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2 **Resolution Relating to**

**RESOLUTION**  
Sponsor(s): Councilors Siegel,  
Ayres, Blais: Charter Change Com.  
Introduced: \_\_\_\_\_  
Referred to: \_\_\_\_\_  
Action: \_\_\_\_\_  
Date: \_\_\_\_\_  
Signed by Mayor: \_\_\_\_\_

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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 shall 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.  
42

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

51 (3) Forfeiture. Upon probable cause that a person is in violation of this provision, a law  
52 enforcement officer may seize the weapon involved in the violation. The person from  
53 whom the weapon is seized, or the owner of the weapon (if different), may appeal the  
54 forfeiture of the weapon within thirty (30) days of the seizure to the Vermont Superior  
55 Court, Civil Division, pursuant to Chapter 102 of Title 12 of the Vermont Rules of Civil  
56 Procedure and Rule 74 of the Vermont Rules of Civil Procedure. In any appeal, the  
57 burden of proof shall rest upon the City to establish the violation by a preponderance of  
58 the evidence. If the City fails to establish the required burden of proof, the items shall be  
59 returned to the person from whom they were seized.  
60 If no appeal is taken within thirty days, or if the City prevails in the superior court  
61 proceedings, the items so seized shall become the property of the City of Burlington.?"

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

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

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76 \* Material underlined added.