

AUG 13 2013

Firearms Services Bureau
Illinois State Police

VILLAGE OF UNIVERSITY PARK

ORDINANCE NO. 02013-26**AN ORDINANCE REGULATING THE POSSESSION AND OWNERSHIP OF
ASSAULT WEAPONS IN THE VILLAGE OF UNIVERSITY PARK**

WHEREAS, the Village of University Park is a home-rule municipality organized under the laws of the State of Illinois authorized to pass and enforce all necessary police ordinances (65 ILCS 5/11-1-1), and to make all regulations which may be necessary or expedient for the promotion of health (65 ILCS 5/11-20-5); and

WHEREAS, Public Act 98-0063 will invalidate any Village regulation of the possession or ownership of assault weapons enacted after July 19, 2013, 10 days after the effective date of the law, but would preserve prior regulations and permit them to be amended after the statutory deadline (430 ILCS 65/13.1(c)); and

WHEREAS, the Second Amendment right to possess a handgun for self-defense recognized in *District of Columbia v. Heller*, 554 U.S. 570, 626-27 (2008), is not unlimited, and does not cast doubt on longstanding prohibitions on carrying dangerous and unusual weapons, prohibitions on the carrying of firearms in sensitive places such as schools and government buildings, and laws imposing conditions and qualifications on the commercial sale of arms; and

WHEREAS, recent incidents in Aurora, Colorado; Newtown, Connecticut; Tucson, Arizona; Santa Monica, California; and the 2008 shootings at Northern Illinois University in DeKalb, Illinois, demonstrate that gun violence is not limited to urban settings, but is also, tragically, a reality in many suburban and small town locations as well; and

WHEREAS, the Village desires to impose reasonable limits on the ownership and possession of the dangerous and unusual weapons defined as "assault weapons" in this Ordinance, and

WHEREAS, the Village has determined that the public health, safety, and welfare is promoted through reasonable limitations on assault weapons, which are capable of firing rapidly, delivering a large number of shots without reloading, and creating a high risk of collateral damage.

BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF UNIVERSITY PARK, WILL AND COOK COUNTIES, ILLINOIS, as follows:

Section 1. Recitals. The foregoing recitals shall be, and are hereby, incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

Section 2. Amendment. Chapter 670 of the Village of University Park Code of Ordinances is hereby amended, which shall read as follows (additions in underline, deletions in ~~strike through~~):

Chapter 670: Weapons.

...

Sec. 670-04. - Storage of assault weapons~~firearms~~.

(a) Any person who owns, ~~or possesses, or maintains an~~ assault weapon handgun, shotgun, rifle or a firearm of any sort or kind in his or her home shall at all times ~~store or keep any such assault weapon secure in a locked container or equipped with a tamper resistant mechanical lock or other safety device, properly engaged so as to render such weapon inoperable by any person other than the owner or other lawfully authorized user. For purposes of this section, such weapon shall not be deemed stored or kept when being carried by the owner or other lawfully authorized user.~~

(b) Self defense exception. No person shall be punished for a violation of this section if an assault weapon is used in a lawful act of self-defense or in defense of another. Have a permanent or removable device which shall lock and prevent the trigger of said handgun, shotgun, rifle or firearm of any sort or kind from being pulled so as to allow the weapon from being fired or discharged; or

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

Sec. 670-05 Definitions.

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

“Assault weapon” means:

- (1) A semiautomatic rifle that has the capacity to accept a large capacity magazine detachable or otherwise and one or more of the following:
 - (A) Only a pistol grip without a stock attached;
 - (B) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
 - (C) A folding, telescoping or thumbhole stock;
 - (D) A shroud attached to the barrel, or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the non-trigger hand without being burned, but excluding a slide that encloses the barrel; or
 - (E) A muzzle brake or muzzle compensator.
- (2) A semiautomatic pistol or any semi-automatic rifle that has a fixed magazine, that has the capacity to accept more than ten rounds of ammunition;
- (3) A semiautomatic pistol that has the capacity to accept a detachable magazine and has one or more of the following:
 - (A) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
 - (B) A folding, telescoping or thumbhole stock;
 - (C) A shroud attached to the barrel, or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the non-trigger hand without being burned, but excluding a slide that encloses the barrel;
 - (D) A muzzle brake or muzzle compensator; or
 - (E) The capacity to accept a detachable magazine at some location outside of the pistol grip.
- (4) A semiautomatic shotgun that has one or more of the following:
 - (A) Only a pistol grip without a stock attached;
 - (B) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
 - (C) A folding, telescoping or thumbhole stock;
 - (D) A fixed magazine capacity in excess of five rounds; or
 - (E) An ability to accept a detachable magazine.
- (5) Any shotgun with a revolving cylinder.
- (6) Conversion kit, part or combination of parts, from which an assault weapon can be assembled if those parts are in the possession or under the control of the same person;
- (7) Shall include, but not be limited to, the assault weapons models identified as follows:
 - (A) The following rifles or copies or duplicates thereof:
 - (i) AK, AKM, AKS, AK-47, AK-74, ARM, MAK90, Misr, NHM 90, NHM 91, SA 85, SA 93, VEPR;
 - (ii) AR-10;
 - (iii) AR-15, Bushmaster XM15, Armalite M15, or Olympic Arms PCR;
 - (iv) AR70;
 - (v) Calico Liberty;
 - (vi) Dragunov SVD Sniper Rifle or Dragunov SVU;

- (vii) Fabrique National FN/FAL, FN/LAR, or FNC;
- (viii) Hi-Point Carbine;
- (ix) HK-91, HK-93, HK-94, or HK-PSG-1;
- (x) Kel-Tec Sub Rifle;
- (xi) Saiga;
- (xii) SAR-8, SAR-4800;
- (xiii) SKS with detachable magazine;
- (xiv) SLG 95;
- (xv) SLR 95 or 96;
- (xvi) Steyr AUG;
- (xvii) Sturm, Ruger Mini-14;
- (xviii) Tavor;
- (xix) Thompson 1927, Thompson M1, or Thompson 1927
Commando; or
- (xx) Uzi, Galil and Uzi Sporter, Galil Sporter, or Galil
Sniper Rifle (Galatz).

(B) The following pistols or copies or duplicates thereof:

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

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

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

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

"Detachable magazine" means any ammunition feeding device, the function of which is to deliver one or more ammunition cartridges into the firing chamber, which can be removed from the firearm without the use of any tool, including a bullet or ammunition cartridge.

"Firearm" has the meaning ascribed to it in the Firearm Owners Identification Card Act, 430 ILCS 65/1.1.

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

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

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

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

Section 3. Municipal Ordinance Submission. Pursuant to 430 ILCS 65/13.3, the Village Clerk must submit a copy of this ordinance to the Department of State Police within 30 days of the adoption of this ordinance.

Section 4. Severability. If any section, paragraph, clause or provision of the Ordinance shall be held invalid, the invalidity shall not affect any of the other provisions of this Ordinance.

Section 5. Conflict. All ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

Section 6. Effective Date. The passage and effective date of this Ordinance, being a matter of urgency, it shall take effect immediately upon its passage as provided by law and it shall be subsequently published in pamphlet form.

PASSED this 15th day of July, 2013.

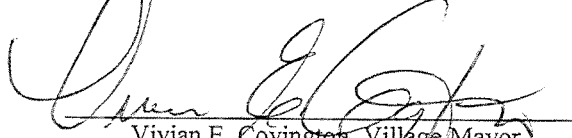
AYES: Trustees Williams, O. Brown, Payton, Griffin, Roudez, L. Brown and
Mayor Covington

NAYS: None

ABSENT: None

APPROVED this 15th day of July, 2013.

VILLAGE OF UNIVERSITY PARK


Vivian E. Covington, Village Mayor

ATTEST:


Dorothy R. Jones, Village Clerk