

Offered by Councilors Michael Ross and Tito Jackson

CITY OF BOSTON



IN THE YEAR TWO THOUSAND ELEVEN

AN ORDINANCE PROVIDING FOR THE LICENSING OF STORES THAT SELL CERTAIN KNIVES

*WHEREAS*, The City of Boston is committed to partnering with members of the community to improve public safety and the quality of life of its residents; and,

*WHEREAS*, The ability to procure a dangerous knife, many which have blades that exceed three inches, at local area convenience stores throughout the city is a potential public safety hazard; and,

*WHEREAS*, From time to time the Boston Police Department licenses certain activities, such as bike messengers, pawn shops and the sale of other weapons; and,

*WHEREAS*, Because of the danger inherent in the sale and use of certain knives, it is important to know where such knives are distributed; and, it is appropriate that the City of Boston take action by requiring that businesses obtain a license to sell knives.

*NOW THEREFORE*,

***Be it ordained by the City Council of Boston, as follows:***

CBC Chapter XVI shall be amended by adding after section 39.3 the following new section:

Section 1.

***16-39.4 Licensing Requirements for Stores Selling Certain Knives.***

Any store, except as provided in subsections (a) and (b), which sells knives having a fixed or locking blade of two (2") inches or more but not cutlery, shall obtain a license from the Licensing Unit of the Boston Police Department, hereinafter referred to as the Licensing Unit. For purposes of this section, the term "cutlery" shall mean utensils used as tableware or used for cutting and eating foods. The following stores shall have the following meanings for the purpose of this section and are exempt from the licensing provisions of this section:

- (a) department store means a large retail store offering a variety of merchandise and services organized into separate departments and commonly part of a chain;
- (b) hardware store means a store in the business of selling metal goods and utensils, such as locks and tools.

A convenience store, as defined herein, shall not be considered a department store as defined pursuant to subsection (a). For purposes of this section, a convenience store shall mean a retail business with a primary emphasis placed on providing the public with a convenient location to quickly purchase a limited variety of consumable products. A convenience store shall be subject to the licensing provisions of this section.

The Licensing Unit shall issue a license only if the applicant's license is not currently in a term of revocation or the applicant is not currently in violation of these sections or any regulations with any violations left unremedied or any fines left unpaid. An applicant must be free from violations of the provisions of these sections and subsections for one year before application for a license. In determining suitability for a license, the Licensing Unit shall consider previous violations of city ordinances and if the applicant has previous violations of ordinances, the license shall be denied. A license issued under the provisions of this section shall be renewed automatically as provided by the regulations promulgated by the Boston Police Department.

Upon denial of a license the licensing unit shall notify the applicant in writing. The notice shall state the reasons for denial of the license and establish a date and time for a hearing. The hearing date shall be no earlier than seven (7) days after the date of said notice. The applicant shall have the opportunity to be heard at such hearing and shall be notified of the licensing unit's decision and reasons in writing.

Stores licensed to sell knives under the provisions of this section shall be prohibited from selling machetes and other knives as defined in Section 12 of Chapter 269 of the General Laws.

#### Section 2.

The Licensing Unit shall promulgate rules and regulations relating to the licensing of the stores under the provisions of this section. The Licensing Unit shall revoke a license issued pursuant to this section for a violation of 16-39.1.

#### Section 3.

Any fine imposed for violations of this section shall be subject to the provisions of Chapter 40U of the General Laws and CBC 16-55 relating to the collection of municipal fines.

#### Section 4.

If any provision of these sections shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

Section 5.

The provisions of these sections shall be effective immediately upon passage.

Filed in Council: December 12, 2011