

1 S.131

2 Introduced by Senator Baruth

3 Referred to Committee on

4 Date:

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

(a) 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 carry or possess a
firearm, as defined by 13 V.S.A. § 4016(a)(3), in any building or on any real
property or parking area under the ownership or control of an establishment
licensed to serve alcohol on its premises.

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

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

(2) 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;

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

(4) the owner or operator of an establishment licensed to serve alcohol,
provided that person is not prohibited from possessing or carrying that weapon
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 by
17 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

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This act shall take effect on passage.