

Regulation of Firearms Dealers – FAQs

As of April 16, 2021

Does Newton have any zoning regulations around firearms dealers?

The City of Newton currently does not have any zoning regulations around firearms dealers. Firearms dealers fall within the general use category of “retail sales” that is currently allowed by right in all Business Use zoning districts, by special permit in the Limited Manufacturing District, and either by right or by special permit –depending on the size of the retail store– in the Mixed Use districts.

What options does Newton have to regulate firearms dealers through zoning?

The City Council has broad authority to regulate all land uses in Newton, including the location of firearms dealers. That said, in light of the nature of the issues and the implications of Constitutional protections, it may be reasonable to expect that the more restrictively firearm sales are regulated, the more likely such regulations will be subject to a court challenge.

What steps are currently being taken by the City to address firearms dealers?

Today, the Mayor and City Councilors have jointly docketed an amendment to the City’s zoning ordinance that would restrict all firearms sales related uses to the following zoning districts: Business Use 4, Mixed Use 1, Manufacturing, and Light Manufacturing. The proposed amendment also requires firearms sales uses to be approved by special permit by the City Council. It will create specific special permit criteria, including a buffer zone between a firearms dealer and residences and schools. The Law and Planning Departments are currently developing the proposed zoning language and the text of the amendments which will be available shortly and posted on the City website. The proposed language will then go to the City Council.

What is the City Council process for reviewing the proposed zoning amendments?

The City Council will assign the proposed zoning amendments to the appropriate committees at its meeting on Tuesday, April 20 and at that time will also assign a public hearing date. It is likely that the matter will be assigned to the Zoning and Planning Committee (ZAP) for a public hearing on May 10, 2021. At the public hearing, the Council will hear input from the public,. It will then discuss the draft language, potentially make revisions, and ultimately recommend that matter to the full City Council for a final vote to approve the zoning amendments.

If and when the proposed zoning ordinances are passed, will they apply retroactively?

In general, zoning is prospective and would not limit ongoing uses and businesses that are already operating.

However, the State Zoning Act, Chapter 40A, does state that any approved zoning amendment will apply to any use/business that has not commenced prior to the publication of notice of the public hearing for the zoning amendment.

It is expected that the City Council will provide notice of the public hearing in the newspaper on April 26 and May 3, 2021. Practically speaking, if there is a proposed firearm dealer use that has not started operating by those dates, it will be subject to the proposed zoning amendments whenever those amendments are passed.

What firearms may be sold in MA?

The Executive Office of Public Safety and Security (EOPPS) maintains a [list of approved firearms](#) that may be purchased from a duly licensed dealer in MA. The list is updated as needed and includes rosters for Olympic competition firearms, large capacity firearms, formal target shooting firearms and other approved firearms.

Are Firearms Dealers in MA allowed to sell assault weapons?

Since 1998, Massachusetts has had an assault weapons ban in place that prohibits the sale, transfer or possession of assault weapons, including some semi-automatic weapons. In 2016, the MA Attorney General issued a [Notice on Enforcement](#) which provides a description and list of banned firearms.

Can a firearms dealer keep a banned assault weapon in their store?

No. The assault weapons ban prohibits dealers from keeping firearms that it cannot sell at the dealership location.

What safety and security measures are a firearms dealer required to take at its business place?

Dealers and gun owners are all required to secure their firearms either by keeping it in a locked container or by equipping the firearm with a tamper-proof locking mechanism that renders the firearm inoperable.

A firearms dealer is also prohibited from displaying firearms in the window of a store.

Who makes sure that a dealer has the proper security measures in place?

The Massachusetts Gun Control Advisory Board, along with the Executive Office of Public Safety and Security (EOPPS), provide guidance on appropriate safety and security measures to support and implement the gun control laws in MA. The Newton Chief of Police, as the local licensing authority, investigates and enforces the gun control laws to ensure that all required safety measures are in place for all license holders.

How often does the Chief of Police perform inspections of firearms dealerships?

The Chief of Police is required to perform annual inspections of a dealer's sales records.

Can a gun dealer locate the store near a school?

Massachusetts laws do not prohibit specific locations for the placement of firearms dealers. It is possible, however, for the City Council to enact zoning restrictions that only permit firearms dealers in certain areas of the City.

Can the Chief of Police deny an application for a license to sell firearms?

The Chief of Police may deny a license to sell firearms if the applicant is prohibited by law to hold the license.

What are some other resources on gun control in MA?

License to sell firearms: [M.G.L. c. 140 § 122](#)

License to sell ammunition – [M.G.L. c. 140 § 122B](#)

Conditions of Licenses – [M.G.L. c. 140 § 123](#)

Consumer Protection Regulations for the sale of handguns – [940 CMR 16.00](#)

Information on the MA Assault Weapons Ban – [MA FAQs about the Assault Weapons Ban](#)