

## **Sec. 29-44. Exemptions.**

- (a) Section 29-43, paragraphs (a)(3), (a)(4) and (a)(10) do not apply to or affect any of the following:
- (1) Peace officers or any person summoned by any peace officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer.
  - (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense, while in the performance of their official duty, or while commuting between their homes and place of employment.
  - (3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard or the Reserve Officers Training Corps, while in the performance of their official duty.
  - (4) Special agents employed by a railroad or a public utility to perform police functions, or guards of armored car companies while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment; watchmen, while actually engaged in the performance of the duties of their employment.
  - (5) Persons licensed as private security contractors, private detectives, private alarm contractors or employed by an agency certified by the department of professional regulation if their duties include the carrying of a weapon under the provisions of the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 [225 ILCS 7/1 et seq.], while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment, provided that such commuting is accomplished within one (1) hour from departure from home or place of employment, as the case may be. Persons exempted under this paragraph shall be required to have completed a course of study in firearms handling and training approved and supervised by the department of professional regulation as prescribed by section 35-40 of the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 [225 ILCS 7/35-40 et seq.], prior to becoming eligible for this exemption. The department of professional regulation provides suitable documentation demonstrating the successful completion of the prescribed firearms training in the form of a firearm authorization card. Such firearm authorization card shall be carried at all times when such persons are in possession of a weapon and further, persons exempted under this paragraph shall be in possession of only the weapon(s) specifically authorized and specified on the firearm authorization card.
  - (6) Any person regularly employed in a commercial or industrial operation for the production of persons employed and private property related to such commercial or industrial operation while actually engaged in the performance of their duty or traveling between sites or properties belonging to the employer of such security guards, and who as such security guards are members of a

security force of five (5) persons or more registered with the department of registration and education, provided that such security guard has successfully completed a course of study, approved by and supervised by the department of registration and education, consisting of not less than forty (40) hours of training which shall include theory of law enforcement, liability for acts and the handling of weapons. The department of registration and education shall provide suitable documentation to demonstrate the successful completion of such course. Such documentation shall be carried by the security guard at all times when he is in possession of a concealable weapon.

- (7) Agents and investigators of the state legislative investigating commission authorized by the commission to carry the weapons specified in section 29-43, paragraphs (a)(3) and (a)(4), while on duty in the course of any investigation for the commission.
  - (8) Persons employed by a financial institution for the protection of other employees and property related to such financial institution, while actually engaged in the performance of their duties, commuting between their homes and places of employment, or traveling between sites or properties owned or operated by such financial institution, provided that any person so employed has successfully completed a course of study, approved by and supervised by the department of registration and education, consisting of not less than forty (40) hours of training which includes theory of law enforcement, liability for acts, and the handling of weapons. The department of registration and education shall provide suitable documentation to demonstrate the successful completion of such course, and such documentation shall be carried by the person so trained at all times when such person is in possession of a concealable weapon. For purposes of this paragraph, "financial institution" means a bank, savings and loan association, credit union or company providing armored car services.
  - (9) Any person employed by an armored car company to drive an armored car while actually engaged in the performance of his duties.
  - (10) Persons who have been classified as peace officers pursuant to "an act relating to fire protection, amending certain acts herein named," [20 ILCS 2910/1] enacted by the 82nd General Assembly of the State of Illinois.
  - (11) Investigators of the office of the state's attorneys appellate prosecutor authorized by the board of governors of the office of the state's attorneys appellate prosecutor to carry weapons pursuant to section 7.06 of the State's Attorneys Appellate Service Commission Act [725 ILCS 210/7.06].
  - (12) Manufacture, transportation or sale of weapons to persons authorized under paragraphs (1) through (11) of this subsection to possess those weapons.
- (b) Section 29-43, paragraphs (a)(4) and (a)(10) do not apply to or affect any of the following:
- (1) Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, patrons of such ranges while such members or patrons are using their firearms

on those target ranges.

- (2) Duly authorized military or civil organizations while parading, with the special permission of the governor.
  - (3) Licensed hunters, trappers or fishermen while engaged in hunting, trapping or fishing.
  - (4) Transportation of weapons broken down in a nonfunctioning state or not immediately accessible.
- (c) Section 29-43, paragraph (a)(7) does not apply to or affect any of the following:
- (1) Peace officers while in the performance of their official duties.
  - (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.
  - (3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.
  - (4) Manufacture, transportation or sale of machine guns to persons authorized under paragraphs (1) through (3) of this subsection to possess machine guns, if the machine guns are broken down in a nonfunctioning state or not immediately accessible.
  - (5) Persons licensed under federal law to manufacture any weapon from which eight (8) or more shots or bullets can be discharged by a single function of the firing device, or ammunition for such weapons, and actually engaged in the business of manufacturing such weapons or ammunition, but only with respect to activities which are within the lawful scope of such business, such as the manufacture, transportation or testing of such weapons or ammunition. This exemption does not authorize the general private possession of any weapon from which eight (8) or more shots or bullets can be discharged by a single function of the firing device but only such possession and activities which are within the lawful scope of a licensed manufacturing business described in this paragraph. During transportation, such weapons shall be broken down in a nonfunctioning state or not immediately accessible.
  - (6) The manufacture, transport, testing, delivery, transfer or sale, and all lawful commercial or experimental activities necessary thereto, of rifles, shotguns and weapons made from rifles or shotguns, or ammunition for such rifles, shotguns or weapons, where engaged in by a person operating as a contractor or subcontractor pursuant to a contract or subcontract for the development and supply of such rifles, shotguns, weapons or ammunition to the United States government or any branch of the Armed Forces of the United States, when such activities are necessary and incident to fulfilling the terms of such contract.

The exemption granted under this subsection shall also apply to any authorized agent of any such contractor or subcontractor who is operating within the scope of his employment, where such activities involving such weapon, weapons or ammunition are necessary and incident to fulfilling the terms of such contract.

During transportation, any such weapon shall be broken down in a nonfunctioning state, or not immediately accessible.

- (d) Section 29-43, paragraph (a)(1) does not apply to the purchase, possession or carrying of a blackjack, sling-shot or nunchaku by a peace officer, nor does it apply to the possession of nunchaku pursuant to instruction in conjunction with an organized school or class, or as part of an authorized public demonstration, exhibition or tournament sponsored by an organized school or class. When transporting nunchaku for a public demonstration, exhibition or tournament, they shall be transported in a closed container which is not immediately accessible.
- (e) Section 29-43, paragraph (a)(8) does not apply to any owner, manager or authorized employee of any place specified in that subsection nor to any law enforcement officer.
- (f) Section 29-43, paragraphs (a)(4) and (a)(10) do not apply to members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while using their firearms on those target ranges.
- (g) Section 29-43, paragraph (a)(11) does not apply to:
  - (1) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.
  - (2) Bona fide collectors of antique or surplus military ordinance.
  - (3) Laboratories having a department of forensic ballistics, or specializing in the development of ammunition or explosive ordinance.
  - (4) Commerce, preparation, assembly or possession of explosive bullets by manufacturers of ammunition licensed by the federal government, in connection with the supply of those organizations and persons exempted by paragraph (g)(1) of this section, or like organizations and persons outside this state, or the transportation of explosive bullets to any organization or person exempted in this section by a common carrier or by a vehicle owned or leased by an exempted manufacturer.
- (h) A charge based upon a violation of any subsection need not negate any exemptions contained in this section. The defendant shall have the burden of proving such an exemption.
- (i) Nothing in this section shall prohibit, apply to or affect the transportation, carrying or possession of any pistol or revolver, stun gun, taser or other firearm consigned to a common carrier operating under license of the state or the federal government, where such transportation, carrying or possession is incident to the lawful transportation in which such common carrier is engaged; and nothing in this section shall prohibit, apply to or affect the transportation, carrying or possession of any pistol, revolver, stun gun, taser or other firearm, not the subject of and regulated by subsection 29-43, paragraph (a)(7), which is unloaded and enclosed in a case, firearm carrying box, shipping box or other container, by the possessor of a valid firearm owners identification card.

(Code 1969, § 29-25; Ord. No. 009-79, § 1, 9-22-09)

**State law references:** Similar provisions, 720 ILCS 5/24-2.

**Sec. 29-47. Air and spring guns.**

- (a) No person shall possess an air rifle, air gun, air pistol, spring gun, spring pistol, B-B gun, pellet gun or any other implement that is not a firearm and which impels a pellet constructed of hard plastic, steel, lead or other hard material with a force that reasonably may be expected to cause bodily harm, under the conditions specified for firearms in subsections (a)(4), (a)(10) or (a)(12) of section 29-43 of this article.
- (b) No person shall be permitted to fire or discharge in the city, other than on a safely constructed target range, any device as enumerated in subsection (a).
- (c) It shall be unlawful for any person to sell, give or otherwise transfer to any person under the age of eighteen (18) years of age a B-B, paintball, or pellet-firing air gun that expels a projectile through the force of air pressure.
- (d) Any person violating this section shall be guilty of a misdemeanor, the fine for which shall be a minimum of two hundred dollars (\$200.00) and a maximum of five hundred dollars (\$500.00) for each separate violation.

(Code 1969, § 29-28; Ord. No. 093-22, § 1, 3-16-93; Ord. No. 006-166, §§ 1, 2, 12-19-06)

**State law references:** Air rifles, municipal regulations, 720 ILCS, 535/8.

## **Sec. 29-48. Vehicle seizure and impoundment.**

A motor vehicle, operated used or in the physical control of any person with the permission, express or implied, of the owner of record, on any public street within the City of Aurora that is used in the commission or furtherance of violation of:

- (a) Sections 29-43, 29-45, 29-46, 29-47, 29-49, 29-50, 29-101 or 29-102 of this Code;
- (b) Paragraphs 9-1, 9-2, 9-3.3, 11-6, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.2, 12-4.3, 12-4.6, 12-4.7, 20-1,20-1.1, 20-2, 24-1, 24-1.2, 24-2.1, 24-3.1, 24-3.3 or 33A-2 of the Criminal Code of 1961 (720 ILCS 5/9-1, 5/9-2, 5/9-3.3, 5/11-6, 5/11-14, 5/11-15, 5/11-15.1, 5/11-16, 5/11-17, 5/11-18, 5/11-18.1, 5/11-19, 5/11-19.1, 5/11-19.2, 5/12-2, 5/12-4, 5/12-4.2, 5/12-4.3, 5/12-4.6, 5/12-4.7, 5/20-1, 5/20-1.1, 5/20-2, 5/241, 5/24-1.2, 5/24-2.1, 5/24-3.1, 5/24-3.3 or 5/33A-2);
- (c) Paragraphs 704, 705, 705.1, 705.2, or 708 of the Cannabis Control Act (720 ILCS 550/1 - 550/5.2);
- (d) Paragraphs 1401, 1401.1 or 1402 of the Controlled Substances Act (720 ILCS 570/401-570/402);
- (e) Paragraph 3.5 of the Drug Paraphernalia Control Act (720 ILCS 600/3.5);
- (f) Paragraph 6-3.3 of the Illinois Vehicle Code (625 ILCS 5/6-303) (Suspended/revoked driver's license) except where said violation is in regard to a person whose driver's license, permit or privilege to operate a motor vehicle is suspended only for a violation of the emissions inspection laws set forth in 625 ILCS 5/13C-1, unless said emissions suspension is in conjunction with a violation of Paragraph 3-707 (operation of uninsured motor vehicle) of the Illinois Vehicle Code (625 ILCS 5/3-707) or similar provision of this code;
- (g) Paragraph 6-101(d) through (e) (no valid driver's license) of the Illinois Vehicle Code (625 ILCS 5/6-101(d) through (e)) in conjunction with a violation of Paragraph 3-707 of the Illinois Vehicle Code (625 ILCS 5/3-707) or a similar provision of this code:
- (h) 625 ILCS 5/11-501 (driving under the influence):
- (i) 625 ILCS 5/3-708 (registration suspended for noninsurance):
- (j) 625 ILCS 5/3-703 (registration revoked, cancelled or suspended):
- (k) 625 ILCS 5/11-204-11204.1 (aggravated fleeing or attempting to elude a police officer);
- (l) 625 ILCS 5/11-503 (reckless driving/aggravated reckless driving);
- (m) 625 ILCS 5/11-506 (street racing/aggravated street racing);
- (n) Motor vehicle operator that has a valid outstanding arrest warrant;
- (o) The use of a motor vehicle as part of the commission of a felony shall be

subject to seizure and impoundment under this section. The owner of record of such vehicle shall be liable to the city for a penalty of five hundred dollars (\$500.00) in addition to fees for the towing and storage of the vehicle.

- (1) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agents. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under this section. Said vehicle shall be impounded pending the completion of the hearings provided for in subsections (2) and (3) herein, unless the owner of the vehicle posts with the city a cash bond in the amount of five hundred dollars (\$500.00) plus fees for the towing and storage of the vehicle.
- (2) Whenever the owner of a vehicle seized pursuant to this section requests a preliminary hearing within twenty-four (24) hours after the seizure, a hearing officer of the city shall conduct such preliminary hearing within seventy-two (72) hours after said seizure. All interested persons shall be given a reasonable opportunity to be heard at the preliminary hearing. The formal rules of evidence will not apply at the hearing and hearsay evidence shall be admissible. If, after the hearing, the hearing officer determines that there is probable cause to believe that the vehicle, operated with the permission, express or implied, of the owner, was used in the commission of any crime set forth in this section, the hearing officer shall order the continued impoundment of the vehicle as provided in this section unless the owner of the vehicle posts with the city a cash bond in the amount of five hundred dollars (\$500.00) plus fees for the towing and storage of the vehicle. If the hearing officer determines that there is no such probable cause, the vehicle will be returned without penalty or other fees.
- (3) Within ten (10) days after a vehicle is seized and impounded pursuant to this section, the city shall notify by certified mail, return receipt requested, the owner of record of the date, time and location of a hearing that will be conducted pursuant to this section. The hearing shall be conducted no later than forty-five (45) days after the vehicle was seized. All interested persons shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence will not apply at the hearing and hearsay evidence shall be admissible. If, after the hearing, the hearing officer determines by a preponderance of evidence that the vehicle, operated with the permission, express or implied, of the owner, was used in the commission of any of the violations set forth in this section, the hearing officer shall enter an order requiring the vehicle to continue to be impounded until the owner pays a penalty of five hundred dollars (\$500.00) plus fees for the towing and storage of the vehicle. The penalty and fees shall be a debt due and owing the city. However, if a cash bond has been posted the bond shall be applied to the penalty. If the hearing officer determines that the vehicle was not permitted to be used in such violation, he or she shall order the return of the vehicle or cash bond.



- (4) Any motor vehicle that is not reclaimed within thirty (30) days after the expiration of the time during which the owner of record may seek judicial review of the city's action under this section, or the time at which a final judgement is rendered in favor of the city, may be disposed of as an unclaimed vehicle as provided by law. As used in this section, the "owner of record" of a vehicle means the record title holder.
- (5) Fees for towing and storage of a vehicle under this section shall be same as those charged pursuant to section 46-33 of this code.
- (6) This section shall not replace or otherwise abrogate any existing state or federal laws or local ordinances pertaining to vehicle seizure and impoundment.

(Ord. No. 092-88, 10-20-92; Ord. No. 093-128, § 3, 12-21-93; Ord. No. 094-49, § 1, 5-17-94; Ord. No. 094-80, § 1, 8-16-94; Ord. No. 099-27, § 1, 3-9-99; Ord. No. 009-72, § 2, 8-25-09)

**Sec. 29-49. Transfer or possession of assault ammunition or assault weapons.**

- (a) No person shall sell, offer or display for sale, give, lend, transfer ownership of, acquire or possess any assault weapon or large capacity ammunition feeding device.
- (b) This section shall not apply to:
  - (1) Any law enforcement officer of this or any other municipality or state of the United States, members of the armed forces of the United States, or the organized militia of this or any other state to the extent that any such person is otherwise authorized to possess an assault weapon or large capacity ammunition feeding device and is acting within the scope of his or her duties;
  - (2) Persons licensed as private security contractors, private detectives, private alarm contractors or employed by an agency certified by the department of professional regulation if their duties include the carrying of a weapon under the provisions of the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 (225 ILCS 447/1) et seq.). while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment, provided that such commuting is accomplished within one (1) hour from departure from home or place of employment, as the case may be. Persons exempted under this paragraph shall be required to have completed a course of study in firearms handling and training approved and supervised by the department of professional regulation as prescribed by section 35-40 of the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 (225 ILCS 447/35-40) prior to becoming eligible for this exemption. The department of professional regulation provides suitable documentation demonstrating the successful completion of the prescribed firearms training in the form of a firearm authorization card. Such firearm authorization card shall be carried at all times when such persons are in possession of a weapon, and further, persons exempted under this paragraph shall be in possession of only the weapon(s) specifically authorized and specified on the firearm authorization card.
  - (3) The transportation of assault weapons or large capacity ammunition feeding devices to persons exempt from this section, as set forth above, by federally licensed manufacturers and dealers, if the weapons or devices are broken down in a nonfunctioning state and not immediately accessible during transportation; or
  - (4) The government of the United States or the government of any municipality, county, or state.
  - (5) Any person who, while in their home and in an act of self-defense, uses either an assault weapon owned by a person mentioned in paragraph (1) above or such a weapon for which a certificate of ownership has been issued but for which they are not the certificate holder.
  - (6) Any assault weapon or large capacity ammunition feeding device possessed, sold or transferred in violation of subsection (a) above is hereby declared to be

contraband and shall be seized and appropriately disposed of by the police department.

- (7) Any person found in violation of this section shall be guilty of a Misdemeanor IV.
- (8) Any person who, prior to the effective date of this section, was legally in possession of an assault weapon or large capacity ammunition feeding device prohibited by this section, shall have ninety (90) days from the effective date of this section to do any of the following without being subject to prosecution hereunder:
  - a. Remove the assault weapon or large capacity ammunition feeding device from within the limits of the city;
  - b. Modify the assault weapon either to render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon;
  - c. Surrender the assault weapon or large capacity ammunition feeding device to the police chief or his designee for appropriate disposal; or
  - d. Obtain a certificate of ownership from the Aurora Police Department in accordance with subsection (g) below.

(c)--(e) Reserved.

- (f) This section shall not apply to:
  - (1) An antique firearm as defined below;
  - (2) Any semiautomatic rifle with a fixed stock that cannot accept a detachable magazine or clip that holds more than eight (8) rounds of ammunition;
  - (3) Any semiautomatic shotgun that cannot hold more than five (5) rounds of ammunition in a fixed or detachable magazine;
  - (4) Any firearm that can only be operated manually by bolt, pump, lever or slide action.
  - (5) Any magazine, belt, drum, feed strip or similar device originally manufactured to accept more than fifteen (15) rounds of ammunition but which has been fitted with a permanent block so as to hold no more than fifteen (15) rounds of ammunition.
- (g) (1) Persons who, prior to the effective date of this section, lawfully possess assault weapons as defined herein may, within ninety (90) days of the effective date of this section, apply to the Aurora Police Department for a certificate of ownership for said assault weapons.
  - a. No certificate of ownership shall, however, be granted for the following weapons:
    - Avtomat Kalashnikov AK-47 type (including all models of the Norinco, Mitchell and Poly Tech)
    - Beretta AR-70

Franchi SPAS-12 and LAW-12

MAC-11 carbine type

Street Sweeper and Striker 12 revolving cylinder shotguns

USAS-12

Uzi carbine and mini-carbine

Any assault weapon with a folding or telescoping stock which is not designed to be fired from the shoulder

Any pistol which meets the definition of an assault weapon except as set forth in paragraph b. below

- b. A certificate of ownership may be granted for any pistol originally manufactured to accept, in the pistol grip, a magazine designed to contain 16-17 rounds of ammunition but which does not extend below the pistol grip and does not otherwise meet the definition of an assault weapon.
- (2) The Aurora Police Department shall issue a certificate of ownership for each applicable weapon owned by the applicant if the applicant has a currently valid State of Illinois Firearm Owners Identification card. Said certificate shall not be transferable, except upon the death of the certificate holder and then only to his heir or legatee.
  - (3) The Aurora Police Department shall not issue a certificate of ownership, and shall revoke any existing certificate of ownership, if the applicant or certificate holder is prohibited, under state or federal law, from possessing the assault weapon for which the certificate of ownership has been applied or issued.
  - (4) All assault weapons for which a certificate of ownership has been issued shall be kept unloaded and stored in a locked environment when being transported or kept within the City of Aurora.
  - (5) The City of Aurora shall not enact any ordinance imposing greater regulations upon assault weapons for which a certificate of ownership has been issued.
- (h) For the purpose of this section:
- (1) Antique firearm means:
    - a. Any firearm, including any firearm with a matchlock, flintlock, percussion cap or similar type of ignition system, manufactured in or before 1898; and
    - b. Any replica of any firearm described in subparagraph (a) if the replica:
      1. Is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or
      2. Uses rimfire or conventional centerfire fixed ammunition which is not readily available in the ordinary channels of commercial trade.

(2) Assault weapon means:

- a. Any of the firearms (or types, replicas, or duplicates in any caliber of the firearms regardless of manufacturer) known as:

A.A. Arms AP-9

Algimec Agmi

Armalite AR-180

Australian Automatic Arms SAP Pistol

Australian Automatic Arms SAR

Auto-Ordnance Thompson type

Avtomat Kalashnikov AK-47 type (including all models of the Norinco, Mitchell, and Poly Tech)

Barrett Light-Fifty model 82A1

Beretta AR-70 (SC-70)

Beretta BM-59

Bushmaster Auto Rifle and Auto Pistol

Calico models M-900, M-950 and 100-P

Chartered Industries of Singapore SR-88

Claridge High Tech

Colt AR-15 and Sporter

Daewoo K-1, K-2, Max-1 and Max-2

Encom MK-IV, MP-9 and MP-45

Fabrique Nationale FN/FAL, FN/LAR or FN/FNC

FAMAS MAS 223

Feather AT-9 and Mini-AT

Federal XC-900 and XC-450

Franchi SPAS-12 and LAW-12

Galil AR and ARM

Heckler & Koch HK-91, HK-93, HK-94, PSG-1, SP-89

Holmes Mp-83

Intratec TEC-9, TEC-DC-9, TEC-22 and Scorpion

Iver Johnson Enforce Model 3000

Iver Johnson PM30 Paratrooper

M14S type

MAC 10, M-10, MAC-11 and MAC-11 Carbine type

Ruger Mini-14/5F (folding stock only) and Mini-14/5RF

Scarab Skorpion

SIG 57 AMT, SIG 550SP, SIG 551SP, SIG PE-57 types and 500 series

Spectre Auto Carbine and Auto Pistol

Springfield Armory BM59, SAR-48 and G-3

Sterling MK-6 and MK-7 and SAR types

Steyr AUG

Street Sweeper and Striker 12 revolving cylinder shotguns

SWD M-10, M-11, M-11/9, M-12

Valmet M63, M71S, M76 or M78

USAS-12

UZI Carbine, Mini-Carbine and Pistol

Weaver Arms Nighthawk

Wilkinson "Linda" Pistol

- b. Any semiautomatic rifle that has a fixed magazine that can hold more than eight (8) rounds or an ability to accept a detachable magazine and has at least two (2) of the following:
1. A folding or telescoping stock;
  2. A pistol grip that protrudes beneath the action of the weapon and which is separate and apart from the stock;
  3. A bayonet mount;
  4. A flash suppressor;
  5. A barrel with a threaded muzzle;
  6. A grenade launcher.
- c. Any semiautomatic pistol that has an ability to accept a detachable magazine and has at least two (2) of the following:
1. An ammunition magazine that attaches to the pistol outside of the pistol grip;
  2. A barrel having a threaded muzzle;
  3. A shroud that is attached to, or partially or completely encircles, the barrel and which permits the shooter to hold the firearm with

the nontrigger hand without being burned;

4. A manufactured weight of fifty (50) ounces or more when the pistol is unloaded;
  5. A semiautomatic version of an automatic firearm
- d. Any semiautomatic shotgun that has either a fixed magazine with a capacity in excess of five (5) rounds or an ability to accept a detachable magazine and, in addition, has at least one (1) of the following:
1. A folding or telescoping stock;
  2. A pistol grip that protrudes beneath the action of the firearm and which is separate and apart from the stock;
- (3) 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:
- a. Any pneumatic gun, spring gun, paint ball gun or BB gun which either expels a single globular projectile not exceeding .18 inch in diameter and which has a maximum muzzle velocity of less than seven hundred (700) feet per second or breakable paint balls containing washable marking colors;
  - b. Any device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or
  - c. Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition.
- (4) Large capacity ammunition feeding device means:
- a. Any magazine, belt, drum, feed strip or similar device that has a capacity of, or can be readily restored or converted to accept, more than fifteen (15) rounds of ammunition; or
  - b. Any combination of parts from which a device described in the above clause can be assembled;
- The term does not include an attached tubular device designed to accept and capable of operating with only .22 caliber rimfire ammunition.
- (5) Pistol means any firearm designed to be fired by the use of a single hand, as well as any combination of parts from which a pistol can be assembled.
- (6) Rifle means a firearm designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.
- (7) Semiautomatic means a firearm that utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and

which requires a separate pull of the trigger to fire each cartridge.

- (8) Shotgun means a firearm designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth or rifled bore either a number of ball shot or a single projectile for each single pull of the trigger.

(Ord. No. 094-47, § 1, 5-17-94; Ord. No. 009-79, § 2, 9-22-09)



## **Sec. 29-51. Replica firearms prohibited.**

- (a) "Replica firearm" means any toy, look-alike and imitation firearm having the appearance, shape, and/or configuration of any original firearm which was manufactured, designed, and produced since 1898 or any device, object or facsimile made of plastic, wood, metal or any other material that a person could reasonably perceive as an actual firearm. Such term shall not, however, include:
- (1) Non-firing collector replica antique firearms, which look authentic and may be a scale model but are not intended as toys modeled on real firearms designed, manufactured, and produced prior to 1898;
  - (2) Decorative, ornamental, and miniature objects having the appearance, shape and/or configuration of a firearm, including those intended to be displayed on a desk or worn on bracelets, necklaces, key chains, provided that the objects measure no more than thirty-eight (38) millimeters in height by seventy (70) millimeters in length, the length measurement excluding any gun stock length measurement.
- (b) It shall be unlawful for any person to sell, manufacture, purchase, possess or carry any replica firearm within the corporate limits of the City of Aurora unless such replica firearm contains, or has affixed to it, one of the markings set forth in subsection (c) of this section or unless this prohibition does not apply pursuant to subsection (d) of this section.
- (c) The following markings are approved for replica firearms:
- (1) A blaze orange (Federal Standard 595a, February, 1987, color number 12199, issued by the United States General Services Administration) or orange color brighter than that specified by the federal standard color number, solid plug permanently affixed to the muzzle end of the barrel as an integral part of the entire device and recessed no more than six (6) millimeters from the muzzle end of the barrel.
  - (2) A blaze orange (Federal Standard 595a, February, 1987, color number 12199, issued by the United States General Services Administration) or orange color brighter than that specified by the Federal Standard color number, marking permanently affixed to the exterior surface of the barrel, covering the circumference of the barrel from the muzzle end for a depth of a least six (6) millimeters.
  - (3) Construction of the replica firearm entirely of transparent or translucent materials which permits unmistakable observation of the replica firearm's complete contents.
  - (4) Coloration of the entire exterior surface of the replica firearm in white, bright red, bright orange, bright yellow, bright green, bright blue, bright pink, or bright purple, either singly or as the predominant color in combination with other colors in any pattern.
- (d) The possession and use of a replica firearm is permitted:

- (1) If the device is solely for use and is being used in theatrical productions, including motion picture, television and stage productions.
  - (2) If the replica firearm is in the possession and control of a carnival and is offered for use to carnival customers on a temporary basis. For the purpose of this section, "carnival" means an enterprise which offers amusement or entertainment to the public by means of one or more amusement attractions or rides.
- (e) *Penalties.* Any person violating this section, upon conviction thereof, shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for each offense, or imprisoned for a period not to exceed six (6) months, or both such fine and imprisonment. As an alternative to, or in addition to, any such fine, the violator may be made to perform community service.

(Ord. No. 006-167, § 1, 12-19-06; Ord. No. 007-29, § 1, 3-13-07)

## **Sec. 29-115. Offenses on public property.**

Any person committing certain offenses on or directly related to public property may be ordered to leave said property and/or not permitted to return for a certain period of time, subject to the guidelines set forth below.

(1) *Definitions.*

*Public property* for purposes of this section shall include the following:

- i. The City of Aurora parks and facilities as follows: Phillips Park, Garfield Park, Solifsburg Park, McCarty Park, Wilder Park, Claim & Beach, Linda Court & Best Place, 4th Street & Galena Boulevard, 5th Avenue & Union, Penson Park, Marie Wilkenson Park, Bishop Bonner Park, Equata's Place, Doe Lake Area, Galena & Canterbury, Station Number 5 Aurora Fire Department, West Aurora Watershed, Prairie & Orchard, Orchard Road & North Galena, and Freedom Park.
- ii. The City of Aurora Public Art Facility located at 20 East Downer Place.
- iii. The GAR building, located at 23 East Downer Place.

*Ban* for purposes of this section shall mean ordering a person to leave certain public property and/or ordering a person not to return to, or enter upon, certain public property for a specific period of time.

*Class 1 violations* include the following:

- i. Disorderly conduct in violation of section 29-16;
- ii. Mob action in violation of section 29-17;
- iii. Permitting unlawful assembly in violation of section 29-18;
- iv. Disturbing lawful assembly in violation of section 29-19;
- v. Loitering, obstruction of traffic or passersby in violation of section 29-21;
- vi. Prostitution in violation of section 29-61;
- vii. Patronizing a prostitute in violation of section 29-63;
- viii. Pandering in violation of section 29-65;
- ix. Soliciting for a prostitute in violation of section 29-66;
- x. Street soliciting in violation of section 29-66.2;
- xi. Obscenity in violation of section 29-67;
- xii. Public indecency in violation of section 29-68;
- xiii. Public urination or defecation in violation of section 29-70;
- xiv. Gambling in violation of section 29-77;
- xv. Theft in violation of section 29-91;

- xvi. Criminal damage to property in violation of section 29-92;
- xvii. Criminal trespass to real property in violation of section 29-93;
- xviii. Retail theft in violation of section 29-98;
- xix. Possession of spray paint by minors in violation of section 29-101;
- xx. General noise prohibition in violation of section 29-204;

*Class 2 violations* include the following:

- i. Assault in violation of section 29-41;
- ii. Battery in violation of section 29-42;
- iii. Unlawful use of weapons in violation of section 29-43;
- iv. Discharging firearms in violation of section 29-45;
- v. Possession of ammunition and firearms by underage persons in violation of section 29-46;
- vi. Unlawful use of air and spring guns in violation of section 29-47.

- (b) The Aurora Police Chief and his designees are authorized to determine whether or not a person should be banned for certain conduct pursuant to the ban guidelines described herein;
- (c) *Ban guidelines:* In addition to any penalties otherwise required by this Code for committing a class I or II violation, a person may be ordered to leave the public property upon which said violation occurred or was directed in the case of an imminent threat of violence, and/or ordered not to return to, or reenter thereon, as follows:
  - (1) *Class 1 violations:* A seven (7) to fifteen (15) day ban (or end of event if less than seven (7) days);
  - (2) *Class 2 violations:* A twenty (20) to forty-five (45) day ban (or end of event if less than twenty (20) days).
- (d) A ban shall be restricted to the public property upon which the violation occurred.
- (e) Written notice of a ban shall be hand delivered or sent to the person's last known address via certified mail, receipt requested, and shall contain the following:
  - (1) An order not to return or enter upon the public property;
  - (2) A description of the location of the public property subject to the ban and the time during which the ban is effective;
  - (3) Notice that the person shall be subject to arrest for criminal trespass, pursuant to section 29-93 of the Code of Ordinances, if he/she violates the order;
  - (4) Notice that the person may appeal the written ban decision within ten (10) days of receipt by filing a written request to the city's law department. Said appeal hearing shall be subject to the provisions set out more fully in section 29-209, Procedure.

- (5) State the penalties for criminal trespassing.
- (f) Upon hearing an appeal of a ban decision, the hearing officer shall consider the following:
  - (1) The likelihood that the class I or II violation occurred, the issuance of a citation for such a violation being prima facie evidence of such an occurrence;
  - (2) The reasonableness of the ban term, based upon the violation; and
  - (3) Whether or not reasonable limitations should be placed upon the ban, so as to permit the person's access to public services for the person's health, safety or welfare.
- (g) A criminal trespass, in violation of section 29-93, shall be committed if any person violates a ban order, and such violation shall be subject to the penalties prescribed by the Code for that offense.
- (h) City sponsored or produced events.
  - (1) The Aurora Police Chief and his designees are authorized to ban an individual from a city sponsored or produced event for any violation of state law, the city's ordinances, or the event's posted rules or regulations. For purposes of this subsection (h) only, including its subparts, the ban shall be verbally given to the individual.
  - (2) A criminal trespass, in violation of section 29-93, shall be committed when: any person refuses to leave the event after being given verbal notice of the ban; or, if any person returns to the event after being given verbal notice of the ban. Such violation shall be subject to the penalties prescribed by the Code for that offense.
  - (3) After verbal notice is given, the individual shall be banned only from the clearly delineated area of the event.
  - (4) The ban shall last for a single day of that individual event only.

(Ord. No. 009-40, § 1, 5-26-09)

## ARTICLE VII. CRIMINAL NUISANCE ABATEMENT\*

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\***Editor's note:** Ord. No. 008-98, § 1, adopted Oct. 14, 2008, amended Art. VII, §§ 29-125--29-128, in its entirety, in effect deleting Art. VII, §§ 29-125--29-128, and enacting a new Art. VII, §§ 29-125--29-129, to read as set out herein. Former Art. VII, §§ 29-125--29-128, pertained to similar subject matter and derived from Ord. No. 003-06, § 1, adopted Jan. 28, 2003.

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### **Sec. 29-125. Findings of the city council.**

The city council hereby finds as follows:

- (1) The repeated commission of criminal offenses and violations of the City's Municipal Code substantially annoys and injures the health, comfort, repose and safety of the public.
- (2) The failure of owners or managers of certain real property to control the activity occurring on their property causes repeated and substantial expenditures of public funds in order to enforce state, federal and city laws upon or near their property. Among the property management practices that contribute to the existence of activities which disturb neighborhoods are the failure of owners or managers of real property to require tenants to obey laws as a condition of leases, the failure to enforce existing provisions of leases, the failure of owners or managers to respond to or take affirmative steps to address complaints by adjoining owners, and the overall tolerance by owners or managers of criminal activity on property by tenants or their guests, all of which substantially annoys and injures the health, comfort, repose and safety of the public.
- (3) The decline in or depression of surrounding property values and the expenditures of public funds results in part from the fact that certain property owners or managers fail to adequately manage and control their property.
- (4) The provisions of this article will assist the city in the long term to renew certain neighborhoods by lessening the expenditures of public funds, increasing property values, preserving the tranquility of neighborhoods, and deterring property owners and managers from adopting inadequate management practices.

(Ord. No. 008-98, § 1, 10-14-08)

### **Sec. 29-126. Definitions.**

*Aggravated nuisance activities* means any of the following activities, behaviors, or conduct as defined by federal, state, or municipal statute and/or ordinance where a citation is given, an arrest is made or a violation has been documented:

- (1) Homicide.
- (2) Kidnapping.
- (3) Criminal housing management.
- (4) Possession of explosives or incendiary devices.
- (5) Any offense involving unlawful use of weapons.
- (6) Mob action.
- (7) Child pornography.
- (8) Any controlled substance violation.
- (9) Felony production, sale, distribution or possession of cannabis.
- (10) Gang activity violations as described in the Street Gang Omnibus Prevention Act.
- (11) Unlawful contact with a gang member.
- (12) Violation of Methamphetamine Control and Community Protection Act.

*Hearing officer* means a city employee or an officer or agent of the city, other than a police officer, whose duty it is to do the following:

- (1) Preside at an administrative hearing called to determine whether or not a property is or was a nuisance property;
- (2) Hear testimony and accept evidence from the police, the person in charge/owner/occupant, and all interested parties relevant to the existence of nuisance activity;
- (3) Preserve and authenticate the transcript and record of the hearing and all exhibits and evidence introduced at the hearing; and
- (4) Issue and sign a written finding, decision, order stating whether a violation of this article exists.

*Nuisance activities* means any of the following activities, behaviors, or conduct, as defined by federal, state or municipal statute and/or ordinance where a citation is given, an arrest is made or a violation has been documented:

- (1) Mob action.
- (2) Unlawful assembly.
- (3) Assault.
- (4) Battery.
- (5) Unlawful use of weapons or firearms.
- (6) Unlawful discharge of a firearm.
- (7) Prostitution.

- (8) Soliciting or patronizing a prostitute.
- (9) Keeping a house of prostitution.
- (10) Pandering.
- (11) Obscenity.
- (12) Sexual assault and sexual abuse.
- (13) Public indecency.
- (14) Disorderly conduct.
- (15) Unlawful, production, sale, distribution, possession, or use of cannabis.
- (16) Illegal gambling.
- (17) Keeping or maintaining a place of illegal gambling.
- (18) Unlawful possession of gambling devices.
- (19) Arson.
- (20) Criminal damage to property.
- (21) Illegal consumption, sale or possession of alcohol.
- (22) Theft.
- (23) Interference with public/peace officer.
- (24) Harassment.
- (25) Indecent exposure.
- (26) Zoning violations.
- (27) Loitering.
- (28) Unlawful possession, sale, distribution or use of fireworks.
- (29) Aiding and abetting.
- (30) Conspiracy.
- (31) Trespass.
- (32) Drug paraphernalia.
- (33) Violation of noise ordinance.
- (34) Parking on the lawn.
- (35) Junk vehicles.
- (36) Unlicensed vehicles.
- (37) Occupancy violations.
- (38) Garbage, junk or trash violations.



- (39) Vandalism, graffiti.
- (40) Violations of any animal regulations.
- (41) Any violation of 720 ILCS.
- (42) Any violation of Chapter 29 of the Aurora Code of Ordinances.
- (43) Misdemeanor possession of cannabis.
- (44) Violation of 15 ILCS 235 illegal dumping.

*Nuisance property* means any property on which the police department has two (2) or more official police reports of nuisance activity which has occurred within a six-month period.

*Person* means any natural person, agent, association, firm, partnership, corporation or other entity capable of owning, occupying, or using property in the City of Aurora.

*Person in charge* means any person, in actual or constructive possession of a property, including, but not limited to, an owner or occupant of property under his ownership or control.

*Police chief* means the Chief of Police of the City of Aurora or his designee.

*Property* means any property, including land and that which is affixed, incidental, or appurtenant to land, including, but not limited to, any business or residence, parking area, loading area, landscaping, building or structure or any separate part, unit, or portion thereof, or any business equipment, whether or not permanent. For property consisting of more than one unit, property may be limited to the unit or the portion of the property on which any nuisance activity has occurred or is occurring, but includes areas of the property used in common by all units of property, including, without limitation, other structures erected on the property and areas used for parking, loading, and landscaping.

(Ord. No. 008-98, § 1, 10-14-08)

### **Sec. 29-127. Violations.**

- (a) Any property on which nuisance activity occurs may be declared a nuisance property. No property shall be declared a nuisance property unless it is proven by a preponderance of the evidence that there has been two (2) or more instances of nuisance activity within a one-year period of time arising out of or arising from the property.
- (b) Any property on which aggravated nuisance activity occurs may be declared an aggravated nuisance property. No property shall be declared an aggravated nuisance property unless it is proven by a preponderance of the evidence that there has been one (1) or more instances of aggravated nuisance activity within a one-year period of time.
- (c) Any person or person in charge who (1) encourages or permits a property to become a nuisance property as defined in subsection 29-126; (2) allows a property to continue as a nuisance property; and (3) fails to implement reasonable and warranted measures, as specified by the police chief, shall be in violation of this article.
- (d) Each day that a violation of this article continues shall be considered a separate and

distinct offense.

(Ord. No. 008-98, § 1, 10-14-08)

**Sec. 29-128. Procedure.**

- (a) When the chief of police receives one (1) or more documented occurrences of nuisance activities on a property, he may, at his discretion, independently review such reports to determine whether they describe the activities, behaviors, or conduct enumerated under section 29-126. Upon such a finding, the chief may, at his discretion, do the following:
  - (1) Notify the person in charge that the property is in danger of becoming a nuisance property. If the chief sends such notice, the notice shall contain the following information:
    - a. The street address of the property or a legal description for identification of the property;
    - b. A statement that the Aurora Police Department has information that the property may be a nuisance property along with a concise description of the nuisance activities that exist or that have occurred. The chief of police shall offer the person in charge an opportunity to propose a course of action that the chief of police agrees will abate the nuisance activities giving rise to the violation.
    - c. Demand that the person in charge respond to the chief of police within ten (10) business days to discuss the nuisance activities.
- (b) When the chief of police receives documentation of the occurrence of additional nuisance activity on the same property after notice has been given, as specified in section 29-128, the chief, at his discretion, may do the following:
  - (1) Notify the person in charge, in writing, that the property has been determined to be a nuisance property. If the chief sends such notice, the notice shall contain the following information:
    - a. The street address of the property or a legal description sufficient for identification of the property.
    - b. A statement that the matter is being referred to the city of law department to be brought before an administrative hearing officer, as defined in section 12-181 of this Code, for a hearing.
    - c. If the person in charge notifies the chief of police immediately, upon receipt of the notice and agrees to abate the nuisance within ten (10) days, or take other agreed upon, timely, and warranted measures, the chief may, at his discretion, postpone referring the matter to the law department.
    - d. Service of notice shall be made either personally or by first-class mail, postage prepaid, addressed to the person in charge at the address of the nuisance property, or such other place which is likely to give the

person in charge notice of the determination of the chief of police.

- e. A copy of the notice shall be served on the owner at the address shown on the tax rolls of the county in which the property is located, and/or the occupant at the address of the property, if these persons are different than the person in charge, and shall be made either personally or by first-class mail, postage prepaid.
- f. The failure of any person to receive notice, as provided above, shall not invalidate or otherwise affect the proceedings under this chapter.

(Ord. No. 008-98, § 1, 10-14-08)

**Sec. 29-129. Burden of proof; procedure; fines and remedies.**

- (a) At hearing before the administrative hearing officer, the city shall have the initial burden of proof to show, by a preponderance of evidence, that the property is a nuisance property.
- (b) If a property owner is summoned before the hearing officer due to nuisance property, he shall give notice, in writing, to all of his tenants on that property. Said notice shall provide the following: The physical address of the property; the date and time that the property owner is to appear before the hearing officer; the fact that the appearance is due to alleged nuisance activity; and the possible sanctions that may be imposed upon the property owner. The notice shall be delivered, either personally or by U.S. mail, to each tenant on the property and must be posted in a prominent location on the property where the tenant(s) are likely to see it.
- (c) Such a hearing shall be held in accordance with the procedures as specified in chapter 12, article VII of this Code, except that sections 12-189; 12-190; and 12-191 shall not apply to this article. The city's representative shall present evidence in support of its claim that the property is a nuisance property. The person in charge or the person in charge's local representative shall be permitted to rebut such evidence and present any other evidence that is, in the discretion of the hearing officer, relevant and reliable.
- (d) At the conclusion of the hearing, the hearing officer shall make a determination on the basis of the evidence presented at the hearing, whether or not a code violation exists. The determination shall be in writing and shall be designated as the findings, decisions, and order. The hearing officer's decision shall be final and binding, except that the administrative review law, as specified in section 12-192 of this Code, shall be applicable. The findings, decision and order shall include the hearing officer's findings of fact, a decision whether or not a code violation exists based upon the finding of fact, and an order for abatement of the nuisance activity or sanctioning the person in charge/owner/occupant, as specified in [subsection (e)] below, or dismissing the case in the event a violation is not proved.
  - (1) A copy of the findings, decision, and order shall be served upon the person in charge, or owner/occupant if different than the person in charge, within ten (10) business days. Service shall be in the same manner as specified in section 29-12[8](b)(1)d and e.

- (2) Payment of any penalty or fine shall be made to the city finance department.
  - (3) In the event that the order provides for the abatement of nuisance activity, the hearing officer shall establish a status date, which would be after the date established for the abatement of the nuisance activity, in order to determine whether there has been compliance with the order. At such time, the hearing officer shall hear testimony and accept any evidence relevant to the compliance with the order and continued abatement of the nuisance activity.
- (e) If the hearing officer makes a finding that a property was, or is, a nuisance property, he may impose any or all of the following remedies:
- (1) Fine the person in charge, and/or the owner/occupant of the property if those persons are different than the person in charge, not less than two hundred dollars (\$200.00) and not more than one thousand dollars (\$1,000.00) for each violation of this section. Each day a nuisance activity occurs or continues shall be considered a separate and distinct violation. The hearing officer may, at his discretion, impose such a fine for each day the nuisance activity goes unabated. No person shall be found in violation of this section unless the city proves by a preponderance of the evidence that the person in charge/owner/occupant failed to take reasonable and warranted measures to abate the nuisance activity. In establishing the amount of any fine, the hearing officer may consider any of the following factors:
    - a. The actions taken by the person in charge/owner/occupant to mitigate or correct the nuisance activities at the property.
    - b. The repeated or continuous nature of the problem.
    - c. The magnitude or gravity of the problem.
    - d. How cooperative the person in charge/owner/occupant is with the city.
    - e. The cost to the city of investigating, correcting, or attempting to correct the nuisance activities.
    - f. Any other factor deemed relevant by the hearing officer. Evidence of a property's general reputation and/or the reputation of the persons in or frequenting it shall be admissible.
  - (2) Order the person in charge/owner/occupant to take reasonable, timely and lawful measures to abate the nuisance activity, including specifying deadlines for the same, and in furtherance thereof, may order a period of continued compliance wherein the matter will be returned before the hearing officer to update him/her as to the continued nuisance-free status of the property for a period of up to one (1) year.
  - (3) Suspend/revoke the rental license for the rental unit(s) involved in the nuisance or aggravated nuisance activity if such property is rented or leased. The hearing officer may order that said rental unit(s) be closed and secured against all unauthorized access, use, and occupancy for a period of up to one (1) year. If the hearing officer suspends or revokes the rental license for the rental unit(s)

involved in the nuisance activity, the person in charge, or the owner/occupant of the rental unit(s) if those persons are different than the person in charge, shall receive written notice from the law department that the license to operate said rental property or the right to lease said unit(s) is suspended or revoked, as the case may be. The suspension or revocation of any license, or any right to lease unit(s), shall not release or discharge the license holder from paying fees or fines under this Code, nor shall such license holder be released from criminal prosecution or further civil proceedings.

- (4) Suspend or revoke the occupancy permit that has been issued by the city for the establishment, business, club or any commercial entity that currently occupies the property. The hearing officer may order that the property be closed and secured against all unauthorized access, use, and occupancy for a period of up to one (1) year.
  - (5) Close any business, office, commercial warehouse, manufacturing, industrial, office or research operation, plant, or any other commercial property, entity, or use located on or in the nuisance property. The hearing officer may order that the property be closed and secured against all unauthorized access, use, and occupancy for a period of up to one (1) year.
  - (6) Order that a vacant or unused nuisance property of whatever use or a vacant lot which is a nuisance property, whether residential or commercial, be closed and secured against all unauthorized access, use, and occupancy. The hearing officer may order that the property be closed and secured against all unauthorized access, use, and occupancy for a period of up to one (1) year. The hearing officer may further require that the nuisance property be fenced and/or gated to physically restrict access. He may also require the hiring of security personnel to assure there is no unauthorized access, use, and occupancy.
  - (7) Issue an order to close and secure any rented or leased, non-licensed, residential property against all unauthorized access, use, or occupancy for a period of not less than sixty (60) days, nor more than one (1) year.
- (f) The hearing officer shall require each landlord who is found to have violated this article to attend the next available landlord training class as administered by the Aurora Police Department or any other entity designated by the city.

(Ord. No. 008-98, § 1, 10-14-08)

### **Sec. 29-130. Charge for nuisance services.**

The city council finds that any premises that has generated more calls for police service for nuisance activities after being declared a nuisance property has received more than the level of general and adequate police service and has placed an undue and inappropriate burden on the taxpayers of the city. The city council therefore directs the chief of police to charge the owners of such premises the costs associated with abating nuisance violations as defined herein at such premises for a period of one (1) year, after which, charging for the services will cease unless the council reconsiders the facts and determines to continue to charge for such services.

(Ord. No. 008-98, § 1, 10-14-08)

**Sec. 29-131. Retaliation prohibited.**

It shall be unlawful for an owner to terminate the lease agreement of a tenant or otherwise retaliate against any tenant because that tenant complained or otherwise notified the police department about nuisance activities at the owner's premises. Such eviction or retaliation shall be enforceable as a violation of this article.

(Ord. No. 008-98, § 1, 10-14-08)