

TOWN OF SUDBURY WARRANT ARTICLE FORM **ARTICLE ___**

Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Select Board’s Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of the vote signed by its Clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article must be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

ARTICLE TITLE: AMEND ZONING BYLAW, SECTIONS 2200 AND 7000, FIREARMS SAFETY 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:

SELECT BOARD REPORT: Firearms Business Uses are not specifically defined or regulated in Sudbury's Zoning Bylaws. Under today’s zoning, firearms businesses applying to operate in Town would be classified as a retail store, light manufacturing, manufacturing, or some combination, depending on how the business operates. These shops would likely apply “by right” for a use permitted within a particular zone, and not be subject to any special review or standards.

Retail Store uses are allowed by-right in five (5) of Sudbury’s ten zoning districts: Business District (BD), Limited Business District (LBD), Village Business District (VBD), Industrial District (ID), and Light Industrial District (LID).

Light Manufacturing uses are allowed by-right with some qualifications, including products being sold at retail on the premises, in seven (7) of Sudbury’s ten zoning district: Business District (BD), Limited Business District (LBD), Village Business District (VBD), Industrial District (ID), and Light Industrial District (LID), Industrial Park (IP), and Research District (RD).

Manufacturing uses are allowed by-right with some qualifications in four (4) of Sudbury’s ten zoning districts: Industrial District (ID), and Light Industrial District (LID), Industrial Park (IP), and Research District (RD).

Today, depending on the business operation, a firearms business would be legally allowed by right in one or more of the above zoning districts.

Adoption of this Bylaw would create a new use, Firearm Business, and restrict the use to only one zoning district, Industrial District, by special permit granted by the Select Board. Special permits require a public hearing and empower the permitting authority with greater discretionary ability to impose conditions, safeguards, and/or limitations on the time or use of a site.

Submitted by Select Board member Charlie Russo 4/2/24

This bylaw would limit two Firearm Businesses to locate in Sudbury at any given time. The bylaw conforms with similar bylaws approved in nearby communities, follows a template created by the Gifford Law Center to Prevent Gun Violence, and includes regulations on best business practices and security to maintain safety for the general public.

DRAFT



March 29, 2024

Select Board of Sudbury, MA
Town of Sudbury

Dear Select Board Members:

On behalf of Giffords Law Center to Prevent Gun Violence, the nonprofit gun violence prevention organization led by former congresswoman and survivor, Gabby Giffords, **I write to offer our support for the proposed zoning bylaw regulating gun dealers that seek to operate in the community.** This bylaw would zone gun dealers to safe locations in the town, and impose other measures to deter and detect illegal gun sales and thefts. It will undoubtedly improve the public safety of the residents of Sudbury and surrounding communities.

We support the approach the town is taking to zone dealers to areas where their presence poses a lower risk. Evidence shows that firearms dealers do present risks to a community. They are high-value targets for criminals, and have often been magnets for break-ins, theft, and destruction of property. According to an ATF Special Agent, "When people break into homes or businesses, guns are often the target. ... [O]f the commodities that we find that people that are involved in criminal activity are looking for, guns are very high on the list."¹ One academic study suggests that firearms dealers may attract individuals engaged in criminal activity to the areas in which they are located, not only because they are a high-value target for theft, but also because of firearms dealers' willingness to sell to "straw purchasers" who illegally buy for others.² Another study analyzed ATF data showing that guns "are often found to have been used for criminal purposes not far from the gun dealer where they were first obtained."³

Parents should have the freedom to determine when and how to expose their children to guns. If a gun store is located along a walking route to a school, playground, child care facility, library, or park, this becomes impossible. Zoning gun dealers away from these areas and ensuring that unsupervised minors may not enter gun stores puts these decisions back in the hands of parents, not gun dealers.

Finally, this bylaw will help ensure that guns sold by dealers in the community do not end up in the hands of people who commit crimes. Requiring guns to be safely stored during non-business hours will help prevent gun store burglaries after-hours. Unlike jewelers who

¹ Lynn Walsh, Dave Manoucheri and Mari Payton, *Stolen Guns Fuel Underground Market For Criminals in California*, NBC7 San Diego, Aug. 9, 2016, <http://www.nbcsandiego.com/investigations/Stolen-Guns-Fuel-Underground-Market-For-Criminals-in-California-389352802.html>.

² Garen Wintemute, "Firearm Retailers' Willingness to Participate in an Illegal Gun Purchase," *Journal of Urban Health* 87, no. 5 (2010): 865-878.

³ Douglas J. Wiebe et al., *Homicide and Geographic Access to Gun Dealers in the United States*, *BMC Public Health* 2009, 9: 199, at 2, 6, available at <http://www.biomedcentral.com/1471-2458/9/199>.



COURAGE TO FIGHT GUN VIOLENCE

routinely lock up their inventory at night, many dealers leave their guns unsecured which enables criminals to drive their cars into storefronts and make off with numerous guns quickly, before law enforcement arrives. Stolen guns are often used in subsequent crimes. An analysis of more than 23,000 stolen firearms recovered by police between 2010 and 2016 found that the majority of these weapons were recovered in connection with crimes, including more than 1,500 violent acts such as murder, kidnapping, and armed robbery.⁴

For the foregoing reasons, Giffords Law Center strongly supports the proposed zoning bylaw which would enact reasonable and effective regulations of gun dealers.

Sincerely,

William T. Clark

William Clark

Senior Litigation Attorney
Giffords Law Center to Prevent Gun Violence

⁴ Brian Freskos, *Missing Pieces: Gun Theft from Legal Gun Owners is on the Rise, Quietly Fueling Violent Crime*, The Trace, November 20, 2017, <https://bit.ly/2izST1h>



March 29, 2024

Select Board of Sudbury, MA
Town of Sudbury

Dear Select Board Members:

On behalf of Giffords Law Center to Prevent Gun Violence, the gun violence prevention organization led by former Congresswoman and survivor, Gabby Giffords, I write to offer our perspective on a potential bylaw that would prohibit gun dealers from operating in the Town of Sudbury. For nearly 30 years, the organization now known as Giffords Law Center to Prevent Gun Violence has been providing advice and assistance to federal, state, and local legislators and attorneys on gun violence prevention.

We are aware that Sudbury is contemplating a bylaw that would prohibit gun dealers from operating in the town. Given our decades of expertise in gun violence prevention policy and Second Amendment litigation, we write to offer the following perspective.

A bylaw completely banning gun dealers will almost certainly face an immediate legal challenge from gun advocates and the gun industry. A bad ruling that struck down the bylaw could jeopardize reasonable, constitutional, and effective laws that regulate dealers around the country. Zoning and other regulatory measures, on the other hand, are effective tools which other communities have successfully employed. Given the existing legal landscape, pursuing a full ban at this time is not an effort that Giffords recommends.

We are happy to discuss this further with you at your convenience.

Sincerely,

William T. Clark

William Clark

Senior Litigation Attorney