

MARCH 4, 2014 ANNUAL CITY MEETING

**PROPOSED CHARTER CHANGE RE BAN ON FIREARMS IN ANY
ESTABLISHMENT WITH A LIQUOR LICENSE
—Article 99, Section 510**

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

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

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

- (2) Civil Offense. Any violation of this Article may also be considered a civil ordinance violation punishable by a fine of no less than \$200 and no more than \$500 and civil forfeiture of the weapon as provided below.
- (3) Forfeiture. Upon probable cause that a person is in violation of this provision, a law enforcement officer may seize the weapon involved in the violation. The person from whom the weapon is seized, or the owner of the weapon (if different), may appeal the forfeiture of the weapon within thirty (30) days of the seizure to the Vermont Superior Court, Civil Division, pursuant to Chapter 102 of Title 12 of the Vermont Rules of Civil Procedure and Rule 74 of the Vermont Rules of Civil Procedure. In any appeal, the burden of proof shall rest upon the City to establish the violation by a preponderance of the evidence. If the City fails to establish the required burden of proof, the items shall be returned to the person from whom they were seized. If no appeal is taken within thirty days, or if the City prevails in the superior court proceedings, the items so seized shall become the property of the City of Burlington.?

* Material underlined added.