

CHAPTER 115: CARE-PROVIDING FACILITIES

§ 115.88 AMMUNITION AND WEAPONS.

(A) Handguns are prohibited on the premises of the day care home except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside in the day care home.

(B) Any *firearm*, other than a handgun in the possession of a peace officer or other person as provided above, shall be kept in a disassembled state, without ammunition, in locked storage in a closet, cabinet, or other locked storage facility inaccessible to children. Ammunition for such *firearm(s)* shall be kept in locked storage separate from that of the disassembled *firearm(s)*, inaccessible to children.

(C) The operator of the day care home shall notify the parent(s) or guardian of any child accepted for care that *firearm(s)* and ammunition are stored on the premises. The operator shall also notify the parent (s) or guardian that such firearms and ammunition are in locked storage inaccessible to children. Such notification need not disclose the location where the firearms and ammunition are located.

(Ord. 94-100, passed 10-11-94) Penalty, see § 10.99

TITLE 11: BUSINESS REGULATIONS

CHAPTER 128: FIREARMS CONTROL

§ 128.01 APPLICABILITY.

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

(B) It is specifically intended that this chapter shall preempt the Cook County Firearms Dealer's License Ordinance as now in effect or as may be hereafter amended, but shall not preempt the Cook County Assault Weapons and Assault Ammunition Ban Ordinance.

(C) Licenses issued pursuant to this chapter shall be issued separate and apart from any general business license issued by the Village of Schaumburg.

(Ord. 98-110, passed 9-22-98)

TITLE 11: BUSINESS REGULATIONSCHAPTER 128: FIREARMS CONTROL**§ 128.02 DEFINITIONS.**

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

CHIEF. The Chief of the Police Department of the Village of Schaumburg.

DEPARTMENT. The Police Department of the Village of Schaumburg.

ENGAGED IN THE BUSINESS. has the same meaning as in 18 U.S.C. Section 921(a)(21).

FIREARM. Any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas, excluding, however:

(1) Any pneumatic gun, spring gun, paint ball or B-B gun which either expels a single globular projectile not exceeding eighteen one-hundredths inch in diameter or breakable paint balls containing washable marking colors;

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

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

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

FIREARM AMMUNITION. Any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

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

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

FIREARMS DEALER. Any federally licensed firearms dealer, excluding any person licensed solely as a "collector" pursuant to Section 923(b) of Title 18 of the United States Code and possessing only a Type 03 federal license.

GUN SHOP. The premises of any federally licensed firearms dealer.

PRESIDENT. The President of the Village of Schaumburg.

VILLAGE. The Village of Cook/DuPage County, Illinois.

(Ord. 98-110, passed 9-22-98)

TITLE 11: BUSINESS REGULATIONSCHAPTER 128: FIREARMS CONTROL**§ 128.03 LICENSE REQUIRED.**

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

(B) Any person who becomes a federally licensed firearms dealer after November 1, 1998, required under this chapter to obtain a village firearms dealer's license, shall apply for such license within 45 days of receipt of the federal firearm dealer's license. If any person has been issued a license as a federally licensed dealer at the time of adoption of the ordinance codified in this chapter, such person shall apply for the village license required hereby within 45 days from the effective date of the ordinance codified in this chapter.

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

(D) In order to be eligible to receive a village dealer's license, the location and address to which license will be issued must be one which is zoned for business use only, in which such a use is a "special use" under the business zone in which the premises are located. Said premises and the business operation contemplated must also meet all other requirements for the issuance of a village business license and occupancy certificate.

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

(Ord. 98-110, passed 9-22-98)

TITLE 11: BUSINESS REGULATIONS

CHAPTER 128: FIREARMS CONTROL

§ 128.04 LICENSE ADMINISTRATION.

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

(B) Promulgation of Rules and Regulations.

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

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

(3) When necessary to establish the identity of any applicant or to verify criminal history, an applicant may be required to submit to fingerprinting in accordance with the rules and regulations promulgated.

(Ord. 98-110, passed 9-22-98)

TITLE 11: BUSINESS REGULATIONS

CHAPTER 128: FIREARMS CONTROL

§ 128.05 LICENSE APPLICATION; ISSUANCE.

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

- (1) The applicant's full name, residence, and the address and telephone number where the person is engaged in the business of dealing in firearms;
- (2) If the applicant is a corporation, the corporate name, business and principal place of business of the applicant; the date and state of incorporation; and the names and residence addresses of the corporate officers and its registered agent;
- (3) If the applicant is a partnership, the name and business address and telephone number of the principal office or place of business; the names, addresses and telephone numbers of all partners; the name, address and telephone number of a person authorized to receive notices issued pursuant to this chapter.

(B) The Chief shall not issue a village firearm dealer's license to any person who fails to provide proof of a valid federal firearms dealer's license and a valid firearm owners identification card issued by the State of Illinois.

(Ord. 98-110, passed 9-22-98)

TITLE 11: BUSINESS REGULATIONS

CHAPTER 128: FIREARMS CONTROL

§ 128.06 LICENSE DENIED OR REVOKED.

(A) The Chief may deny an application for a license if the applicant fails to provide the information required by, or is otherwise not in compliance with, any provisions of this chapter or any applicable rules or regulations. Such denial shall be in writing and shall state the reasons for the denial. Any persons seeking to appeal the denial may do so by filing a written request for a hearing with the Village Manager with a copy to the Chief. Such request must be filed within 30 days of the denial, and a hearing must be scheduled within 30 days of receipt of the request. The hearing shall be conducted in accordance with the procedures provided herein.

(B) The Village Manager may suspend the license of any person who violates any provision of this chapter or rules or regulations adopted pursuant to this chapter. Before any such suspension is imposed, the licensees shall be notified by mail or personal delivery of the specific basis for the suspension or revocation and the date for a hearing on the matter. Such hearing shall occur not fewer than seven days and not more than 21 days after the mailing of the notice. The hearing shall be conducted in accordance with the procedures provided herein.

(Ord. 98-110, passed 9-22-98)

TITLE 11: BUSINESS REGULATIONSCHAPTER 128: FIREARMS CONTROL**§ 128.07 HEARING PROCEDURES.**

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

(B) The Village Manager may:

(1) Examine any books, papers, records or memoranda bearing upon the business or activities of the licensees;

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

(3) Request the Circuit Court to issue subpoenas duces tecum for the production of books, records, papers or memoranda;

(4) Administer oaths;

(5) Take testimony;

(6) Make rulings as to the admissibility of evidence; and

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

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

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

(E) If the Circuit Court issues a subpoena duces tecum, the following rules shall apply:

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

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

(3) When a subpoena or subpoena duces tecum is issued at the instance of either party, the Village Manager may require that party to bear the cost of services and witness fees.

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

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

(H) At the conclusion of the hearing, the Village Manager shall make a recommendation to the Village President and Board of Trustees in the event a revocation is recommended. The Village President and Board of Trustees shall adopt, reject or modify the recommendation based on a review of the record within 14 days of receiving the Village Manager's recommendation, and shall issue a final decision. The Village President shall give written notification to the licensees of the decision and of the reasons for such decision. The Village President and Board of Trustees decision shall be a final decision reviewable under Section 3-101 of the Illinois Administrative

Review Law.

(I) A person seeking judicial review of the Village President and Board of Trustees final decision shall bear the cost of certification. If the protesting party prevails on appeal, the village shall reimburse that party for the cost of certification.

(J) Items constituting the record may include notices and demands; the initial decision; the written protest and petition for hearing; all relevant pleadings; briefs and memoranda of law; evidence admitted at the hearing; the transcribed testimony given at the hearing; the recommendation of the Hearing Officer; and the final decision of the Village President.

(Ord. 98-110, passed 9-22-98)

TITLE 11: BUSINESS REGULATIONS

CHAPTER 128: FIREARMS CONTROL

§ 128.08 PROHIBITION OF SALE OF USED FIREARMS.

No firearms dealers as duly licensed by the Village of Schaumburg shall be allowed or permitted to purchase, trade or sell used firearms in a gun shop within the corporate limits of the Village of Schaumburg.

(Ord. 99-96, passed 10-26-99)

TITLE 11: BUSINESS REGULATIONS

CHAPTER 128: FIREARMS CONTROL

§ 128.09 FIREARM AMMUNITION.

Firearm ammunition offered for sale or displayed shall be in a secure area or display which only employees of the licensed dealer have access. The actual sale of ammunition shall be a hand to hand sale with the dealer or his employee directly conveying the ammunition to the purchasing party.

(Ord. 99-95, passed 10-26-99)

TITLE 13: GENERAL OFFENSES

CHAPTER 136: WEAPONS OFFENSES

§ 136.01 POSSESSION OF OR CARRYING WEAPONS.

It shall be unlawful for any person to carry or possess or sell, loan or give away to any other person, any blackjack, slingshot, metal knuckles, billy or bludgeon. It shall be unlawful for any person to carry or possess, with intent to use the same unlawfully against another, a dagger, dirk, switchblade knife, razor, stiletto or any other dangerous or deadly weapon or instrument of like character.

(Ord. 835, passed 4-11-72) Penalty, see § 10.99

TITLE 13: GENERAL OFFENSESCHAPTER 136: WEAPONS OFFENSES

§ 136.02 CARRYING CONCEALED WEAPONS.

No person shall carry concealed on or about his person, a pistol, revolver or any other firearm. This provision does not apply, however, to the following officers, while engaged in the discharge of their official duties: Sheriffs, coroners, constables, policemen or other duly constituted peace officers and wardens, superintendents and keepers of prisoners, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crimes; nor to the following employees or agents, while in the discharge of the duties of their employment: Watchmen, special agents and policemen employed by railroads or express companies; nor to persons lawfully summoned by an officer to assist in making arrests or preserving the peace while so engaged in assisting such an officer.

(Ord. 835, passed 4-11-72) Penalty, see § 10.99

TITLE 13: GENERAL OFFENSES

CHAPTER 136: WEAPONS OFFENSES

§ 136.03 DISCHARGING FIREARMS.

It shall be unlawful for any person to fire or discharge any shotgun, rifle, pistol, or airgun within the corporate limits of the village, unless within a licensed shooting gallery. Airguns may be fired within a residence or household under the supervision of an adult member of the household.

(Ord. 835, passed 4-11-72) Penalty, see § 10.99

TITLE 13: GENERAL OFFENSES

CHAPTER 136: WEAPONS OFFENSES

§ 136.04 REGISTRATION REQUIREMENTS.

(A) All persons dealing at retail within the village in one or more of the following firearms:

(1) Firearms of a size which may be concealed upon the person;

(2) Shotguns;

(3) Rifles;

(4) Firearms of any description not above enumerated; shall keep a register of all such firearms sold or given away by them. Such register shall contain the date of the sale or gift, the name, address, age and occupation of the person to whom the firearm is sold or given, the price of the firearm, the kind, description, and number of the firearm, and the purpose for which it is purchased or obtained, and the firearm owner's identification number.

(B) The register shall be in the following form:

(1) Date of purchase or gift;

(2) Name, address and age of purchaser or donee;

(3) Occupation of purchaser or donee;

(4) Kind, description and number of firearm;

(5) Purpose for which firearm is purchased or obtained;

(6) Price of firearm;

(7) Firearm owner's identification number.

(Ord. 835, passed 4-11-72) Penalty, see § 10.99

TITLE 13: GENERAL OFFENSES

CHAPTER 136: WEAPONS OFFENSES

§ 136.05 PERMIT REQUIRED.

It shall be unlawful for any person dealing in firearms to sell, barter, loan or give away to any person within the village, any pistol, revolver or any other firearm of like character which can be concealed upon the person, unless such person so purchasing or receiving such firearm shall have secured a valid firearm owner's identification card from the Department of Public Safety of the State of Illinois. Every such person dealing in firearms shall, on demand, allow any police officer, sheriff or deputy sheriff to enter and inspect all stock on hand and shall, on request of such officer, produce for inspection the register so required to be kept.

(Ord. 835, passed 4-11-72) Penalty, see § 10.99

TITLE 13: GENERAL OFFENSES

CHAPTER 136: WEAPONS OFFENSES

§ 136.06 MINORS.

It shall be unlawful for any person to sell or give to any minor, any pistol, revolver or other firearm that may be concealed upon the person within the corporate limits of the village.

(Ord. 835, passed 4-11-72) Penalty, see § 10.99

TITLE 13: GENERAL OFFENSES

CHAPTER 136: WEAPONS OFFENSES

§ 136.07 MECHANICAL DEVICES.

It shall be unlawful for any person to sell, offer for sale, or possess for the purpose of selling, any knives, the blade of which shall be opened or be exposed by any push button, spring or mechanical device.

(Ord. 835, passed 4-11-72) Penalty, see § 10.99

TITLE 13: GENERAL OFFENSES

CHAPTER 136: WEAPONS OFFENSES

§ 136.08 NONRESIDENTS.

The provisions of this chapter requiring a State of Illinois firearm owner's identification card and number do not apply to nonresidents who are currently licensed or registered to possess a firearm in their resident state.

(Ord. 835, passed 4-11-72) Penalty, see § 10.99

TITLE 13: GENERAL OFFENSES

CHAPTER 136: WEAPONS OFFENSES

§ 136.09 CONFISCATION OF WEAPONS USED IN VIOLATION.

In addition to any other penalty that may be imposed for violation of this chapter weapons used in violation of this chapter shall be forfeited to and confiscated by the village. (Ord. 835, passed 4-11-72) Penalty, see § 10.99