

1 S.131

2 Introduced by Senator Baruth

3 Referred to Committee on Government Operations

4 Date: March 21, 2025

5 Subject: Municipal and county government; municipal charters; City of
6 Burlington; amendments; firearms

7 Statement of purpose of bill as introduced: This bill proposes to approve an
8 amendment to the charter of the City of Burlington to prohibit the possession
9 of firearms in any building or on any real property or parking area under the
10 ownership or control of an establishment licensed to serve alcohol for on-
11 premises consumption.

12 An act relating to approval of an amendment to the charter of the City of
13 Burlington relating to the possession of firearms

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

15 ~~Sec. 1. CHARTER AMENDMENT APPROVAL~~

16 ~~The General Assembly approves the amendment to the charter of the City~~
17 ~~of Burlington as set forth in this act. Voters approved the proposal of~~
18 ~~amendment on March 4, 2025.~~

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

20 ~~CHAPTER 3. CITY OF BURLINGTON~~

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2 § 510. BAN ON FIREARMS IN ANY ESTABLISHMENT WITH A FIRST-
3 CLASS LIQUOR LICENSE

4 (a) This section expressly supersedes 24 V.S.A. §§ 2291(8) and 2295 and
5 authorizes the City to regulate the possession and carrying of firearms pursuant
6 to this section.

7 (b) Ban. Within the City of Burlington, no person may carry or possess a
8 firearm, as defined by 13 V.S.A. § 4016(a)(3), in any building or on any real
9 property or parking area under the ownership or control of an establishment
10 licensed to serve alcohol on its premises.

11 (c) Exceptions. This provision shall not apply to:

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

14 (2) any member of the armed forces of the United States or the Vermont
15 National Guard acting within the scope of that person's military duties;

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

18 (4) the owner or operator of an establishment licensed to serve alcohol,
19 provided that person is not prohibited from possessing or carrying that weapon
20 under any other federal, State, or local law.

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

3 ~~(1) Criminal offense. Any violation of this section may be considered a~~
4 ~~criminal offense, which shall be punishable by a fine of not more than~~
5 ~~\$1,000.00 or imprisonment for not more than 90 days.~~

6 ~~(2) Civil offense. Any violation of this section may also be considered a~~
7 ~~civil ordinance violation, punishable by a civil penalty of not less than \$200.00~~
8 ~~and not more than \$500.00 and civil forfeiture of the weapon pursuant to~~
9 ~~subdivision (3) of this subsection.~~

10 ~~(3) Forfeiture. Upon probable cause that a person is in violation of this~~
11 ~~provision, a law enforcement officer may seize the weapon involved in the~~
12 ~~violation. The person from whom the weapon is seized, or the owner of the~~
13 ~~weapon, may appeal the forfeiture of the weapon within 30 days following the~~
14 ~~seizure to the Civil Division of the Superior Court, pursuant to 12 V.S.A.~~
15 ~~chapter 102 and Rule 74 of the Vermont Rules of Civil Procedure. In any~~
16 ~~appeal, the burden of proof shall rest upon the City to establish the violation~~
17 ~~by a preponderance of the evidence. If the City fails to establish the required~~
18 ~~burden of proof, the items shall be returned to the person from whom they~~
19 ~~were seized. If no appeal is taken within 30 days, or if the City prevails in the~~
20 ~~Superior Court proceedings, the seized items shall become the property of the~~
21 ~~City of Burlington.~~

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~~Sec. 3. EFFECTIVE DATE
This act shall take effect on passage~~

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. Voters approved the proposal of amendment on March 4, 2025.

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

CHAPTER 3. CITY OF BURLINGTON

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§ 510. BAN ON FIREARMS IN PREMISES LICENSED TO SERVE

ALCOHOLIC BEVERAGES

(a) Statutes superseded. This section expressly supersedes 24 V.S.A. §§ 2291(8) and 2295 and authorizes the City to regulate the possession and carrying of firearms pursuant to this section.

(b) Ban. Within the City of Burlington, no person may knowingly possess a firearm, as defined by 13 V.S.A. § 4016(a)(3), in any premises licensed to serve alcoholic beverages.

(c) Exceptions. This provision shall not apply to:

(1)(A) a second-class licensed premises, including premises used for a retail alcoholic beverage tasting permit;

(B) sidewalks or public highways that pass through an outside premises for which a licensee holds an outside consumption permit;

(C) the premises for which a licensee holds a limited event permit, special event permit, or special event serving permit; or

(D) a dining car for which a licensee holds a promotional railroad tasting permit; or

(2) a firearm possessed by:

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

(B) 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;

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

(D) the holder of the license for the premises, provided that person is not prohibited from possessing or carrying that weapon under any other federal, State, or local law.

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

(1) Criminal offense. Any violation of this section may be considered a criminal offense, which shall be punishable by a fine of not more than \$1,000.00 or imprisonment for not more than 90 days.

(2) Civil offense. Any violation of this section may also be considered a civil ordinance violation punishable by a civil penalty of not less than \$200.00 and not more than \$500.00.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.