

VILLAGE OF ROSEMONT
COOK COUNTY, ILLINOIS

ORDINANCE NO. 2013-7-10 E

AN ORDINANCE REGULATING THE OWNERSHIP
AND POSSESSION OF ASSAULT WEAPONS
IN THE VILLAGE OF ROSEMONT

PASSED AND APPROVED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF ROSEMONT,
COOK COUNTY, ILLINOIS, this

10th day of July, 2013.

Published in pamphlet form
by authority of the President
and Board of Trustees of the
Village of Rosemont, Cook
County, Illinois, this
10th day of July, 2013.

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**AN ORDINANCE REGULATING THE OWNERSHIP
AND POSSESSION OF ASSAULT WEAPONS
IN THE VILLAGE OF ROSEMONT**

WHEREAS, the Village of Rosemont is a home rule unit of local government pursuant to the provisions of Article VII, Section 6 of the Illinois Constitution; and

WHEREAS, as a home rule unit of local government, the Village may exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6; and

WHEREAS, the Illinois General Assembly has adopted House Bill 183, the "Firearm Concealed Carry Act," which will become effective upon signature by the Governor of the State of Illinois; and

WHEREAS, the Firearm Concealed Carry Act will preempt the authority of home rule units of government in the State of Illinois, including the Village of Rosemont, to regulate assault weapons unless such a home rule ordinance or regulation is enacted on, before or within ten (10) days after the effective date of the Firearm Concealed Carry Act; and

WHEREAS, the corporate authorities of the Village of Rosemont are of the opinion that assault weapons, as defined in this Ordinance, are subject to regulation as provided herein, and should be regulated as provided herein within the corporate limits of the Village of Rosemont; and

WHEREAS, the corporate authorities of the Village of Rosemont find that assault weapons are capable of a rapid rate of fire and have the capacity to fire a large number of rounds due to large capacity fixed magazines or the ability to use detachable magazines; and,

WHEREAS, the corporate authorities of the Village of Rosemont find that assault weapons have been used in a number of notorious mass shooting incidents in venues such as public schools, including recent shooting incidents in Newtown, Connecticut, and Santa Monica, California, and are commonly associated with military or antipersonnel use; and

WHEREAS, the corporate authorities of the Village of Rosemont find that assault weapons should be subject to safe storage and security requirements as provided herein to limit the opportunity for access and use of these firearms by untrained or unauthorized users;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ROSEMONT, LAKE AND COOK COUNTIES, ILLINOIS, in the exercise of its home rule powers, as follows:

SECTION 1: That Chapter 15 ("Morals and Conduct") of the Municipal Code of the Village of Rosemont be and the same is hereby amended to add the following as Article 14 thereof entitled "Assault Weapons":

Article 14. Assault Weapons.

Sec. 15-130. Definitions.

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

Assault weapon means:

- (1) A semiautomatic rifle that has the capacity to accept a large capacity magazine detachable or otherwise and one or more of the following:
 - (A) Only a pistol grip without a stock attached;
 - (B) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
 - (C) A folding, telescoping or thumbhole stock;
 - (D) 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
 - (E) A muzzle brake or muzzle compensator.
- (2) A semiautomatic rifle that has a fixed magazine that has the capacity to accept more than ten rounds of ammunition.
- (3) A semiautomatic pistol that has the capacity to accept a detachable magazine and has one or more of the following:
 - (A) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
 - (B) A folding, telescoping or thumbhole stock;
 - (C) 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;
 - (D) The capacity to accept a detachable magazine at some location outside of the pistol grip.
- (4) A semiautomatic shotgun that has one or more of the following:
 - (A) Only a pistol grip without a stock attached;
 - (B) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
 - (C) A folding, telescoping or thumbhole stock;
 - (D) A fixed magazine capacity in excess of five rounds; or
 - (E) An ability to accept a detachable magazine.
- (5) Any shotgun with a revolving cylinder.
- (6) 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.
- (7) Shall include, but not be limited to, the assault weapons models identified as follows:

- (A) The following rifles or copies or duplicates thereof:
- (i) AK, AKM, AKS, AK-47, AK-74, ARM, MAK90, Misr, NHM 90, NHM 91, SA 85, SA 93, VEPR;
 - (ii) AR-10;
 - (iii) AR-15, Bushmaster XM15, Armalite M15, or Olympic Arms PCR;
 - (iv) AR70;
 - (v) Calico Liberty;
 - (vi) Dragunov SVD Sniper Rifle or Dragunov SVU;
 - (viii) Fabrique National FN/FAL, FN/LAR, or FNC;
 - (viii) Hi-Point Carbine;
 - (ix) HK-91, HK-93, HK-94, or HK-PSG-1;
 - (x) Kel-Tec Sub Rifle;
 - (xi) Saiga;
 - (xii) SAR-8, SAR-4800;
 - (xiii) SKS with detachable magazine;
 - (xiv) SLG 95;
 - (xv) SLR 95 or 96;
 - (xvi) Steyr AUG;
 - (xvii) Sturm, Ruger Mini-14;
 - (xviii) Tavor;
 - (xix) Thompson 1927, Thompson M1, or Thompson 1927 Commando; or
 - (xx) Uzi, Galil and Uzi Sporter, Galil Sporter, or Galil Sniper Rifle (Galatz).

(B) The following pistols or copies or duplicates thereof, when not designed to be held and fired by the use of a single hand:

- (i) Calico M-110;
- (ii) MAC-10, MAC-11, or MPA3;
- (iii) Olympic Arms OA;
- (iv) TEC-9, TEC-DC9, TEC-22 Scorpion, or AB-10; or
- (v) Uzi.

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

- (i) Arm Scor 30 BG;
- (ii) SPAS 12 or LAW 12;
- (iii) Striker 12; or
- (iv) Streetsweeper.

"Assault weapon" does not include any firearm that has been made permanently inoperable, or satisfies the definition of "antique firearm," stated in this section, or weapons designed for Olympic target shooting events.

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.

Large capacity magazine means any ammunition feeding device with the capacity to accept more than ten rounds, but shall not be construed to include the following:

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

Muzzle brake means a device attached to the muzzle of a weapon that utilizes escaping gas to reduce recoil.

Muzzle compensator means a device attached to the muzzle of a weapon that utilizes escaping gas to control muzzle movement.

Sec. 15-131. Safe Storage of Assault Weapons; Exceptions.

(a) **Safe Storage.** It shall be unlawful to store or keep any assault weapon in the Village unless such weapon is secured in a locked container or equipped with a tamper-resistant mechanical lock or other safety device, properly engaged so as to render such weapon inoperable by any person other than the owner or other lawfully authorized user. For purposes of this section, such weapon shall not be deemed stored or kept when being carried by or under the control of the owner or other lawfully authorized user.

(b) **Self defense exception.** No person shall be punished for a violation of this section if an assault weapon is used in a lawful act of self-defense or in defense of another.

(c) The provisions of this section do not apply to (i) any law enforcement officer, agent or employee of any municipality of the State of Illinois (ii) any law enforcement officer, agent or employee of the State of Illinois, of the United States, or of any other state (iii) any member of the military or other service of any state or the United States, including national guard and reserves, if the persons described are authorized by a competent authority to so carry an assault weapon loaded on a public way and such person is acting within the scope of his duties or training.

Section 15-132. Transportation of Assault Weapons; Exceptions.

(a) It is unlawful and a violation of this section for any person to carry or possess an assault weapon in the Village, 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, except that

this section does not apply to or affect transportation of assault 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; or

(b) The provisions of this section do not apply to (i) any law enforcement officer, agent or employee of any municipality of the State of Illinois (ii) any law enforcement officer, agent or employee of the State of Illinois, of the United States, or of any other state (iii) any member of the military or other service of any state or the United States, including national guard and reserves officer, agent or employee of any municipality of the commonwealth, if the persons described are authorized by a competent authority to so carry an assault weapon loaded on a public way and such person is acting within the scope of his duties or training.

Section 15-133. Penalty. Any person who is found to have violated this Article shall be fined not less than \$250 and not more than \$1,000 for each offense.

SECTION 2: If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

SECTION 3: That this Ordinance, and each of its terms, shall be the effective legislative act of a home rule municipality without regard to whether such Ordinance should: (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law; or, (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the Village of Rosemont that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, this Ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 4: This Ordinance shall be in full force and effect upon its passage and approval and shall subsequently be published in pamphlet form as provided by law.

PASSED this 10th day of July, 2013.


AYES: Trustees Shaulberger, Minale, Deaga, Farjo, Pappas,

NAYS: 0 DiMottis

ABSENT: 0

ABSTAIN: 0

APPROVED this 10th day of July, 2013.



Village President

ATTEST:



Village Clerk

