

**Title 5 BUSINESS TAXES, LICENSES AND REGULATIONS / Article III Other
Businesses / Chapter 5.120 FIREARMS DEALERS**

**Chapter 5.120
FIREARMS DEALERS**

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Title 5 BUSINESS TAXES, LICENSES AND REGULATIONS / Article III Other Businesses / Chapter 5.120 FIREARMS DEALERS / Subchapter I General Provisions

**Subchapter I
General Provisions**

Title 5 BUSINESS TAXES, LICENSES AND REGULATIONS / Article III Other Businesses / Chapter 5.120 FIREARMS DEALERS / Subchapter I General Provisions / 5.120.010 Title.

5.120.010 Title.

This chapter shall be known as the "Riverdale Firearms and Assault Weapon Control Chapter."
(Ord. 99-60, 1999)

Title 5 BUSINESS TAXES, LICENSES AND REGULATIONS / Article III Other Businesses / Chapter 5.120 FIREARMS DEALERS / Subchapter I General Provisions / 5.120.020 Applicability.

5.120.020 Applicability.

A. It is intended that this chapter shall preempt all Cook County licensing or other regulatory schemes for firearms, firearms dealers and assault weapons. As provided in Article VII, Section 6(c) of the State of Illinois Constitution of 1970, if a county ordinance conflicts with an ordinance of a municipality, the municipal ordinance shall prevail within its jurisdiction.

B. It is specifically intended that this chapter shall preempt the Cook County Firearms Dealer's License and Assault Weapons and Ammunition Ban Ordinance as now in effect or as may be hereafter amended.

C. Licenses issued pursuant to this chapter shall be issued separate and apart from any general business license issued by the village of Riverdale.
(Ord. 99-60, 1999)

Title 5 BUSINESS TAXES, LICENSES AND REGULATIONS / Article III Other Businesses / Chapter 5.120 FIREARMS DEALERS / Subchapter II Firearms

Dealer's Licensing

**Subchapter II
Firearms Dealer's Licensing**

**Title 5 BUSINESS TAXES, LICENSES AND REGULATIONS / Article III Other
Businesses / Chapter 5.120 FIREARMS DEALERS / Subchapter II Firearms
Dealer's Licensing / 5.120.030 Definitions.**

5.120.030 Definitions.

As used in this subchapter of this chapter the following terms shall have the following meaning:

A. "Firearm" means any device by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding however:

1. Any pneumatic gun, spring guns, paint ball gun or B-B gun which either expels a single globular projectile not exceeding .18 inch in diameter or breakable paint balls containing washable marking colors;

2. Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;

3. Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition;

4. An antique firearm (other than an assault weapon), which although designed as a weapon, the Department of State Police finds by reason of the date of its manufacture, value, design, or other characteristic is primarily a collector's item and is not likely to be used as a weapon.

B. "Firearm ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

1. Any ammunition exclusively designed for use with a device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or

2. Any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

C. "Firearms dealer" means any federally licensed firearms dealer, excluding any person licensed solely as a "collector" pursuant to Section 923(b) of Title 18 of the United States

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Code ("U.S.C.") and possessing only a Type 03 federal license.

D. "Gun shop" means the premises of any federally licensed firearms dealer where the business or commercial enterprise conducted on the premises is the purchase or sale of firearms or firearm ammunition.

E. "Engaged in the business" has the same meaning as in 18 U.S.C. Section 921(a)(21).

F. "Person" means any individual, public or private corporation, partnership, firm, society or unincorporated association.

G. "Department" means the Police Department of the village of Riverdale.

H. "Chief" means the Chief of Police of the village of Riverdale.

I. "Village" means the village of Riverdale Cook County, Illinois.

J. "President" means the President of the village of Riverdale.

(Ord. 99-60, 1999)

Title 5 BUSINESS TAXES, LICENSES AND REGULATIONS / Article III Other Businesses / Chapter 5.120 FIREARMS DEALERS / Subchapter II Firearms Dealer's Licensing / 5.120.040 License required.

5.120.040 License required.

A. It shall be unlawful for any person to engage in the business of dealing in firearms at an address within the corporate limits of the village without having applied for or obtained a village firearms dealer's license pursuant to this chapter by January 1, 1994. A village firearms dealer's license shall be required in addition to any other village license required by law. All applicants for a village firearms dealer's license must possess a valid federal firearms dealer's license. Possession of a valid federal firearms dealer's license shall be deemed proof of being engaged in the business of dealing in firearms in the village and thus requiring a village firearms dealer's license. An applicant for a village firearms dealer's license shall meet all other applicable village ordinances and regulations.

B. Any person who becomes a federally licensed firearms dealer after January 1, 1994, and is required under this chapter to obtain a village firearms dealer's license, shall apply for such license within 43 days of receipt of the federal firearms dealer's license.

C. Any person licensed under federal law at more than one location within the corporate limits of the village must obtain a village firearms dealer's license for each individual location. A separate application and license fee is required for each location.

D. No license issued under this chapter shall be transferable or assignable to any other person or any other location.

(Ord. 99-60, 1999)

Title 5 BUSINESS TAXES, LICENSES AND REGULATIONS / Article III Other Businesses / Chapter 5.120 FIREARMS DEALERS / Subchapter II Firearms Dealer's Licensing / 5.120.050 License administration.

5.120.050 License administration.

A. The Chief of the Police Department shall administer the licensing of firearms dealers, and shall approve or deny all applications for licenses and revoke existing licenses pursuant to this chapter.

B. 1. The Chief shall promulgate reasonable rules, definitions and regulations necessary to carry out the duties imposed by this chapter; including, but not limited to developing reasonable procedures consistent with existing practices of licensing persons engaged in the business of dealing in firearms, and including seeking the assistance of the Village Police Department or other law enforcement agencies as necessary to conduct investigations or inspections in connection with licensing.

2. Any rules or regulations promulgated under this chapter shall be filed in the Police Department's principal office and in the office of the village clerk; and shall be made available for public inspection. Copies shall be made available upon request and payment of a reasonable fee as determined by the Department or the village clerk to cover the cost of providing the copy.

(Ord. 99-60, 1999)

Title 5 BUSINESS TAXES, LICENSES AND REGULATIONS / Article III Other Businesses / Chapter 5.120 FIREARMS DEALERS / Subchapter II Firearms Dealer's Licensing / 5.120.060 License fee.

5.120.060 License fee.

The annual fee for a village firearms dealer's license shall be one hundred dollars.
(Ord. 99-60, 1999)

Title 5 BUSINESS TAXES, LICENSES AND REGULATIONS / Article III Other Businesses / Chapter 5.120 FIREARMS DEALERS / Subchapter II Firearms Dealer's Licensing / 5.120.070 License application-Issuance.

5.120.070 License application-Issuance.

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A. All applications for a license under this chapter shall be made in writing to the Chief of Police on a form provided for that purpose. In addition to any other information required by the Chief each application for a license shall contain:

1. The applicant's full name, any aliases by which he or she has been known, his or her social security number, and the address and telephone number where he or she resides and proposes to engage in the business of dealing in firearms;

2. If the applicant is a corporation, the corporate name, business and principal place of business of the applicant; the date and state of incorporation; and the names and residence addresses of the corporate officers and directors, its registered agent and a list of all affiliated corporations noting whether any are engaged in the business of dealing in firearms;

3. If the applicant is a partnership, the name, business address and telephone number of the principal office or place of business; the names, addresses and

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telephone numbers of all partners noting whether any are engaged in the business of dealing in firearms; and the name, address, and telephone number of a person authorized to receive notices issued pursuant to this chapter.

4. Every person must submit, along with his or her application, documentation demonstrating that at the time the application is submitted, he or she is a licensed firearms dealer operating a gun shop at an address within the village along with a written statement attesting under oath to the fact that he or she has never had any ownership interest in any business that has had a federal, state or local firearms dealer license suspend or revoked at any time for any reason.

B. Upon receiving any application for a license, the chief shall request the state's attorney to verify the information contained in the application and to issue a legal opinion as to whether or not the person qualifies for a license.

C. The chief shall deny an application for a license to any person who has been convicted of any felony in any jurisdiction or who has been found in violation of any federal, state or local law or ordinance relating to the sale, transfer or use of firearms or any other deadly weapon described in Section 24-1 of the Illinois Criminal Code of 1961, 720 ILCS 5/24-1 or who has ever had any ownership interest in any business that has had a federal, state or local firearms dealer license suspended or revoked at any time for any reason.

D. The chief shall deny an application for a license to any person who fails to provide the information required by, or is otherwise not in compliance with, any provisions of this ordinance or any law or ordinances applicable to the sale or transfer of firearms. The chief shall also deny an application to any person who fails to provide proof of a valid federal firearms dealer's license and a valid Firearm Owner's Identification Card issued by the State of Illinois.

(Ord. 99-60, 1999)

Title 5 BUSINESS TAXES, LICENSES AND REGULATIONS / Article III Other Businesses / Chapter 5.120 FIREARMS DEALERS / Subchapter II Firearms Dealer's Licensing / 5.120.080 Gun shop employee background checks.

5.120.080 Gun shop employee background checks.

Before any person may be hired as an employee at a gun shop licenses under this ordinance, the holder of that license shall perform a background check to determine whether he or she possesses the requisite character and fitness to deal in deadly weapons. No person in possession of a license may employ a person to work in the licensed gun shop if that person could not qualify to obtain legally an Illinois Firearm Owner's Identification Card.

(Ord. 99-60, 1999)

Title 5 BUSINESS TAXES, LICENSES AND REGULATIONS / Article III Other Businesses / Chapter 5.120 FIREARMS DEALERS / Subchapter II Firearms

Dealer's Licensing / 5.120.090 Non-transferability

5.120.090 Non-transferability

No license or permit issued under this chapter may be transferred or assigned to any other person or to any other location.

(Ord. 99-60, 1999)

Title 5 BUSINESS TAXES, LICENSES AND REGULATIONS / Article III Other Businesses / Chapter 5.120 FIREARMS DEALERS / Subchapter II Firearms Dealer's Licensing / 5.120.100 Revocation of license.

5.120.100 Revocation of license.

The license shall be considered immediately and automatically revoked at the time any of the following occurs and any firearm transfers by the licensee after any of the following occurs shall be considered a violation of this ordinance:

1. The licensee transfers a firearm to any person who the licensee knows or reasonably should know, is acquiring the firearm, not for his or her own use, but for the purpose of transferring it to another who could not legally obtain the firearm (commonly known as a straw purchaser).

2. The licensee is convicted of any felony in this or any other jurisdiction.

3. The licensee is found to be in violation of any federal, state or local law or ordinance relating to the sale, transfer or use of firearms or any other deadly weapon described in Section 24-1 of the Illinois Criminal Code of 1961, 720 ILCS 5/24-1.

4. The licensee fails to comply with any provision of this ordinance or any applicable rules or regulations relating to the sale or transfer of firearms.

(Ord. 99-60, 1999)

Title 5 BUSINESS TAXES, LICENSES AND REGULATIONS / Article III Other Businesses / Chapter 5.120 FIREARMS DEALERS / Subchapter II Firearms Dealer's Licensing / 5.120.110 License denied or revoked.

5.120.110 License denied or revoked.

A. The chief may deny an application for a license if the applicant fails to provide the information required by, or is otherwise not in compliance with, any provisions of this chapter or

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any applicable rules or regulations. Such denial shall be in writing and shall state the reasons for the denial. Any person seeking to appeal the denial may do so by filing a written request for a hearing with the president, with a copy to the chief. Such request must be filed within thirty days of the denial, and a hearing must be held within thirty days of receipt of the request. The hearing shall be conducted in accordance with the procedures provided herein.

B. The chief may revoke or suspend the license of any person who violates any provision of this chapter or rules or regulations adopted pursuant to this chapter. Before any such revocation or suspension is effective, the licensee shall be notified by certified mail or personal delivery of the specific basis for the suspension

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or revocation and the date for a hearing on the matter. Such hearing shall occur not fewer than seven days and not more than fourteen days after the mailing of the notice. The hearing shall be conducted in accordance with the procedures provided herein.

(Ord. 99-60, 1999)

Title 5 BUSINESS TAXES, LICENSES AND REGULATIONS / Article III Other Businesses / Chapter 5.120 FIREARMS DEALERS / Subchapter II Firearms Dealer's Licensing / 5.120.120 Hearing procedures.

5.120.120 Hearing procedures.

A. If a person wishes to appeal the denial of a village firearms dealer's license, or in the event of a revocation of a village firearms dealer's license, the president shall appoint a hearing officer who shall conduct the hearing. The hearing officer is authorized to conduct hearings concerning any matter covered by this chapter and may determine factual and legal matters raised by the parties to the hearing.

B. The hearing officer may:

1. Examine any books, papers, records or memoranda bearing upon the business or activities of the licensee;

2. Request the Circuit Court to issue subpoenas requiring the attendance of any person having personal knowledge of any contested issue;

3. Request the Circuit Court to issue subpoena duces tecum for the production of books, records, papers, or memoranda;

4. Administer oaths;

5. Take testimony;

6. Make rulings as to the admissibility of evidence; and

7. Take any other action as may be required for the expeditious conduct of the hearing.

C. The hearing officer is not bound by the technical rules of evidence. No informality in any proceeding or in the manner of taking testimony or receiving evidence shall invalidate any order, decision, ruling or recommendation of the hearing officer, or final administrative decision of the president.

D. The department's books, papers, records and memoranda or parts thereof may be proved in any hearing or legal proceeding by the original documents or by reproduced copy under the certificate of the chief. Without further proof, the original documents or reproduced copy shall be admissible into evidence at any hearing.

E. If the Circuit Court issues a subpoena success tecum, the following rules shall apply:

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1. Service shall be made as provided by the Illinois Civil Practice Law; 735 ILCS 5/2-201 et seq.;

2. Fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the Circuit Court of Cook County and shall be paid after the witness is excused from further attendance;

3. When a subpoena or subpoena duces tecum is issued at the instance of either party, the hearing officer may require that party to bear the cost of services and witness fees. The hearing officer may require a deposit to cover the cost of service and witness fees.

F. Any party to a hearing may apply to any judge of the Circuit Court of this state for enforcement of any subpoena duces tecum issued by a hearing officer holding a hearing authorized by this chapter.

G. At any hearing held under this chapter, the chief's initial decision to deny or revoke a license shall be presumed prima facie correct and the person contesting the decision shall have burden of proving with books, records and other documentary or testimonial evidence that it is correct.

H. At the conclusion of the hearing officer shall make a recommendation to the president. The president shall adopt, reject or modify the recommendation based on a review of the record within seven days of receiving the hearing officer's recommendation, and shall issue a final decision. The president shall give written notification to the licensee of the decision and the reasons for such decision. The president's decision shall be a final decision reviewable under section 3-101 of the Illinois Administrative Review Law.

I. A person seeking judicial review of the president's final decision shall bear the cost of certification. If the protesting party prevails on appeal, the village shall reimburse that party for the cost of certification.

J. Items constituting the record may include notices and demands; the initial decision; the written protest and petition for hearing; all relevant pleadings, briefs and memoranda of law; evidence admitted at the hearing; the transcribed testimony given at the hearing; the recommendation of the hearing officer; and the final decision of the president.

(Ord. 99-60, 1999)

Title 5 BUSINESS TAXES, LICENSES AND REGULATIONS / Article III Other Businesses / Chapter 5.120 FIREARMS DEALERS / Subchapter II Firearms Dealer's Licensing / 5.120.130 Penalties.

5.120.130 Penalties.

Failure to comply with the provisions of this chapter shall result in a fine of not less than five hundred dollars and up to a thousand dollars per day. Each day of operation in violation of

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this chapter shall constitute a separate and distinct violation.
(Ord 99-60, 1999)

Title 5 BUSINESS TAXES, LICENSES AND REGULATIONS / Article III Other Businesses / Chapter 5.120 FIREARMS DEALERS / Subchapter II Firearms Dealer's Licensing / 5.120.140 Prohibition against sale of firearms without safety devices.

5.120.140 Prohibition against sale of firearms without safety devices.

It shall be unlawful for any person possessing a license to transfer any firearm which does not contain:

1. A safety mechanism, such as a trigger lock, cable lock, combination handle lock or solenoid use limitation device, that substantially hinders the use of the firearm by children under the age of 17 or other unauthorized users; and

2. A load indicator device which plainly indicates that a bullet is placed in the firearm in a way that pulling the trigger or otherwise handling the firearm may result in firing or detonation and which provides reasonable warning to potential users such that users even unfamiliar with the firearm would be forewarned and would understand the nature of the warning.

(Ord. 99-60, 1999)

Title 5 BUSINESS TAXES, LICENSES AND REGULATIONS / Article III Other Businesses / Chapter 5.120 FIREARMS DEALERS / Subchapter II Firearms Dealer's Licensing / 5.120.150 Prohibition against sale of firearms to persons under the age of 21 years.

5.120.150 Prohibition against sale of firearms to persons under the age of 21 years.

It shall be unlawful for any person possessing a license to transfer any firearm to a person who is under the age of twenty-one years.

(Ord. 99-60, 1999)

Title 5 BUSINESS TAXES, LICENSES AND REGULATIONS / Article III Other Businesses / Chapter 5.120 FIREARMS DEALERS / Subchapter II Firearms Dealer's Licensing / 5.120.160 Prohibition on sale of more than one firearm per month to any one person.

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5.120.160 Prohibition on sale of more than one firearm per month to any one person.

It shall be unlawful for any person possessing a license to transfer to any person more than one firearm in any thirty day period.

(Ord. 99-60, 1999)

Title 5 BUSINESS TAXES, LICENSES AND REGULATIONS / Article III Other Businesses / Chapter 5.120 FIREARMS DEALERS / Subchapter II Firearms Dealer's Licensing / 5.120.170 Monthly submission of transfer records.

5.120.170 Monthly submission of transfer records.

A. Any person possessing a license obtained under this ordinance, in addition to any other reports required by law, must provide to the chief, on a monthly basis, the following information:

B. A written report containing the name, address, telephone number, social security number and age of the person to whom the licensee transferred a firearm, the date on which the transfer took place, the type, model and a description of the firearm, the manufacturer of the firearm, the price of the firearm, the serial number of the firearm, a photocopy of the purchaser's firearm owner's identification card and the purpose given by the purchaser for the acquisition of the firearm.

(Ord. 99-60, 1999)

Title 5 BUSINESS TAXES, LICENSES AND REGULATIONS / Article III Other Businesses / Chapter 5.120 FIREARMS DEALERS / Subchapter III Assault Weapons and Assault Ammunition Prohibited

Subchapter III

Assault Weapons and Assault Ammunition Prohibited

Title 5 BUSINESS TAXES, LICENSES AND REGULATIONS / Article III Other Businesses / Chapter 5.120 FIREARMS DEALERS / Subchapter III Assault Weapons and Assault Ammunition Prohibited / 5.120.180 Definitions.

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5.120.180 Definitions.

As used in this subchapter of this chapter, the following terms shall have the following meaning:

A. "Assault weapon" means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended, for use in converting a weapon into a machinegun, any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

B. "Assault ammunition" means a detachable magazine box capacity of which is more than 35 rounds centerfire.

(Ord. 99-60, 1999)

Title 5 BUSINESS TAXES, LICENSES AND REGULATIONS / Article III Other Businesses / Chapter 5.120 FIREARMS DEALERS / Subchapter III Assault Weapons and Assault Ammunition Prohibited / 5.120.190 Assault weapons or ammunition-Sale prohibited-Exceptions.

5.120.190 Assault weapons or ammunition-Sale prohibited-Exceptions.

A. No person shall sell, offer or display for sale, give, lend, transfer ownership of, acquire or possess, manufacture or distribute any assault weapon or assault ammunition within the corporate limits of the village. This subsection shall not apply to:

1. The sale, distribution, or the possession for sale and distribution by any firearms dealer licensed pursuant to this chapter, of an assault weapon or assault ammunition to any officer, agent, or employee of the village or any other municipality, county, body politic 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, and peace officers to the extent that any such person is otherwise authorized to acquire or possess an assault weapon or assault ammunition and is acting within the scope of his or her duties

2. The possession for sale and distribution or the sale to, or the acquisition or possession of assault ammunition by persons employed to provide security for armored carriers or mobile check cashing services while in the course of such duties, while commuting directly to or from the person's place of employment, and while at the person's home, if the assault ammunition is sold, acquired or possessed for use with

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a weapon that the person has been authorized to carry under Section 28 or the Illinois Private Detective, Private Alarm and Private Security Act of 1983.

3. Transportation of assault weapons if such weapons are broken down and in a non-functioning state and are not immediately accessible to any person.

B. Any assault weapon or assault ammunition possessed, sold or transferred in violation of subsection A. is hereby declared to be contraband and shall be seized and disposed of.

C. Any person found in violation of this section shall be fined not less than \$250 and not more than \$500.

D. Any person who, prior to the effective date of this chapter, was legally in possession of an assault weapon or assault ammunition prohibited by this section shall have 14 days from the effective date of this chapter to do any of the following without being subject to prosecution hereunder;

1. To remove the assault weapon or ammunition from within the limits of the village;

2. 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

3. To surrender the assault weapon or ammunition to the Chief of Police of the village or his designee for disposal as provided below.

(Ord. 99-60, 1999)

Title 5 BUSINESS TAXES, LICENSES AND REGULATIONS / Article III Other Businesses / Chapter 5.120 FIREARMS DEALERS / Subchapter III Assault Weapons and Assault Ammunition Prohibited / 5.120.200 Destruction of weapons confiscated.

5.120.200 Destruction of weapons confiscated.

A. Whenever any firearm or ammunition is surrendered or confiscated pursuant to the terms of this chapter, the Chief of Police shall ascertain whether such firearm or ammunition is needed as evidence in any matter.

B. If such firearm or ammunition is not required for evidence it shall be destroyed at the direction of the Chief of Police. A record of the date and method of destruction, an inventory of the firearm or ammunition so destroyed shall be maintained.

(Ord. 99-60, 1999)