CCM-101

City of Cambridge

35.

IN CITY COUNCIL

March 20, 1989

COUNCILLOR DUEHAY

ORDERED: That the attached ordinance to regulate the sale and possession of assault weapons from Councillor David Scondras of the Boston City Council be referred to the City Manager for transmittal to the City Solicitor to serve as an informational guide in the preparation of the Cambridge ordinance to regulate the sale and possession of assault weapons.

(ATTACHMENT)

In City Council March 20, 1989.
Adopted by the affirmative vote of 9 members.
Attest:- Joseph E. Connarton, City Clerk.

A true copy; Joseph E. Connarton

ATTEST:-
Joseph E. Connarton, City Clerk.

COUNCILLOR DAVID SCONDRAS

CITY OF BOSTON

IN THE YEAR NINETEEN HUNDRED AND EIGHTY-NINE

AN ORDINANCE

TO REGULATE THE SALE AND POSSESSION OF ASSAULT WEAPONS

Be it ordained by the City Council of Boston, in accordance with the provisions of Massachusetts General Laws Chapter 43B, Section 13, and any other applicable law, as follows:

Whereas incidents of the use of semi-automatic and automatic assault weapons being used to kill school children and others have occurred; and

Whereas the National Association of Police Organizations has passed a resolution dated January 31, 1989 calling upon the United States Congress to ban such weapons as the AK-47 and other assault weapons; and

Whereas no national or state legislation now exists to protect residents from the proliferation of assault weapons, the sales of which have rapidly increased; and

Whereas the City of Los Angeles has passed a ban on such weapons as a result of its concern for the safety of the public; and

Whereas AK-47's, AR-15's, UZI's, MAC10's and semi-automatic weapons easily converted to automatic weapons have only the purpose of killing people; and

Whereas action taken by the Boston City Council might both offer some protection to the residents of Boston and in combination with other cities create a climate in which the Commonwealth of Massachusetts and U.S. Congress might take

AN ORDINANCE

action,

NOW THEREFORE BE IT ORDERED:

SECTION ONE: Legislative Intent

By the adoption hereof, the Boston City Council makes a legislative judgment that certain semi-automatic and automatic assault weapons have no legitimate place or purpose within the City of Boston and constitute an immediate danger to the life and liberties of the residents of the City and therefore declares the same to be a public nuisance and forbids the possession, sale, or use thereof within the City as provided below.

SECTION TWO: Definitions

(a) For the purpose of this Ordinance,"assault weapon" shall mean:

(1) All semi-automatic action, centerfire rifles that accept detachable magazines with a capacity of 10 rounds of more;

(2) All semi-automatic shotguns with a barrel of less than 19 inches and a folding stock or a magazine capacity of more than six rounds;

(3) All semi-automatic pistols which are modifications of rifles described in (1), that is, having the same make, caliber and action design but a shorter barrel or no rear stock or are semi-

AN ORDINANCE

automatic weapons originally designed to accept magazines with a capacity of 10 rounds or more;

(4) Any firearm which may be readily restored to an operable assault weapon; and

(5) Any part or combination of parts, designed or intended to convert a firearm into an assault weapon or any combination of parts from which an assault weapon may be readily assembled if those parts are in the possession or under the control of the same person.

(b) As used in this Ordinance, "shotgun" means a weapon which is designed or redesigned, made or remade, to fire a shotgun shell.

(c) As used in this Ordinance, "rifle" means a weapon intended to be fired from the shoulder that is designed or redesigned, made or remade, to fire a fixed cartridge.

(d) As used in this Ordinance, "semi-automatic" means a weapon which fires a single projectile for each single pull of the trigger and which employs a magazine.

(e) As used in this Ordinance, "assault weapon" does not include:

(1) All weapons which do not use fixed ammunition, all weapons which were in production prior to 1898, all manually operated bolt-action weapons, all slide action weapons, all single shot weapons,

AN ORDINANCE

all multiple barrel weapons, all revolving cylinder weapons, all semi-automatic weapons with a fixed magazine capacity of 10 rounds or less, all semi-automatic weapons which use exclusively Mannlicher-style clips, all semi-automatic weapons in production prior to 1954, and all rimfire weapons that employ a tubular magazine;

(2) Any antique or relic firearm, movie prop or other weapon not functionally capable of firing a projectile and not intended for use as a functional weapon and which cannot be readily converted through a combination of available parts into an operable assault weapon;

(3) Any firearm that uses .22-caliber rimfire ammunition;

(4) Any firearm that is declared to be a legitimate sports or recreational firearm by the Commissioner; and

(5) Any assault weapon which has been modified either to render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon.

(f) As used in this Ordinance, "Commissioner" shall mean the Police Commission of the City of Boston.

SECTION THREE: <u>Restrictions on Assault Weapons</u>

(a) The possession, sale, purchase, barter, display, or transfer of

AN ORDINANCE

an assault weapon is forbidden within the City of Boston. Any assault weapon which may be evidence of a violation hereof shall be seized and held as evidence by a police officer.

(b) Each item possessed, sold, purchased, bartered, displayed or transferred in violation hereof, and every day or part thereof of such violation shall constitute a separate offense; and not only the person so doing, but also his or her employer, partner, agent or servant involved in so doing shall be held to have violated this ordinance. Each violation of this ordinance shall be punished by a fine of two hundred dollars.

(c) The transport of an assault weapon from without the City through the City to a place without the City shall not be deemed a violation hereof provided prior notice is given the Commissioner and the same is kept or packaged in accordance with any regulation the Commissioner may make.

(d) The Commissioner may promulgate such regulations not inconsistent with this Ordinance to effectuate its purpose.

(e) The Commissioner may revoke licenses granted under Chapter 140, Section 122 of the General Laws for violations of this Ordinance.

SECTION FOUR: Severability

AN ORDINANCE

If any section or subsection or part thereof shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining sections, subsections or parts shall not be affected thereby.

SECTION FIVE: Transition Period

Any person who on the effective date hereof has within the City any assault weapon shall within ten days register that fact with the Commissioner in such form as the Commissioner may prescribe and within six months of the effective date shall remove the same from the City and give notice of such removal to the Commissioner. The simple act of possession during such six month period shall not be deemed a violation of this Ordinance.

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City of Cambridge

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IN CITY COUNCIL

March 20, 1989

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CITY OF BOSTON

IN THE YEAR NINETEEN HUNDRED AND EIGHTY-NINE

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Whereas incidents of the use of semi-automatic and automatic assault weapons being used to kill school children and others have occurred; and

Whereas the National Association of Police Organizations has passed a resolution dated January 31, 1989 calling upon the United States Congress to ban such weapons as the AK-47 and other assault weapons; and

Whereas no national or state legislation now exists to protect residents from the proliferation of assault weapons, the sales of which have rapidly increased; and

Whereas the City of Los Angeles has passed a ban on such weapons as a result of its concern for the safety of the public; and

Whereas AK-47's, AR-15's, UZI's, MAC10's and semi-automatic weapons easily converted to automatic weapons have only the purpose of killing people; and

Whereas action taken by the Boston City Council might both offer some protection to the residents of Boston and in combination with other cities create a climate in which the Commonwealth of Massachusetts and U.S. Congress might take

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SECTION ONE: Legislative Intent

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SECTION TWO: Definitions

(a) For the purpose of this Ordinance,"assault weapon" shall mean:

(1) All semi-automatic action, centerfire rifles that accept detachable magazines with a capacity of 10 rounds of more;

(2) All semi-automatic shotguns with a barrel of less than 19 inches and a folding stock or a magazine capacity of more than six rounds;

(3) All semi-automatic pistols which are modifications of rifles described in (1), that is, having the same make, caliber and action design but a shorter barrel or no rear stock or are semi-

AN ORDINANCE

automatic weapons originally designed to accept magazines with a capacity of 10 rounds or more;

(4) Any firearm which may be readily restored to an operable assault weapon; and

(5) Any part or combination of parts, designed or intended to convert a firearm into an assault weapon or any combination of parts from which an assault weapon may be readily assembled if those parts are in the possession or under the control of the same person.

(b) As used in this Ordinance, "shotgun" means a weapon which is designed or redesigned, made or remade, to fire a shotgun shell.

(c) As used in this Ordinance, "rifle" means a weapon intended to be fired from the shoulder that is designed or redesigned, made or remade, to fire a fixed cartridge.

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(e) As used in this Ordinance, "assault weapon" does not include:

(1) All weapons which do not use fixed ammunition, all weapons which were in production prior to 1898, all manually operated bolt-action weapons, all slide action weapons, all single shot weapons,

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(2) Any antique or relic firearm, movie prop or other weapon not functionally capable of firing a projectile and not intended for use as a functional weapon and which cannot be readily converted through a combination of available parts into an operable assault weapon;

(3) Any firearm that uses .22-caliber rimfire ammunition;

(4) Any firearm that is declared to be a legitimate sports or recreational firearm by the Commissioner; and

(5) Any assault weapon which has been modified either to render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon.

(f) As used in this Ordinance, "Commissioner" shall mean the Police Commission of the City of Boston.

SECTION THREE: <u>Restrictions on Assault Weapons</u>

(a) The possession, sale, purchase, barter, display, or transfer of

AN ORDINANCE

an assault weapon is forbidden within the City of Boston. Any assault weapon which may be evidence of a violation hereof shall be seized and held as evidence by a police officer.

(b) Each item possessed, sold, purchased, bartered, displayed or transferred in violation hereof, and every day or part thereof of such violation shall constitute a separate offense; and not only the person so doing, but also his or her employer, partner, agent or servant involved in so doing shall be held to have violated this ordinance. Each violation of this ordinance shall be punished by a fine of two hundred dollars.

(c) The transport of an assault weapon from without the City through the City to a place without the City shall not be deemed a violation hereof provided prior notice is given the Commissioner and the same is kept or packaged in accordance with any regulation the Commissioner may make.

(d) The Commissioner may promulgate such regulations not inconsistent with this Ordinance to effectuate its purpose.

(e) The Commissioner may revoke licenses granted under Chapter 140, Section 122 of the General Laws for violations of this Ordinance.

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SECTION FIVE: Transition Period

Any person who on the effective date hereof has within the City any assault weapon shall within ten days register that fact with the Commissioner in such form as the Commissioner may prescribe and within six months of the effective date shall remove the same from the City and give notice of such removal to the Commissioner. The simple act of possession during such six month period shall not be deemed a violation of this Ordinance.

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City of Cambridge

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March 20, 1989

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CITY OF BOSTON

IN THE YEAR NINETEEN HUNDRED AND EIGHTY-NINE

AN ORDINANCE

TO REGULATE THE SALE AND POSSESSION OF ASSAULT WEAPONS

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Whereas the National Association of Police Organizations has passed a resolution dated January 31, 1989 calling upon the United States Congress to ban such weapons as the AK-47 and other assault weapons; and

Whereas no national or state legislation now exists to protect residents from the proliferation of assault weapons, the sales of which have rapidly increased; and

Whereas the City of Los Angeles has passed a ban on such weapons as a result of its concern for the safety of the public; and

Whereas AK-47's, AR-15's, UZI's, MAC10's and semi-automatic weapons easily converted to automatic weapons have only the purpose of killing people; and

Whereas action taken by the Boston City Council might both offer some protection to the residents of Boston and in combination with other cities create a climate in which the Commonwealth of Massachusetts and U.S. Congress might take

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SECTION ONE: Legislative Intent

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SECTION TWO: Definitions

(a) For the purpose of this Ordinance,"assault weapon" shall mean:

(1) All semi-automatic action, centerfire rifles that accept detachable magazines with a capacity of 10 rounds of more;

(2) All semi-automatic shotguns with a barrel of less than 19 inches and a folding stock or a magazine capacity of more than six rounds;

(3) All semi-automatic pistols which are modifications of rifles described in (1), that is, having the same make, caliber and action design but a shorter barrel or no rear stock or are semi-

automatic weapons originally designed to accept magazines with a capacity of 10 rounds or more;

(4) Any firearm which may be readily restored to an operable assault weapon; and

(5) Any part or combination of parts, designed or intended to convert a firearm into an assault weapon or any combination of parts from which an assault weapon may be readily assembled if those parts are in the possession or under the control of the same person.

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(c) As used in this Ordinance, "rifle" means a weapon intended to be fired from the shoulder that is designed or redesigned, made or remade, to fire a fixed cartridge.

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(c) The transport of an assault weapon from without the City through the City to a place without the City shall not be deemed a violation hereof provided prior notice is given the Commissioner and the same is kept or packaged in accordance with any regulation the Commissioner may make.

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(c) The transport of an assault weapon from without the City through the City to a place without the City shall not be deemed a violation hereof provided prior notice is given the Commissioner and the same is kept or packaged in accordance with any regulation the Commissioner may make.

(d) The Commissioner may promulgate such regulations not inconsistent with this Ordinance to effectuate its purpose.

(e) The Commissioner may revoke licenses granted under Chapter 140, Section 122 of the General Laws for violations of this Ordinance.

SECTION FOUR: Severability

AN ORDINANCE

If any section or subsection or part thereof shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining sections, subsections or parts shall not be affected thereby.

SECTION FIVE: Transition Period

Any person who on the effective date hereof has within the City any assault weapon shall within ten days register that fact with the Commissioner in such form as the Commissioner may prescribe and within six months of the effective date shall remove the same from the City and give notice of such removal to the Commissioner. The simple act of possession during such six month period shall not be deemed a violation of this Ordinance.

COUNCILLOR DAVID SCONDRAS

CITY OF BOSTON

IN THE YEAR NINETEEN HUNDRED AND EIGHTY-NINE

AN ORDINANCE

TO REGULATE THE SALE AND POSSESSION OF ASSAULT WEAPONS

Be it ordained by the City Council of Boston, in accordance with the provisions of Massachusetts General Laws Chapter 43B, Section 13, and any other applicable law, as follows:

Whereas incidents of the use of semi-automatic and automatic assault weapons being used to kill school children and others have occurred; and

Whereas the National Association of Police Organizations has passed a resolution dated January 31, 1989 calling upon the United States Congress to ban such weapons as the AK-47 and other assault weapons; and

Whereas no national or state legislation now exists to protect residents from the proliferation of assault weapons, the sales of which have rapidly increased; and

Whereas the City of Los Angeles has passed a ban on such weapons as a result of its concern for the safety of the public; and

Whereas AK-47's, AR-15's, UZI's, MAC10's and semi-automatic weapons easily converted to automatic weapons have only the purpose of killing people; and

Whereas action taken by the Boston City Council might both offer some protection to the residents of Boston and in combination with other cities create a climate in which the Commonwealth of Massachusetts and U.S. Congress might take

AN ORDINANCE

action,

NOW THEREFORE BE IT ORDERED:

SECTION ONE: Legislative Intent

By the adoption hereof, the Boston City Council makes a legislative judgment that certain semi-automatic and automatic assault weapons have no legitimate place or purpose within the City of Boston and constitute an immediate danger to the life and liberties of the residents of the City and therefore declares the same to be a public nuisance and forbids the possession, sale, or use thereof within the City as provided below.

SECTION TWO: Definitions

(a) For the purpose of this Ordinance,"assault weapon" shall mean:

(1) All semi-automatic action, centerfire rifles that accept detachable magazines with a capacity of 10 rounds of more;

(2) All semi-automatic shotguns with a barrel of less than 19 inches and a folding stock or a magazine capacity of more than six rounds;

(3) All semi-automatic pistols which are modifications of rifles described in (1), that is, having the same make, caliber and action design but a shorter barrel or no rear stock or are semi-

automatic weapons originally designed to accept magazines with a capacity of 10 rounds or more;

(4) Any firearm which may be readily restored to an operable assault weapon; and

(5) Any part or combination of parts, designed or intended to convert a firearm into an assault weapon or any combination of parts from which an assault weapon may be readily assembled if those parts are in the possession or under the control of the same person.

(b) As used in this Ordinance, "shotgun" means a weapon which is designed or redesigned, made or remade, to fire a shotgun shell.

(c) As used in this Ordinance, "rifle" means a weapon intended to be fired from the shoulder that is designed or redesigned, made or remade, to fire a fixed cartridge.

(d) As used in this Ordinance, "semi-automatic" means a weapon which fires a single projectile for each single pull of the trigger and which employs a magazine.

(e) As used in this Ordinance, "assault weapon" does not include:

(1) All weapons which do not use fixed ammunition, all weapons which were in production prior to 1898, all manually operated bolt-action weapons, all slide action weapons, all single shot weapons,

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all multiple barrel weapons, all revolving cylinder weapons, all semi-automatic weapons with a fixed magazine capacity of 10 rounds or less, all semi-automatic weapons which use exclusively Mannlicher-style clips, all semi-automatic weapons in production prior to 1954, and all rimfire weapons that employ a tubular magazine;

(2) Any antique or relic firearm, movie prop or other weapon not functionally capable of firing a projectile and not intended for use as a functional weapon and which cannot be readily converted through a combination of available parts into an operable assault weapon;

(3) Any firearm that uses .22-caliber rimfire ammunition;

(4) Any firearm that is declared to be a legitimate sports or recreational firearm by the Commissioner; and

(5) Any assault weapon which has been modified either to render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon.

(f) As used in this Ordinance, "Commissioner" shall mean the Police Commission of the City of Boston.

SECTION THREE: <u>Restrictions on Assault Weapons</u>

(a) The possession, sale, purchase, barter, display, or transfer of

AN ORDINANCE

an assault weapon is forbidden within the City of Boston. Any assault weapon which may be evidence of a violation hereof shall be seized and held as evidence by a police officer.

(b) Each item possessed, sold, purchased, bartered, displayed or transferred in violation hereof, and every day or part thereof of such violation shall constitute a separate offense; and not only the person so doing, but also his or her employer, partner, agent or servant involved in so doing shall be held to have violated this ordinance. Each violation of this ordinance shall be punished by a fine of two hundred dollars.

(c) The transport of an assault weapon from without the City through the City to a place without the City shall not be deemed a violation hereof provided prior notice is given the Commissioner and the same is kept or packaged in accordance with any regulation the Commissioner may make.

(d) The Commissioner may promulgate such regulations not inconsistent with this Ordinance to effectuate its purpose.

(e) The Commissioner may revoke licenses granted under Chapter 140, Section 122 of the General Laws for violations of this Ordinance.

SECTION FOUR: Severability

AN ORDINANCE

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CCM-101

City of Cambridge

35.

IN CITY COUNCIL

March 20, 1989

COUNCILLOR DUEHAY

ORDERED: That the attached ordinance to regulate the sale and possession of assault weapons from Councillor David Scondras of the Boston City Council be referred to the City Manager for transmittal to the City Solicitor to serve as an informational guide in the preparation of the Cambridge ordinance to regulate the sale and possession of assault weapons.

(ATTACHMENT)

In City Council March 20, 1989.
Adopted by the affirmative vote of 9 members.
Attest:- Joseph E. Connarton, City Clerk.

A true copy; Joseph E. Connarton

ATTEST:-
Joseph E. Connarton, City Clerk.

Order #35 O-32

C. Duehay order re: that the attached ordinance to regulate the sale & posession of assault weapons from David Scondras of the Boston City Council be referred to the City Manager for transmittal to the City Solicitor as an informational guide in the preparation of the Cambridge Ordinance on same.

In City Council,

March 24, 1989

3-24-89

Order Adopted

VV

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