alert Sudbury Police or a security company that can alert Sudbury Police to theft, break-in or vandalism, in real time to minimize theft of firearms.

6. Location of dumpsters shall be locked with screening,

7. Floor plan showing layout of operation,

8. Evidence of after-hours storage of all Firearms in locked containers or by otherwise securing the Firearms with tamper-resistant mechanical locks.

e. The Special Permit Granting Authority shall require that Firearm Business notify the Police Department of any changes to the name or phone numbers of all management staff and keyholders.

f. The Firearms Business shall be equipped with, and the operation of such Firearm Business shall maintain in working order at all times, security system to the satisfaction of the Town.

g. A video surveillance system shall be installed and maintained which shall monitor all parking lot areas, main building entrances and exits, storage areas, and any and all transition areas for sale of merchandise. Recordings shall be maintained for a minimum of six months. A sign no larger than 2 square feet shall be placed in a visible location on the building which notes that video surveillance is in use on the property.

h. The exterior grounds, including the parking lot and landscape areas, shall be lit in such a manner that all areas are clearly visible at all times during business hours; all lighting shall be full cut off with a temperature of no more than 3,000K.

i. No person under the age of eighteen (18) shall be permitted on the premises of the Firearms Business and notice of such limitation shall be posted outside the Business.

3.13.4.3 Signage – All signs associated with Firearm Businesses shall comply with Section X of the Zoning Bylaw unless further regulated herein.

a. Temporary Signs as defined in Section 7.2.19 are prohibited.

b. Window Signs as defined in Section 7.5.16 are prohibited.

c. No sign outside of the business premises shall have any image of a firearm, ammunition, or firearm paraphernalia.

3.13.4.4 Limitation and Termination of Special Permit— No more than one Firearm Business is allowed within the Town of Sudbury at any given time. A Special Permit for Firearm Business is not transferable upon a sale, transfer, or

assignment of the Firearms Business. A special permit for a Firearm Business shall be terminated for violation M.G.L. c. 140 SS 122B, 130, 131N, or similar laws in other states. Upon expiration or cancellation of the policy of insurance as required by Section 3.13.4.3. C, and if no additional insurance is obtained, the special permit shall be terminated.

DEFINITIONS

Insert in Article 7000, Definitions, the following new definition:

Ammunition: Cartridges or cartridge cases, primers (igniters), bullets, tear gas cartridges, or propellant powder designed for use in any Firearm.

Firearm: Any device designed or modified to be used as a weapon capable of firing a projectile using an explosive charge as a propellant, including but not limited to guns, pistols, shotguns, rifles.

Firearm Accessory: Any device designed, modified, or adapted to be inserted into or affixed onto any Firearm to enable, alter, or improve the functioning or capabilities of the Firearm or to enable the wearing or carrying about one's person of a Firearm, including, but not limited to bags, sighting systems, slings and scabbards, or maintenance kits.

Firearm Business Use: Any retail or wholesale operation involving the purchase or sale, in any amount of Firearms or Ammunition; sale of Firearm Accessories, in any amount; any retail or manufacturing operation involving, in any amount, the repairing, altering, cleaning, polishing, engraving, bluing or performing of any mechanical operation on any Firearm; and sale of conversion devices, in any amount, such as an auto sear, fuel filters or solvent filters, trigger switches and/or similar products that when combined create an illegal weapon are not allowed.

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