

CITY OF NEWTON

IN CITY COUNCIL

ORDINANCE NO. B-78

June 2, 2021

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2017, as amended, be and are hereby further amended with respect to **Chapter 30 ZONING** as follows:

1. **INSERT** after the last row "Microbusiness" in the "Restricted Uses" portion of the Table appearing in Sec. 4.4.1 the following new rows:

Business, Mixed Use & Manufacturing Districts	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition/ Listed Standard
Firearm Business	--	SP	--	SP	--	--	--	--	--	SP	--	Sec. 6.10.4
Firing Range	--	SP	--	SP	--	--	--	--	--	SP	--	Sec. 6.10.4
Gunsmith	--	SP	--	SP	--	--	--	--	--	SP	--	Sec. 6.10.4

2. **INSERT** after **Sec. 6.10.3 REGISTERED MARIJUANA USE.** a new **Sec. 6.10.4. FIREARM BUSINESS USES** as follows:

6.10.4. FIREARM BUSINESS USES

- A. **Purpose.** To establish criteria for the establishment of Firearm Business Uses in the City that address safety concerns in operations of such businesses and the potential disruption of peace and quiet enjoyment of the community. This Sec. 6.10.4 provides for separation between Firearm Business Uses and certain uses enumerated herein to maximize protection of public health, safety, and welfare.

B. Definitions.

Ammunition. Cartridges or cartridge cases, primers (igniter), 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 a gun, pistol or rifle.

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.

Firearm Business Use. Any of the following uses:

1. **Firearm Dealer.** A retail or wholesale operation involving the purchase or sale of Firearms, Ammunition, and/or Firearm Accessories.
2. **Firing Range.** A commercial facility designed for Firearm(s) training and/or shooting practice.
3. **Gunsmith.** Any retail operation involving the repairing, altering cleaning, polishing, engraving, blueing or performing of any mechanical operation on any Firearm.

C. Firearm Business Uses not allowed as-of-right. Firearm Business Uses are not included within the definition of retail sales or services, manufacturing, or any other lawful business permitted as of right or by special permit as provided in this Chapter.

D. Firearm Business Uses allowed by special permit. Use of land, buildings or structures for a Firearm Business Use shall be allowed only by special permit in the districts specified in Sec. 4.4.1 subject to the requirements and criteria of this Sec. 6.10.4.

E. Minimum criteria and limitations on approval.

1. Firearm Business Uses shall not be located within a radius of 150 feet from any property containing a residential use.
2. Firearm Business Uses shall not be located within 1,000 feet of any private or public k-12 school.
3. Firearm Business Uses shall not be located within 1,000 feet of any daycare center, preschool, child-care facility, college or university, public park intended for passive or active recreation, playground, land or structures used for religious purposes,

library, nursing home, or an existing Firearm Dealer or Firing Range at another location, whether such firearm business use is located within or without the City's boundaries. All distances in this Section shall be measured in a straight line from any point on the building containing the proposed Firearm Business Use to the nearest property line of any of the designated uses set forth herein.

4. In appropriate circumstances, the City Council may grant a special permit for a Firearms Business Use even if the location of the proposed use does not comply with the buffer requirements set forth in Sec. 6.10.4.E.1-3 herein, but only upon a finding that the proposed location is sufficiently buffered by existing conditions such that the uses enumerated in paragraph Sec. 6.10.4.E.1-3 will not be adversely impacted by the Firearm Business Use.
5. Firearm Business Uses shall obtain and maintain all necessary Federal, State and other required local approvals and licenses prior to beginning operations.
6. Firearm Business Uses shall comply with all applicable Federal, State and local laws and regulations in the operation of their business.
7. A special permit granted by the City Council authorizing the establishment of a Firearm Business Use shall be valid only for the registered entity to which the special permit was issued, and only for the lot on which the Firearm Business Use has been authorized by the special permit.
8. No graphics, symbols or images of Firearms, Ammunition, or Firearm Accessories shall be displayed or clearly visible from the exterior of Firearm Business Uses. The City Council may impose additional restrictions on signage to mitigate impact on the immediate neighborhood.
9. No Firearm Business Use shall be located within a building containing a residential use.
10. A Firearm Business Use shall be located indoors within a fully enclosed building.
11. The hours of operation for a Firearm Business Use shall not adversely impact nearby uses. The hours of operation shall be set by the City Council as a condition of the Special Permit, but in no case shall any Firearm Business Use be open before 10:00 a.m. or remain open after 7:00 p.m.
12. A special Permit for a Firearm Business Use shall not be granted if such business is owned by or to be managed by any person or persons convicted of violating the

provisions of G.L. c. 140, §§ 122B, 130, 131N, or similar laws in other states.

13. All Firearm Business Uses shall submit a security plan to the Newton Police Department for review and approval. The plan must include, but not be limited to, the following:

- a. Proposed provisions for security.
- b. The physical layout of the interior.
- c. After hours storage of all Firearms in locked containers or by otherwise securing the Firearms with tamper-resistant mechanical locks.
- d. The number of employees.

14. All Firearm Business Uses shall submit an operations and management plan to the Newton Police Department for review and approval.

15. All Firearm Business Uses shall conduct criminal background checks for all employees in accordance with state law.

16. No persons under the age of 18 shall have access into or within a Firearms Business Use, with the sole exception that minors age 14 and older may access a Firearms Dealer accompanied by the minor's parent or guardian.

17. Firearms Dealers shall videotape the point of sale of all firearms transactions and maintain videos for six months to deter illegal purchases and monitor employees.

F. **Special permit application and procedure.** The procedural and application requirements of Sec. 7.3 shall apply. In addition to the procedural and application requirements of Sec. 7.3, an application for special permit for a Firearm Business Use shall include, at a minimum, the following information:

1. **Description of Activities:** A narrative providing information about the type and scale of all activities that will take place on the proposed site.
2. **Lighting Analysis:** A lighting plan showing the location of proposed lights on the building and the lot and a photometric plan showing the lighting levels.
3. **Context Map:** A map depicting all properties and land uses within a minimum 1,000 foot radius of the proposed lot. The context map shall include the measured

distance to all uses described in Sec. 6.10.4.E.1-3 above.

4. **Description of Ownership, Management, and Employees:** The name and address of the legal owner of the establishment. The name and address of all persons having any legal, beneficial, equitable, or security interests in the establishment. In the event that a corporation, partnership, trust or other entity is listed, the name, and address of every person who is an officer, shareholder, member, manager, or trustee of the entity must be listed. The name and address of the manager(s) and assistant manager(s).

5. **Comprehensive Signage Plan.**

- G. **Special Permit Criteria.** In granting a special permit for a Firearm Business Use, in addition to finding that the general criteria for issuance of a special permit are met, the City Council shall find that the following criteria are met:

1. **Criteria for all Firearm Business Uses:**

- a. The lot is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the lot.
- b. The establishment will have adequate and safe storage, security, and a lighting system.
- c. Loading, refuse and service areas are designed to be secure and shielded from abutting uses.
- d. The establishment is designed to minimize any adverse impacts on abutters or pedestrians.
- e. The location and operating characteristics of the proposed use promotes, and will not be detrimental to, the public health, safety and welfare of the neighborhood, which may extend into an adjacent municipality, or the City.
- f. The establishment has satisfied all of the conditions and requirements in this section.

2. **Additional Criteria for Firing Ranges:**

- a. The use will not result in adverse impacts due to noise, hazardous materials or air quality.

H. **Severability.** If any portion of this section is ruled invalid, such ruling will not affect the validity of the remainder of the section.

Approved as to legal form and character:

Alissa O. Giuliani

ALISSA O. GIULIANI
City Solicitor

Under Suspension of Rules
Readings Waived and Approved by Voice Vote
23 Yeas 1 Nays (Councilor Gentile)

EXECUTIVE DEPARTMENT

Nadia Khan

(SGD) NADIA KHAN
Acting City Clerk

Approved:

Ruthanne Fuller

(SGD) RUTHANNE FULLER
Mayor

Date: 6/3/2021