

CITY OF CARBONDALE, ILLINOIS

ORDINANCE NO. 2005- 62

**AN ORDINANCE AMENDING TITLE FOURTEEN OF THE CARBONDALE REVISED
CODE AS IT RELATES TO TRANSPORTATION OF WEAPONS**

ADOPTED BY THE CITY COUNCIL

OF THE CITY OF CARBONDALE, ILLINOIS

THIS 15th DAY OF NOVEMBER, 2005

**Published in pamphlet form by authority of the City Council of the City of Carbondale,
Jackson County, Illinois, this 16th day of November, 2005.**

CERTIFICATE OF PUBLICATION

**I, Janet M. Vaught, the duly qualified City Clerk of the City of Carbondale, Illinois,
and the official custodian of the records of said City, do hereby certify that this ordinance
was published in pamphlet form by authority of the City Council on the 16th day of
November, 2005.**



Janet M. Vaught

Janet M. Vaught, City Clerk

ORDINANCE NO. 2005- 62

AN ORDINANCE AMENDING TITLE FOURTEEN OF THE CARBONDALE REVISED CODE AS IT RELATES TO TRANSPORTATION OF WEAPONS

WHEREAS, the City of Carbondale, Illinois, is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

WHEREAS, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, Section 14-4-5 of the Carbondale Revised Code regulates unlawful use and possession of weapons within the city limits of Carbondale, Illinois; and

WHEREAS, the State of Illinois also regulates unlawful use of and transportation of weapons within the State with some exceptions for legally transporting weapons; and

WHEREAS, the City Council of the City of Carbondale finds that it is in the best interest of the citizens of Carbondale to regulate transportation of weapons in a manner consistent with State law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE, ILLINOIS AS FOLLOWS:

SECTION 1. That Section 14-4-5 of the Carbondale Revised Code is amended as provided in Exhibit "A" attached hereto and made a part hereof by reference.

SECTION 2. That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

SECTION 3. That repeal of any ordinance by this Ordinance shall not affect any rights accrued or liability incurred under said repealed ordinance to the effective date hereof. The provisions of this Ordinance insofar as they are the same or substantially the same as those of any prior ordinance, shall be construed as a continuation of said prior ordinances.

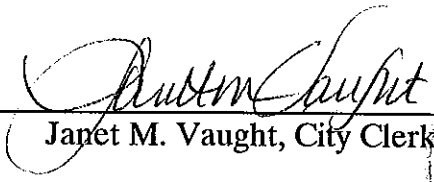
SECTION 4. That it is the intention of the City Council of the City of Carbondale that this Ordinance and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

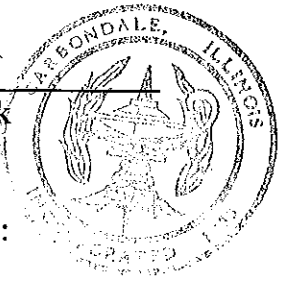
SECTION 5. That the City Council of the City of Carbondale finds that the subject matter of this Ordinance pertains to the government and affairs of the City of Carbondale and is passed pursuant to authorities granted it by State statutes and the Home Rule powers of the City of Carbondale pursuant to the provisions of Article VII, Section 6(a) of the Illinois Constitution.

SECTION 6. That this Ordinance shall be known as Ordinance No. 2005-62 of the Ordinances of the City of Carbondale, Illinois, and shall be in full force and effect from and after its passage, approval, recording and publication in accordance with law.

APPROVED: 
Brad Cole, Mayor

FOR:	<u>Simon, McDaniel, Fritzler,</u>
	<u>Wissmann, Haynes, Jack and Cole</u>
AGAINST:	<u>None</u>
PASSED:	<u>Nov. 15, 2005</u>
APPROVED:	<u>Nov. 16, 2005</u>
RECORDED:	<u>Nov. 16, 2005</u>
PUBLISHED:	<u>Nov. 16, 2005</u>

ATTEST: 
Janet M. Vaught, City Clerk



APPROVED AS TO LEGALITY AND FORM:

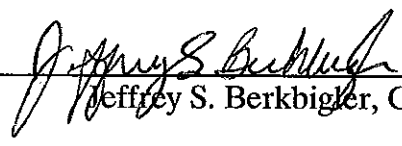

Jeffrey S. Berkbigler, City Attorney

EXHIBIT "A"

14-4-5: UNLAWFUL USE OF WEAPONS:

- A. A person commits the offense of unlawful use of weapons when he knowingly:
1. Sells, manufactures, purchases, possessed or carries any bludgeon, blackjack, ~~stungshot~~ slingshot, sand club, sandbag, metal knuckles, throwing star, or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or a ballistic knife, which is a device that propels a knifelike blade as a projectile by means of a coil spring, elastic material or compressed gas; or
 2. Carries or possesses with intent to use the same unlawfully against another a dagger, dirk, billy, dangerous knife, stiletto, broken bottle or other piece of glass, stun gun or taser or any other dangerous or deadly weapon or instrument of like character; or
 3. Carries or possesses any firearm, stun gun, or taser or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, excluding a place where a showing, demonstration, or lecture involving the exhibition of unloaded firearms is conducted; or knife, except when on his own land or in his own abode or fixed place of business.
 4. Carries or possesses in a vehicle or on or about his person any pistol, revolver, stun gun, or taser or firearm or ballistic knife, except when on his own land or in his own abode or fixed place of business. This subsection shall not apply to or affect transportation of weapons that meet one of the following conditions:
 - a) are broken down in a non-functioning state; or
 - b) are not immediately accessible; or
 - c) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a valid Firearm Owner's Identification Card.
 5. Discharges any pistol, revolver, shotgun, rifle, BB gun, or other firearm, except when legally justified for the defense of a person, dwelling, or property.
- B. Exceptions: Nothing contained in this Section shall apply to the possession and use of weapons by the following:
1. Peace officers or any person summoned by any such officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer.

performance of their official duty, or while commuting directly 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 the 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 directly between their homes and places of employment and 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 Registration and Education of their duties include the carrying of a weapon under the possession of the Private Detective, Private Alarm, and Private Security Act of 1983, 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 hour from departure from home or place of employment.

6. Agents and investigators of the Illinois Legislative Investigating Commission authorized by the Commission to carry the weapons specified in 720 Illinois Compiled Statutes 5/24-1(a)(3) and 5/24-1(a)(4) while on duty in the course of any investigation for the Commission.

7. Duly authorized military or civil organizations while parading with special permission of the Governor.

8. Peace officers while in the performance of their duties.

9. Members of any club or organization 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 targets ranges.

10. Any person who is sixteen (16) years of age and who is engaged in a paintball game at an established paintball field which is approved by the City Council and which is supervised by the owner of such field or his agent. (Ord. 97-118)