

CHAPTER 8

SALE OF DEADLY WEAPONS RESTRICTED

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8-8-1: DEFINITIONS: For purposes of this Ordinance:

- (A) "Deadly Weapons" means pistols, derringers, revolvers or other handguns of such size or nature that they may be concealed on or about the person, short-barreled shotguns and short-barreled rifles. Deadly weapons do not include any antique firearm. Deadly weapons do not include any firearm which is not designated to or may not readily be converted to expel a projectile by the action of an explosive.
- (B) "Short-Barreled Shotguns" means shotguns having one or more barrels less than eighteen inches (18") in length.
- (C) "Short-Barreled Rifles" means a rifle having one or more barrels less than sixteen inches (16") in length.

- (D) "Antique Firearm" means:
1. Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and
 2. Any replica of any firearm described in subsection 8-8-1(D)1., if such replica:
 - (a) Is not designed or redesigned for using rimfire or conventional center-fire fixed ammunition, or
 - (b) Uses rimfire or conventional center-fire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.
- (E) "Dealer" means any person, firm or corporation:
1. Engaged in the business of selling firearms at wholesale or retail,
 2. Engaged in the business of repairing firearms or of making or fitting special barrels, stocks or trigger mechanisms to firearms, or
 3. Any person who is a pawnbroker.
- (F) "Licensed Dealer" means any dealer who is validly licensed as a dealer under the provisions of Chapter 44 of Title 18 of the United States Code.
- (G) "Licensed Collector" means any person who acquires, holds or disposes of firearms or ammunition as curios or relics and who is validly licensed as a collector by the Secretary of the Treasury of the United States under the provisions of Chapter 44 of Title 18 of the United States Code.
- (H) "Sale or Other Transfer" means any sale, gift, exchange, loan, rental or other transfer of a deadly weapon, but does not include any of the following:
1. Acquisition of a deadly weapon as the executor, administrator or other legal representative of a decedent's estate, or
 2. Transfer of a deadly weapon by bequest or intestate succession, or
 3. Acquisition or transfer of a deadly weapon by a trustee in bankruptcy in the administration of a bankrupt's estate, or
 4. Return of a deadly weapon to a person, firm or corporation from whom it was received, or
 5. Transfer of a deadly weapon where it is required by or in accordance with a judgment or decree of any court of lawful jurisdiction, or

6. Transfer of a deadly weapon to any Federal, state or local government, or any department, agency, bureau, institution or commission thereof, or

7. Transfer of a deadly weapon to a private museum, society, institution or other private organization which customarily acquires and holds firearms as curios or relics or for scientific or research purposes, or

8. Loan or rental of a deadly weapon solely for the purpose of target shooting upon a lawful pistol range or other lawful target range.

8-8-2: **UNLAWFUL SALE OR OTHER TRANSFER OF DEADLY WEAPONS:** It shall be unlawful for any person, firm or corporation to make any sale or other transfer of a deadly weapon in the Village of Posen, Illinois, to any person, firm or corporation other than the following:

- (A) Persons who are required or authorized to possess and use a deadly weapon incident to their membership, employment or association with any of the regular armed forces, military services or reserve organizations of the United States.
- (B) Persons who are required or authorized to possess and use a deadly weapon incident to their membership, employment or association with the organized militia of any state.
- (C) Persons who are required or authorized to possess and use a deadly weapon incident to their employment by any Federal, state or local government thereof, specifically including by way of example but not limited to:
 - 1. Peace officers;
 - 2. Wardens, superintendents and keepers of prisons, penitentiaries, jails or other institutions for the detention of persons accused or convicted of an offense; and
 - 3. Agents and investigators of the Illinois Legislative Investigatory Commission authorized by the Commission to carry weapons.
- (D) Licensed detectives and employees of licensed detective agencies as defined in Illinois Revised Statutes, Chapter 38, Section 201-1, as now or hereafter amended.
- (E) Special agents employed by a railroad or public utility to perform police functions.
- (F) Watchmen, bank guards, armed truck guards or other similar private security personnel, in accordance with the provisions of Section 8-8-11 of this Ordinance.

(G) A licensed collector of deadly weapons.

(H) A licensed dealer in deadly weapons.

8-8-3: DEALER LICENSE REQUIRED: No person, firm or corporation shall engage in the business of a dealer in deadly weapons in the Village of Posen, Illinois, without securing a license therefor.

8-8-4: APPLICATION FOR DEALER'S LICENSE: An application for the license required by Section 8-8-3 shall be made in writing to the Village of Posen Clerk on such suitable forms provided or approved by him setting forth the name of the applicant, residence or registered address, and address where the business is to be conducted. The application for license shall also state that the applicant (including in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership or association) is eighteen (18) years of age or over, that he is not under indictment for or has been convicted in any court of a felony, is not a fugitive from justice, is not addicted to the use of narcotics, has not been a patient in a mental institution within the past five (5) years, and is not mentally retarded.

8-8-5: DEALER'S LICENSE FEE: The license fee shall be twenty five dollars (\$25.00) per year or such other sum as may be established by ordinance. The license shall expire on April 30 following the date of issuance. The fee for a license issued for less than one year shall be prorated.

8-8-6: DENIAL OR ISSUANCE OF LICENSE: It shall be the duty of the Village Clerk to refuse the license required by Section 8-8-3 to any person, firm or corporation which fails, refuses or is unable to comply with all of the requirements specified in Sections 8-8-4 and 8-8-5; otherwise, in case the Village Clerk shall be satisfied that the applicant has fully complied with all of the aforesaid requirements, it shall be the duty of the Village Clerk to issue such license.

8-8-7: REVOCATION OF LICENSE: The Village President, after notice and opportunity for hearing, may revoke any license issued under this Ordinance if the holder has violated any provision of this Ordinance or is no longer able to fully comply with all of the requirements for a license specified in Section 8-8-4 hereof. When a license of any dealer is revoked the money paid for such license shall be forfeited to the Village and no other license shall be issued to such dealer for a period of three (3) years thereafter.

8-8-8: NOTICE: Any dealer whose application for a license is denied and any holder of a license which is revoked shall receive a written notice from the Village stating specifically the grounds upon which the application was denied or upon which the license was revoked. Any notice of a revocation of a license shall be given to the holder of such license before the effective date of the revocation.

8-8-9: HEARING: If the Village Clerk denies an application for, or if the Village President revokes a license, the Village Clerk or Village President shall, upon request by the aggrieved party, promptly hold a hearing to review the denial or intended revocation. A hearing to review an intended revocation shall be held before the effective date of the revocation.

8-8-10: RECORDS TO BE KEPT BY DEALERS: Any dealer in deadly weapons other than a manufacturer selling to a bona fide wholesaler or a retailer or a wholesaler selling to a bona fide retailer shall keep a record of all such deadly weapons acquired, sold, leased, loaned, given away or otherwise transferred. Such record shall contain information as to the manufacturer, importer, model, serial number, type of action, caliber or gauge, barrel length, gun finish, date received, from whom received, name and address, the date of sale, name of purchaser or donee, age, occupation, address or license number of purchaser, or such other relevant information as may be required by the Village Clerk. Such records shall be open for inspection by any duly authorized law enforcement official or by the Village Clerk of the Village of Posen at all reasonable times.

8-8-11: SALE OR OTHER TRANSFER TO PRIVATE SECURITY PERSONNEL: Any dealer in deadly weapons who sells or otherwise transfers a deadly weapon to any watchman, bank guard, armed truck guard or other similar private security personnel shall, before making such sale or transfer, request and receive from such person's employer a letter stating that such person is employed as a private security guard and requires the deadly weapon which he is seeking to obtain from the dealer. Copies of such letters shall be provided by dealers to the Village Clerk in accordance with the reporting requirements of Section 8-8-12 of this Ordinance.

8-8-12: REPORT OF SALE OR OTHER TRANSFER BY DEALERS: Any dealer in deadly weapons shall, upon selling or giving away a deadly weapon, make a report of said sale or gift, which report shall contain the date of sale or gift, name, age, address, occupation, physical description of purchaser or donee, the purpose for which purchased, the kind, description, including serial number of the deadly weapon, and the consideration paid therefor, the Illinois State Firearms Identification Card number, if any, and/or the drivers' license number, if any. Such report of sale shall be open for inspection by any duly authorized law enforcement official or by the Village Clerk of the Village of Posen at all reasonable times. In

addition, the information contained in this Section shall be provided by the dealer to the Village Clerk of Posen no later than the last business day of each calendar month representing all sales, leases, loans, gifts or other transfers of any deadly weapon by the dealer.

8-8-13: PUBLIC EXHIBIT OR DISPLAY PROHIBITED: It shall be unlawful for any dealer in deadly weapons to exhibit deadly weapons in show windows, or to display any signs, posters, cartoons or display cards suggesting the sale of deadly weapons, in any public manner which would cause such exhibit or display to be visible to persons outside of the dealer's premises.

8-8-14: PENALTY: Any person, firm or corporation violating any of the provisions of this Ordinance shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense and a separate offense shall be deemed committed on each day during or on which a violation continues. (Ord. 75-10, 10-28-76)