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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 SAFE STORAGE OF FIREARMS

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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. 509 entitled "Safe Storage" thereto
21 to read as follows:

22 Sec. 509. Safe Storage.

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) Within the City of Burlington, no person who possesses a firearm, as defined in 13 V.S.A.
26 §4016(a)(3), shall store or otherwise leave the firearm outside of his or her immediate
27 possession or control without having first securely locked the firearm in an appropriate safe
28 storage depository or rendered it incapable of being fired by use of a gun locking device
29 appropriate to that weapon.

30 (c) A "safe storage depository" shall means a safe or other secure container which, when locked,
31 is incapable of being opened without the key, combination, or other unlocking mechanism, so
32 as to prevent an unauthorized person from obtaining access to the weapon.

33 (d) Penalties. The penalty for any violation of this section shall be as follows:

34 (1) Criminal Offense. Any violation of this Article shall be considered a criminal offense,
35 which shall be punishable by a fine of no more than \$2,500 and/or by imprisonment for not
36 more than ninety (90) days.

37 (2) Civil Offense. Any violation of this Article shall also be considered a civil ordinance
38 violation punishable by a fine of no less than \$200 and no more than \$500 and

40 **Resolution Relating to** MARCH 4, 2014 ANNUAL CITY MEETING--
41 PROPOSED CHARTER CHANGE RE SAFE STORAGE
42 OF FIREARMS
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44 civil forfeiture of the weapon as provided below.

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

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

59 AND, BE IT FURTHER RESOLVED that pursuant to 17 V.S.A. Sec. 2645(a)(7) the
60 City Council hereby determines that the proposed charter amendment is too long or unwieldy to
61 be shown in the amended form and determines that the printed ballot shall utilize a short form
62 question to read: "Shall the Burlington City Charter be amended to add Article 99. General
63 Weapons Requirements Sec. 509 entitled "Safe Storage of Firearms," which provides that no
64 person shall store a firearm outside of his or her immediate possession or control without having
65 locked the firearm in a safe storage depository or with a gun locking device and which provides
66 for penalties, including forfeiture of the firearm, for a violation?"

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

71 * Material underlined added.