

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

H.92

Introduced by Representatives Donovan of Burlington, Cole of Burlington,
Krowinski of Burlington, McCormack of Burlington,
O’Sullivan of Burlington, Pearson of Burlington, Rachelson of
Burlington, Ram of Burlington, and Sullivan of Burlington

Referred to Committee on

Date:

Subject: Municipal government; municipal charters; City of Burlington;
amendment; firearms; prohibition; first class liquor license

Statement of purpose of bill as introduced: This bill proposes to approve an
amendment to the charter of the City of Burlington that would prohibit a
person from carrying or possessing a firearm on property owned or controlled
by an establishment licensed to serve alcohol on premises.

An act relating to approval of an amendment to the charter of the City of
Burlington prohibiting firearms on properties of establishments licensed to
serve alcohol on premises

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. CHARTER AMENDMENT APPROVAL

The General Assembly approves the amendment to the charter of the City
of Burlington as set forth in this act. Proposals of amendment were approved
by the voters on March 4, 2014.

1 Sec. 2. 24 App. V.S.A. chapter 3 is amended to read:

2 CHAPTER 3. CITY OF BURLINGTON

3 * * *

4 ARTICLE 99. GENERAL WEAPONS REQUIREMENTS

5 § 511. [Reserved.]

6 § 512. BAN ON FIREARMS IN ANY ESTABLISHMENT WITH A FIRST

7 CLASS LIQUOR LICENSE

8 (a) Notwithstanding the provisions of 24 V.S.A. §§ 2291(8) and 2295, the
9 City of Burlington is authorized to regulate the possession and carrying of
10 firearms as set forth in this section.

11 (b) Within the City of Burlington, a person shall not carry or possess a
12 firearm, as defined in 13 V.S.A. § 4016, in any building or on any real property
13 or parking area under the ownership or control of an establishment licensed to
14 serve alcohol on its premises.

15 (c) The provisions of this section shall not apply to:

16 (1) any federal, State, or local law enforcement officer acting within the
17 scope of that officer's official duties;

18 (2) any member of the U.S. Armed Forces or the Vermont National
19 Guard acting within the scope of that person's military duties;

20 (3) any government officer, agent, or employee authorized to carry a
21 weapon and acting within the scope of that officer's duties; or

1 (4) the owner or operator of such establishment, as long as that person is
2 not prohibited from possessing or carrying that weapon under any other
3 federal, State, or local law.

4 (d) The penalties for any violation of this section shall be as follows:

5 (1)(A) A criminal offense punishable by a fine of not more than
6 \$1,000.00 or imprisonment for not more than 90 days, or both; or

7 (B) A civil ordinance violation punishable by a fine of not less than
8 \$200.00 and not more than \$500.00.

9 (2) Upon probable cause that a person is in violation of this section, a
10 law enforcement officer may seize the weapon involved in the violation.

11 (A) The person from whom the weapon is seized, or the owner of the
12 weapon, if different from the person from whom the weapon is seized, may
13 appeal the forfeiture of the weapon within 30 days of the seizure to the Civil
14 Division of the Superior Court pursuant to 12 V.S.A. chapter 102 and Rule 74
15 of the Vermont Rules of Civil Procedure.

16 (B) In any appeal, the burden of proof shall rest upon the City to
17 establish the violation by a preponderance of the evidence.

18 (C) If the City fails to establish the required burden of proof, the
19 weapon shall be returned to the person from whom it was seized.

1 (D) If no appeal is taken within 30 days or if the City prevails in the
2 Superior Court proceedings, the weapon so seized shall become the property of
3 the City.

4 Sec. 3. EFFECTIVE DATE

5 This act shall take effect on passage.