

MARCH 4, 2014 ANNUAL CITY MEETING

**PROPOSED CHARTER CHANGE RE SAFE STORAGE OF FIREARMS
—Article 99, Section 509**

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. 509 entitled “Safe Storage” thereto to read as follows:

Sec. 509. Safe Storage.

- (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) Within the City of Burlington, no person who possesses a firearm, as defined in 13 V.S.A. §4016(a)(3), shall store or otherwise leave the firearm outside of his or her immediate possession or control without having first securely locked the firearm in an appropriate safe storage depository or rendered it incapable of being fired by use of a gun locking device appropriate to that weapon.
- (c) A “safe storage depository” shall mean a safe or other secure container which, when locked, is incapable of being opened without the key, combination, or other unlocking mechanism, so as to prevent an unauthorized person from obtaining access to the weapon.
- (d) Penalties. 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 \$2,500 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.

(4) Determination of Penalty. In determining the appropriate penalty, the court shall take into account all relevant factors, including the presence of minors at the location and time of the offense.?

* Material underlined added.