

1
2 **Resolution Relating to**

RESOLUTION ^{9.0}

Sponsor(s): Councilors Siegel,
Ayres, Blais; Charter Change Com.

Introduced: 11/18/13

Referred to: _____

Action: amended; adopted

Date: 11/18/13

Signed by Mayor: 11/21/13

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6 MARCH 4, 2014 ANNUAL CITY MEETING--PROPOSED
7 CHARTER CHANGE RE BAN ON FIREARMS IN ANY
8 ESTABLISHMENT WITH A LIQUOR LICENSE
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12 **CITY OF BURLINGTON**

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14 In the year Two Thousand Thirteen

15 Resolved by the City Council of the City of Burlington, as follows:

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17 That the following question be placed on the ballot of the Annual City Meeting to be held on
18 March 4, 2014:

19 "Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended be further
20 amended to add Article 99. General Weapons Requirements Sec. 510 entitled "Ban on Firearms in
21 Any Establishment with a First Class Liquor License" thereto to read as follows:

22 Sec. 510. Ban on Firearms in Any Establishment with a First Class Liquor License.

- 23 (a) This act expressly supersedes 24 V.S.A. §§ 2291(8) & 2295 and authorizes the City of
24 Burlington to regulate the possession and carrying of firearms in the manner indicated below.
- 25 (b) Ban. Within the City of Burlington, no person may carry or possess a firearm, as defined by
26 Section 4016(a)(3) of Chapter 13 of the Vermont Statutes Annotated, in any building or on
27 any real property or parking area under the ownership or control of an establishment licensed
28 to serve alcohol on its premises.
- 29 (c) Exceptions. This provision shall not apply to
 - 30 (1) any federal, state, or local law enforcement officer acting within the scope of that officer's
31 official duties;
 - 32 (2) any member of the armed forces of the United States or the Vermont National Guard
33 acting within the scope of that person's military duties;
 - 34 (3) any government officer, agent, or employee authorized to carry a weapon and acting
35 within the scope of that officer's duties;
 - 36 (4) the owner or operator of such establishment, as long as that person is not prohibited from
37 possessing or carrying that weapon under any other federal, state, or local law.
- 38 (d) The penalty for any violation of this section shall be as follows:
 - 39 (1) Criminal Offense. Any violation of this Article may be considered a criminal offense,
40 which shall be punishable by a fine of no more than \$1,000 and/or by imprisonment for
41 not more than ninety (90) days.

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49 (2) Civil Offense. Any violation of this Article may also be considered a civil ordinance
50 violation punishable by a fine of no less than \$200 and no more than \$500 and the
51 forfeiture of the weapon as provided below.

52 (3) Forfeiture. Upon probable cause that a person is in violation of this provision, a law
53 enforcement officer may seize the weapon involved in the violation. The person from
54 whom the weapon is seized, or the owner of the weapon (if different), may appeal the
55 forfeiture of the weapon within thirty (30) days of the seizure to the Vermont Superior
56 Court, Civil Division, pursuant to Chapter 102 of Title 12 of the Vermont Rules of Civil
57 Procedure and Rule 74 of the Vermont Rules of Civil Procedure. In any appeal, the
58 burden of proof shall rest upon the City to establish the violation by a preponderance of
59 the evidence. If the City fails to establish the required burden of proof, the items shall be
60 returned to the person from whom they were seized.

61 If no appeal is taken within thirty days, or if the City prevails in the superior court
62 proceedings, the items so seized shall become the property of the City of Burlington.?"

63 AND, BE IT FURTHER RESOLVED that pursuant to 17 V.S.A. Sec. 2645(a)(7) the City
64 Council hereby determines that the proposed charter amendment is too long or unwieldy to be shown
65 in the amended form and determines that the printed ballot shall utilize a short form question to read:
66 "Shall the Burlington City Charter be amended to add Article 99, General Weapons Requirements
67 Sec. 510 entitled "Ban on Firearms in Any Establishment with a First Class Liquor License," which
68 provides that no person may carry or possess a firearm in any location under the ownership or control
69 of an establishment licensed to serve alcohol on its premises and which provides for specific
70 exemptions from the prohibition and for penalties, including forfeiture of the firearm, for a
71 violation?"

72 AND, BE IT FURTHER RESOLVED that in accordance with 17 V.S.A. Sec. 2645, public
73 hearings on the above-proposed amendment of the Burlington City Charter shall be held
74 on Friday, January 17, 2014 at 12:00 noon and on Monday, January 27, 2014 at 7:00 p.m. in Contois
75 Auditorium, City Hall, Burlington, Vermont.

76 * Material underlined added.
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ORIGINAL

DISTRIBUTION:

I hereby certify that this resolution has been sent to the following department(s) on

Linda Blanchard, City Attorney's Office

RESOLUTION RELATING TO

March 4, 2014 Annual City Meeting -- Proposed Charter Change Re Ban on Firearms in any Establishment with a Liquor License

As amended
Adopted by the City Council

November 19, 2013

[Signature] Clerk

Attest:
[Signature]
Lori Olberg
Licensing, Voting and Records Coordinator

Approved November 21, 2013
[Signature] Mayor

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