

ORDINANCE NO. MC- 894

**AN ORDINANCE AMENDING SECTION 70-216 OF THE HOMEWOOD MUNICIPAL CODE TO COMPLY WITH PUBLIC ACT 98-63.**

WHEREAS, Section 11-1-1 of the Illinois Municipal Code (65 ILCS 5/11-1-1) authorizes municipalities to pass an enforce all police ordinances; and

WHEREAS, Section 11-80-2 of the Illinois Municipal Code (65 ILCS 5/11-80-2) authorizes municipalities to regulate the use of streets and other municipal property; and

WHEREAS, Section 11-80-9 of the Illinois Municipal Code (65 ILCS 5/11-80-9) authorizes municipalities to prevent and regulate activities having the tendency to endanger persons or property on sidewalks, streets, and other municipal property; and

WHEREAS, Public Act 98-63 established the Firearm Concealed Carry Act; and

WHEREAS, Section 70-216 of the Homewood Municipal Code prohibits the unlawful use of weapons within the corporate limits; and

WHEREAS, the President and Board of Trustees of the Village of Homewood now deem it appropriate to update Section 70-216 to comply with the Firearm Concealed Carry Act.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Homewood, Cook County, Illinois, as follows:

**SECTION ONE - AMENDMENTS TO THE HOMEWOOD MUNICIPAL CODE:**

Section 70-216 of the Homewood Municipal Code is hereby amended as follows (additions underlined, deletions ~~struck through~~):

**Sec. 70-216. Unlawful use.**

(a) Prohibited acts. A person commits the offense of unlawful use of weapons when he knowingly:

(1) Sells, manufactures, purchases, possesses or carries any bludgeon, blackjack, slingshot, sand-club, sandbag, metal knuckles, throwing star, or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or a ballistic

knife, which is a device that propels a knifelike blade as a projectile by means of a coil spring, elastic material or compressed gas.

(2) Carries or possesses with intent to use such unlawfully against another, a dagger, dirk, billy, dangerous knife, razor, stiletto, broken bottle or other piece of glass, stun gun or taser or any other dangerous or deadly weapon or instrument of like character.

(3) Carries on or about his person or in any vehicle a tear gas gun projector or bomb or any object containing noxious liquid gas or substance, other than an object containing a nonlethal noxious liquid gas or substance designed solely for personal defense carried by a person 18 years of age or older.

(4) For the first time, carries or possesses in any vehicle or concealed on or about his person except when on his land or in his own abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun or taser or other firearm except that this subsection (a) (4) does not apply to or affect transportation of weapons that meet one of the following conditions:

(i) are broken down in a non-functioning state; or

(ii) are not immediately accessible; or

(iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card;

(5) Sets a spring gun.

(6) Carries or possesses any firearm, stun gun or taser or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, excluding a place where a showing, demonstration or lecture involving the exhibition of unloaded firearms is conducted. This subsection (a)(6) does not apply to any auction or raffle of a firearm held pursuant to a license or permit issued by a governmental body, nor does it apply to persons engaged in firearm safety training courses;

(7) Carries or possesses on or about his person, upon any public street, alley, or other public lands within the corporate limits, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his land

or in his own abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun or taser or other firearm except that this subsection (a) (7) does not apply to or affect transportation of weapons that meet one of the following conditions:

(i) are broken down in a non-functioning state; or

(ii) are not immediately accessible; or

(iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card;

A "stun gun or taser," as used in this subsection (a) means:

a. Any device which is powered by electrical charging units, such as batteries, and which fires one or several barbs attached to a length of wire and which, upon hitting a human, can send out a current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning; or

b. Any device which is powered by electrical charging units, such as batteries, and which, upon contact with a human or clothing worn by a human, can send out current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning.

(8) Sells, manufactures or purchases any explosive bullet. For purposes of this subsection (a) "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "Cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap.

(b) Forfeiture of concealed weapon. Any weapon duly adjudged by any magistrate to have been worn or carried by any person, in violation of subsection (a)(4) of this section, shall be forfeited and confiscated to the village.

(c) Arrest of concealed weapons carrier without warrant. Any police officer of the village may, within the village, without a warrant, arrest any person whom such police officer may find in the act of carrying or wearing under his clothes or concealed about his person or within ready access in his vehicle any weapon mentioned in this section, and detain him in the village jail until he can furnish bail or until a summons or warrant can be procured on complaint made

(under oath or affirmation) for the trial of such person, and for the seizure and confiscation of such concealed weapons.

(d) Violations. A person convicted of a violation of this section commits an ordinance violation, except where violations of subsection (a)(1), (3), (4) or (7) of this section constitute felonies under 720 ILCS 5/24-1(e)(2).

(e) Exemptions. Crossbows, common or compound bows and underwater spearguns are exempted from the definition of ballistic knife as defined in subsection (a)(1) of this section.

(f) Exceptions. Subsections (a)(4) and (a)(7) do not apply to or affect any person carrying a concealed pistol, revolver, or handgun and the person has been issued a currently valid license under the Firearm Concealed Carry Act at the time of the commission of the offense.

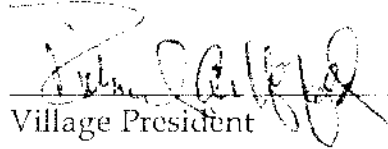
**SECTION TWO – SEVERABILITY:**

If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid application or provision, and to this end the provisions of this ordinance are declared to be severable.

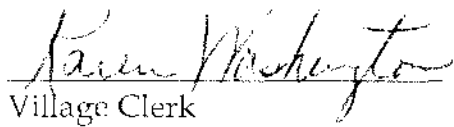
**SECTION THREE – EFFECTIVE DATE:**

This ordinance shall be in full force and effect from and after its passage, approval, and publication in accordance with law.

PASSED and APPROVED this 13th day of August, 2013.

  
\_\_\_\_\_  
Village President

ATTEST:

  
\_\_\_\_\_  
Village Clerk

Ayes: 6      Nays: 0      Abstentions: 0      Absences: 0

**ORDINANCE NO. MC- 895**

**AN ORDINANCE AMENDING SECTION 70-219 OF THE HOMEWOOD MUNICIPAL CODE CONCERNING THE POSSESSION OF ASSAULT WEAPONS WITHIN THE VILLAGE OF HOMEWOOD.**

WHEREAS, Section 11-1-1 of the Illinois Municipal Code (65 ILCS 5/11-1-1) authorizes municipalities to pass an enforce all police ordinances; and

WHEREAS, Section 11-80-2 of the Illinois Municipal Code (65 ILCS 5/11-80-2) authorizes municipalities to regulate the use of streets and other municipal property; and

WHEREAS, Section 11-80-9 of the Illinois Municipal Code (65 ILCS 5/11-80-9) authorizes municipalities to prevent and regulate activities having the tendency to endanger persons or property on sidewalks, streets, and other municipal property; and

WHEREAS, Public Act 98-63 was enacted on July 8, 2013 and provided that ordinances regulating the possession or ownership of assault weapons shall be invalid unless on, before, or within 10 days of the Act's effective date; and

WHEREAS, Public Act 98-63 further provides that any ordinance enacted on, before, or within 10 days of the Act's effective date may be amended; and

WHEREAS, on July 9, 2013 the Board of Trustees of the Village of Homewood enacted Ordinance MC-893, thereby adding Section 70-219 to the Homewood Municipal Code regulating the possession or ownership of assault weapons within the Village of Homewood; and

WHEREAS, the President and Board of Trustees of the Village of Homewood now deem it appropriate to amend Section 70-219 of the Homewood Municipal Code.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Homewood, Cook County, Illinois, as follows:

**SECTION ONE - AMENDMENTS TO THE HOMEWOOD MUNICIPAL CODE:**

Section 70-219 of the Homewood Municipal Code is hereby amended as follows (additions underlined, deletions ~~struck through~~):

**Sec. 70-219. Assault weapons.**

(a) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Assault weapon" shall mean:

- (A) A semiautomatic rifle that has the capacity to accept a large capacity magazine detachable or otherwise and one or more of the following:
  - (i) Only a pistol grip without a stock attached;
  - (ii) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
  - (iii) A folding, telescoping or thumbhole stock;
  - (iv) A shroud attached to the barrel, or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the non-trigger hand without being burned, but excluding a slide that encloses the barrel; or
  - (v) A muzzle brake or muzzle compensator.
- (B) A semiautomatic pistol or any semi-automatic rifle that has a fixed magazine, that has the capacity to accept more than ~~ten~~ (10) fifteen (15) rounds of ammunition.
- (C) A semiautomatic pistol that has the capacity to accept a detachable magazine and has one or more of the following:
  - (i) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
  - (ii) A folding, telescoping or thumbhole stock;
  - (iii) A shroud attached to the barrel, or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the non-trigger hand without being burned, but excluding a slide that encloses the barrel;
  - (iv) A muzzle brake or muzzle compensator; or
  - (v) The capacity to accept a detachable magazine at some location outside of the pistol grip.
- (D) A semiautomatic shotgun that has one or more of the following:
  - (i) Only a pistol grip without a stock attached;

- (ii) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
  - (iii) A folding, telescoping or thumbhole stock;
  - (iv) A fixed magazine capacity in excess of five rounds; or
  - (v) An ability to accept a detachable magazine.
- (E) Any shotgun with a revolving cylinder.
- (F) A conversion kit, part or combination of parts, from which an assault weapon can be assembled if those parts are in the possession or under the control of the same person.
- (G) This definition shall include, but not be limited to, weapons models identified as follows:
- (i) The following rifles or copies or duplicates thereof:
    - (1) AK, AKM, AKS, AK-47, AK-74, ARM, MAK90, Misr, NHM 90, NHM 91, SA 85, SA 93, VEPR;
    - (2) AR-10;
    - (3) AR-15, Bushmaster XM15, Armalite M15, or Olympic Arms PCR;
    - (4) AR70;
    - (5) Calico Liberty;
    - (6) Dragunov SVD Sniper Rifle or Dragunov SVU;
    - (7) Fabrique National FN/FAL, FN/LAR, or FNC;
    - (8) Hi-Point Carbine;
    - (9) HK-91, HK-93, HK-94, or HK-PSG-1;
    - (10) Kel-Tec Sub Rifle;
    - (11) Saiga;
    - (12) SAR-8, SAR-4800;
    - (13) SKS with detachable magazine;
    - (14) SLG 95;
    - (15) SLR 95 or 96;
    - (16) Steyr AUG;
    - (17) Sturm, Ruger Mini-14;

- (18) Tavor;
- (19) Thompson 1927, Thompson M1, or Thompson 1927 Commando; or
- (20) Uzi, Galil and Uzi Sporter, Galil Sporter, or Galil Sniper Rifle (Galatz).

(ii) The following pistols or copies or duplicates thereof:

- (1) Calico M-110;
- (2) MAC-10, MAC-11, or MPA3;
- (3) Olympic Arms OA;
- (4) TEC-9, TEC-DC9, TEC-22 Scorpion, or AB-10; or
- (5) Uzi.

(iii) The following shotguns or copies or duplicates thereof:

- (1) Armscor 30 BG;
- (2) SPAS 12 or LAW 12;
- (3) Striker 12; or
- (4) Streetsweeper.

(2) The term “assault weapon” does not include any firearm that has been made permanently inoperable, antique firearm as defined in Section 1.1 of the Firearm Owners Identification Act (430 ILCS 65/1.1), or weapons designed for Olympic target shooting events.

(3) “Detachable magazine” means any ammunition feeding device, the function of which is to deliver one or more ammunition cartridges into the firing chamber, which can be removed from the firearm without the use of any tool, including a bullet or ammunition cartridge.

(4) “Large capacity magazine” means any ammunition feeding device with the capacity to accept more than ~~ten (10)~~ fifteen (15) rounds, but shall not be construed to include the following:

- (A) A feeding device that has been permanently altered so that it cannot accommodate more than ten rounds;
- (B) A 22 caliber tube ammunition feeding device;
- (C) A tubular magazine that is contained in a lever-action firearm;



- (5) "Muzzle brake" means a device attached to the muzzle of a weapon that utilizes escaping gas to reduce recoil;
- (6) "Muzzle compensator" means a device attached to the muzzle of a weapon that utilizes escaping gas to control muzzle movement.

**(b) Assault weapons prohibitions and exceptions.**

- (1) No person shall manufacture, sell, offer or display for sale, give, lend, transfer ownership of, acquire, carry or possess any assault weapon on or about his person or vehicle upon any public street, sidewalk, alley, publicly owned building or other public lands within the corporate limits. This subsection shall not apply to:
  - (A) The sale or transfer to, or possession by any officer, agent, or employee of Cook County or any other municipality or state or of the United States, members of the armed forces of the United States; or the organized militia of this or any other state; or peace officers to the extent that any such person named in this subsection is otherwise authorized to acquire or possess an assault weapon and does so while acting within the scope of his or her duties;
  - (B) Transportation of assault weapons if such weapons are broken down and in a nonfunctioning state and are not immediately accessible to any person.
- (2) Any person found in violation of this section shall be fined not less than \$100.00 and not more than \$750.00.
- ~~(3) Any person who, prior to the effective date of the ordinance codified in this section, was legally in possession of an assault weapon prohibited by this section shall have 90 days from the effective date of the ordinance to do any of the following without being subject to prosecution hereunder:~~
  - ~~(A) To remove the assault weapon from within the limits of the Village of Homewood; or~~
  - ~~(B) To modify the assault weapon either to render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon; or~~
  - ~~(C) To surrender the assault weapon to the Chief of Police or his designee for destruction.~~

**SECTION TWO - SUBMISSION TO DEPARTMENT OF STATE POLICE:**

Within 30 days after adoption of this ordinance, the Village Attorney shall submit a copy of this ordinance to the Department of State Police as required by Section 13.3 of the Firearm Owners Identification Card Act. (430 ILCS 65/13.3)

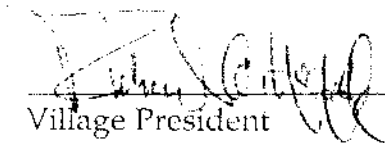
**SECTION THREE - SEVERABILITY:**

If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid application or provision, and to this end the provisions of this ordinance are declared to be severable.

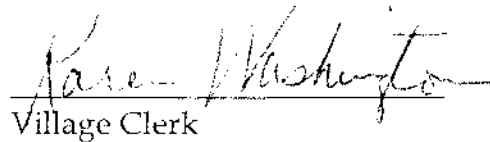
**SECTION FOUR - EFFECTIVE DATE:**

This ordinance shall be in full force and effect from and after its passage, approval, and publication in accordance with law.

PASSED and APPROVED this 13th day of August, 2013.

  
\_\_\_\_\_  
Village President

ATTEST:

  
\_\_\_\_\_  
Village Clerk

Ayes: 6      Nays: 0      Abstentions: 0      Absences: 0