

**VILLAGE OF HAZEL CREST
COOK COUNTY, ILLINOIS**

**AN ORDINANCE AMENDING ARTICLE V OF CHAPTER 20, BY ADDING SECTION
20-82 TO THE MUNICIPAL CODE FOR THE VILLAGE OF HAZEL CREST,
ILLINOIS REGARDING AN ASSAULT WEAPONS BAN FOR THE VILLAGE OF
HAZEL CREST, COUNTY OF COOK, STATE
OF ILLINOIS.**

ORDINANCE NO. 09-2013

WHEREAS, the Village of Hazel Crest, County of Cook, State of Illinois (the “Village”) is a duly organized and existing village and unit of local government; and

WHEREAS, the Village is a home rule unit of local government as is provided by Article VII, Section 6 of the Constitution of the State of Illinois, adopted in 1970, and as a home rule unit of local government the Village may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Village President (the “President”) and the Board of Trustees of the Village (the “Village Board” and with the President, the “Corporate Authorities”) are committed to maintaining a safe and healthy environment within the Village; and

WHEREAS, Illinois House Bill 183 (the “Bill”), if enacted as currently drafted, would amend Section 13.1 of 430 ILCS 65, to pre-empt municipal regulation of the possession or ownership of assault weapons unless such regulations are enacted on, before or within ten (10) days of the effective date of the Bill; and

WHEREAS, the Corporate Authorities find that assault weapons have additional characteristics that make them more dangerous than ordinary weapons that are typically possessed by Village residents for lawful purposes such as self-defense, collecting or hunting; and

WHEREAS, the Corporate Authorities also find that assault weapons enable shooters to discharge a high number of shots rapidly and have been declared to be conducive to other criminal activities; and

WHEREAS, in connection therewith, and to ensure that the Village's authority to regulate assault weapons is not pre-empted by the Bill, the Corporate Authorities have determined that it is necessary for the public health, safety and welfare of the Village and its residents to amend the Municipal Code for the Village of Hazel Crest, Illinois (the "Village Code") to clarify and expand the Village's existing weapon's regulations; and

WHEREAS, based upon the foregoing, the Corporate Authorities have determined that it is necessary, advisable and in the best interests of the Village and its residents to amend Chapter 20, Article V of the Village Code, as set forth below; and

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF HAZEL CREST, COOK COUNTY, ILLINOIS, as follows:

**ARTICLE I.
IN GENERAL**

Section 1.00. Incorporation Clause. The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

Section 2.00. Purpose. The purpose of this Ordinance is to amend the Village Code by adding an assault weapons ban.

ARTICLE II.
AMENDMENT TO THE MUNICIPAL CODE FOR THE VILLAGE
OF HAZEL CREST, ILLINOIS

Section 3.00. Amendment to the Village Code. That the Village Code is hereby amended as follows:

Section 20-82. Assault Weapons Ban.

- (a) Definitions. The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- (1) “Antique weapon” means weapons that have not been manufacturer or altered for a period of no less than seventy-five (75) years and are rendered permanently unusable.
- (2) “Assault weapon” means:
- (a) A semiautomatic rifle that has the capacity to accept a large capacity magazine detachable or otherwise and one or more of the following:
1. Only a pistol grip without a stock attached;
 2. Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
 3. A folding, telescoping or thumbhole stock;
 4. 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
 5. A muzzle brake or muzzle compensator.
- (b) A semiautomatic pistol or any semi-automatic rifle that has a fixed magazine, that has the capacity to accept more than ten rounds of ammunition;
- (c) A semiautomatic pistol that has the capacity to accept a detachable magazine and has one or more of the following:
1. Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
 2. A folding, telescoping or thumbhole stock;
 3. 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;
 4. A muzzle brake or muzzle compensator; or
 5. The capacity to accept a detachable magazine at some location outside of the pistol grip.
- (d) A semiautomatic shotgun that has one or more of the following:
1. Only a pistol grip without a stock attached;

2. Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
 3. A folding, telescoping or thumbhole stock;
 4. A fixed magazine capacity in excess of five rounds; or
 5. An ability to accept a detachable magazine.
- (e) Any shotgun with a revolving cylinder.
- (f) Conversion kit, part or combination of parts, from which an assault weapon can be assembled if those parts are in the possession or under the control of the same person;
- (g) Shall include, but not be limited to, the assault weapons models identified as follows:
1. The following rifles or copies or duplicates thereof:
 - i. AK, AKM, AKS, AK-47, AK-74, ARM, MAK90, Mistr, 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;
 - vii. Fabrique National FN/FAL, FN/LAR, or FNC;
 - viii. Hi-Point Carbine;
 - ix. HK-91, HK-93, IIK-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).
 2. The following pistols or copies or duplicates thereof:
 - 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.
 3. 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.

- (3) "Assault weapon" does not include any firearm that has been made permanently inoperable, or satisfies the definition of "antique weapon," stated in this section.
- (4) "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.
- (5) "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:
 - (a) A feeding device that has been permanently altered so that it cannot accommodate more than ten rounds.
 - (b) A 22 caliber tube ammunition feeding device.
 - (c) A tubular magazine that is contained in a lever-action firearm.
- (6) "Muzzle brake" means a device attached to the muzzle of a weapon that utilizes escaping gas to reduce recoil.
- (7) "Muzzle compensator" means a device attached to the muzzle of a weapon that utilizes escaping gas to control muzzle movement.
- (b) Assault weapons and large capacity magazines; sales prohibited; exceptions.
 - (1) No person shall manufacture or distribute, sell, offer or display for sale, give, lend, transfer ownership of, acquire or possess any assault weapon or large capacity magazine. This subsection shall not apply to:
 - (a) The sale or transfer to, or possession by any officer, agent, or employee of the Village, or of any other municipality, county, body politic or any other state or of the United States, members of the armed forces of the United States; or the organized militia of this or any other state; or peace officers to the extent that any such person named in this subsection is otherwise authorized to acquire or possess an assault weapon and/or large capacity magazine and does so while acting within the scope of his or her duties;
 - (b) Transportation of assault weapons or large capacity magazine if such weapons are broken down and in a nonfunctioning state and are not immediately accessible to any person.
 - (2) Any assault weapon or large capacity magazine possessed, sold or transferred in violation of Subsection (a) of this section is hereby declared to be contraband and shall be seized and disposed of in accordance with the provisions of Section 838.03(D) hereof.
 - (3) Any person found in violation of this section shall be sentenced to not more than six months imprisonment or fined not less than \$500.00 and not more than \$1,000.00, or both.
 - (4) Any person who, prior to the effective date of this ordinance codified in this section, was legally in possession of an assault weapon or large capacity magazine prohibited by this section shall have 14 days from the effective date of this ordinance to do any of the following without being subject to prosecution hereunder:

- (a) To remove the assault weapon or large capacity magazine from within the limits of the Village; or
 - (b) To modify the assault weapon or large capacity magazine either to render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon or large capacity magazine; or
 - (c) To surrender the assault weapon or large capacity magazine to the Chief of Police of the Village or his designee for disposal as provided below.
- (c) Destruction of weapons confiscated.
- (1) Whenever any firearm or large capacity magazine is surrendered or confiscated pursuant to the terms of this section, the Chief of Police of the Village or his designee shall ascertain whether such firearm or large capacity magazine is needed as evidence in any matter.
 - (2) If such firearm or large capacity magazine is not required for evidence it shall be destroyed at the direction of the Chief of Police of the Village or his designee. A record of the date and method of destruction and an inventory of the firearm or large capacity magazine so destroyed shall be maintained.

Section 3.01. Other Actions Authorized. The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendment contemplated by this Ordinance and shall take all action necessary in conformity therewith. The officers, employees and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms to be utilized in connection with the amendment contemplated by this Ordinance.

**ARTICLE III.
HEADINGS, SAVINGS CLAUSES, PUBLICATION,
EFFECTIVE DATE**

Section 4. Headings. The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

Section 5. **Severability.** The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

Section 6. **Superseder.** All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

Section 7. **Publication.** A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

Section 8. **Home Rule Authority.** It is the intent of the Corporate Authorities 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 9. **Effective Date.** This Ordinance shall be effective and in full force at the earliest time as permitted by the Illinois Municipal Code.

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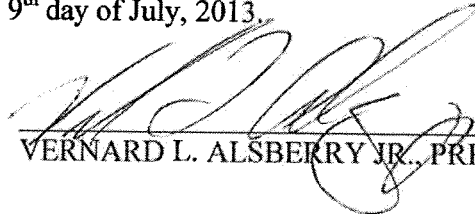
PASSED BY THE FOLLOWING ROLL CALL VOTE this 9th day of July, 2013.

AYES: Bashir, Brown, Jackson, McGhee, and Pate.

NAYS: None.

ABSENT: Moore.

ADOPTED AND APPROVED this 9th day of July, 2013.


VERNARD L. ALSBERRY JR., PRESIDENT

ATTEST:


MARY GRANT, VILLAGE CLERK