

## CHAPTER 2

**FIREARMS, GUN CONTROL**

## SECTION:

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6-2-1: **FIREARM DEFINITIONS:**

A. 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:

Any pneumatic gun, spring gun or B-B gun which expels a single globular projectile not exceeding eighteen-hundredths of an inch (.18") in diameter;

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

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

An antique firearm (other than a machine gun) which, although designed as a weapon, the Department of Law Enforcement of the State of Illinois finds by reason of the date of its manufacture, value, design and other

characteristics is primarily a collector's item and is not likely to be used as a weapon;

Model rockets designed to propel a model vehicle in a vertical direction.

- B. **Handgun:** Any firearm which is designed or redesigned, made or remade, and intended to be fired while held in one hand or having a barrel of less than ten inches (10") in length or a firearm of a size which may be concealed upon the person.
- C. **Person:** Any individual, corporation, company, association, firm, partnership, club, society or joint stock company.
- D. **Handgun Dealer:** Any person engaged in the business of selling or renting handguns at wholesale or retail, manufacture of handguns or repairing handguns, making or fitting special barrels or trigger mechanisms to handguns.
- E. **Licensed Firearm Collector:** Any person licensed as a collector by the Secretary of the Treasury of the United States under and by virtue of Title 18, United States Code, Section 923.
- F. **Licensed Gun Club:** A club or organization, organized for the purpose of practicing shooting at targets, licensed by the Village of Morton Grove as provided by the Code of Ordinances of the Village.

6-2-2: **HANDGUN DEALER PROHIBITED:** No person shall engage in the business of handgun dealer in the Village and no business license shall be granted by the Village to any handgun dealer. Any person currently engaged in the business of handgun dealer may continue to be so engaged for a period of ninety (90) days after the effective date of this Section.

**Penalties:** Any person violating any provision of this Section shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each such offense. A conviction of a violation of this section by a holder of a business license issued by the Village shall constitute grounds for revocation of such business license by the President and Board of Trustees. (Ord. 80-10, 6-8-81)

6-2-3: **FIREARM POSSESSION PROHIBITED/EXCEPTIONS:** No person shall possess, in the Village of Morton Grove the following:

A. Any bludgeon, blackjack, slugshot, sand club, sand bag, metal knuckles 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. This provision shall not apply to or affect any peace officer.

B. Any weapon from which eight (8) or more bullets may be discharged by a single function of the firing device, any shotgun having one or more barrels less than eighteen inches (18") in length, sometimes called a sawed-off shotgun or any weapon made from a shotgun, whether by alteration, modification or otherwise, if such weapon, as modified or altered has an overall length of less than twenty-six inches (26"), or a barrel length of less than eighteen inches (18") or any bomb, bombshell, grenade, bottle or other container containing an explosive substance of over one-quarter (1/4) ounce for like purposes, such

as, but not limited to black powder bombs and Molotov cocktails or artillery projectiles. This provision shall not apply to or affect the following:

Peace officers;

Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense;

Members of the Armed Services, Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duties;

Transportation of machine guns to those persons authorized under this subsection to possess machine guns, if the machine guns are broken down in a nonfunctioning state or not immediately accessible.

- C. Any handgun, unless the same has been rendered permanently inoperative. This provision does not apply to or affect the following:

Peace officers or any person summoned by any peace officer to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer and if such handgun was provided by the peace officer;

Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense;

Members of the Armed Services, Reserve Forces of the United States, Illinois National Guard, or the Reserve Officers Training Corps, while in the performance of their official duties;

Special Agents employed by a railroad or a public utility to perform police functions; guards of armored car companies; licensed private detectives; watchmen and security guards actually and regularly employed in the commercial or industrial operation for the protection of persons employed and private property related to such commercial or industrial operation;

Agents and investigators of the Illinois Legislative Investigating Commission authorized

by the Commission to carry such weapons;

Licensed gun collectors;

Licensed gun clubs provided the gun club has premises from which it operates and maintains possession and control of handguns used by its members, and has procedures and facilities for keeping such handguns in a safe place, under the control of the club's chief officer, at all times when they are not being used for target shooting or other sporting or recreational purposes at the premises of the gun club; and gun club members while such members are using their handguns at the gun club premises;

A possession of an antique firearm;

Transportation of handguns by those persons authorized under Subparagraph 1 through 8 of this subsection to possess handguns, if the handguns are broken down in a nonfunctioning state or not immediately accessible;

Transportation of handguns by persons from a licensed gun club to another licensed gun club or transportation from a licensed gun club to a gun club outside the limits of Morton Grove; provided however that the transportation is for the purpose of engaging in competitive target shooting or for the purpose of permanently keeping the said handgun at such new gun club; and provided further that at all times during such transportation said handgun shall have trigger locks securely fastened to the handgun.

D. Penalties:

Any person violating subsections (A) or (B) of this Section shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or incarcerated for up to six months for each such offense.

Any person violating subsection (C) of this Section shall be guilty of a petty offense and shall be fined no less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for such offense. Any person violating subsection (C) more than one time shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or incarcerated for up to six (6) months for each offense.

Upon conviction of a violation of subsection (A) through (C), any weapon seized shall be confiscated by the trial court and when no longer needed for evidentiary purposes, the court may transfer such weapon to the Morton Grove Police Department who shall destroy them. (Ord. 81-11, 6-8-81)

E. **Voluntary Delivery to Police Department:**

If a person voluntarily and peaceably delivers and abandons to the Police Department any weapon mentioned in this Section, such delivery shall preclude the arrest and prosecution of such person on a charge of violating any provision of this Chapter with respect to the weapon voluntarily delivered. Delivery under this subsection may be made at the headquarters of the Police Department or by summoning a Police Officer to the person's residence or place of business. Every weapon to be delivered and abandoned to the Police Department under this subsection shall be unloaded and securely wrapped in a package and in the case of delivery to the Police Headquarters, the package shall be carried in open view. No person who delivers and abandons a weapon under this subsection shall be required to furnish identification, photographs or fingerprints. No amount of money shall be paid for any weapon delivered or abandoned under this subsection.

Whenever any weapon is surrendered under this subsection, the Police Department shall inquire of all law enforcement agencies whether such weapon is needed as evidence. If the same is not needed as evidence, it shall be destroyed.

6-2-4: **ELECTRONIC STUN GUNS:**

- A. An "electronic stun gun" is defined as any weapon or device which discharges and propels electronically controlled darts or projectiles capable of being driven into a victim or person for the purpose of stunning, paralyzing and rendering such victim or person immobile or unconscious.
- B. It shall be unlawful for any person to sell or have possession of an electronic stun gun.
- C. Penalties: Any person who or which shall be found guilty of violating any of the provisions of this Section, shall, upon conviction, be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) or imprisonment in the

County jail for not more than six (6) months, or by both fine and imprisonment for each offense. Each sale of an electronic stun gun shall constitute a separate offense and each day any violation of this Section shall continue shall constitute a separate offense.

- D. Upon conviction of a violation of this Section of this Chapter, any weapon seized shall be confiscated by the trial court. All confiscated weapons after the disposition of the case, and when no longer needed for evidentiary purposes, the court may transfer such weapon or weapons, or in its discretion order such weapons preserved as property of the governmental body whose police agency seized the weapon. (Ord. 76-16, 9-27-76)

6-2-5: **DISCHARGING FIREARMS:** It shall be unlawful for any person to discharge firearms within the corporate limits of the Village, except at or upon duly licensed ranges constructed and maintained set forth in this code.

6-2-6: **TRANSPORTING FIREARMS:** It shall be and is hereby declared to be unlawful for any person to have or carry upon his person, or within any vehicle upon the streets and highways, thoroughfares and within the territory of the corporate limits of the Village, any shotgun or rifle unless such shotgun or rifle so being carried or transported shall be unloaded, and unless the same shall be disassembled or otherwise taken apart so as to render it incapable of being fired, or unless the same shall be enclosed in a case. The provisions hereof shall not apply, however, to the following officers while engaged in the discharge of their official duties: Sheriffs, coroners, constables, police officers or other duly constituted peace officers nor to persons lawfully summoned by an officer to assist in making arrests or preserving the peace and while so engaged in assisting such officer. (1969 Code, §130.025)

6-2-7: **GUNS OR FIREARMS WHICH FIRE PELLETS OF PAINT:**

- A. It shall be unlawful for any person to exhibit for sale, or to sell, give away, rent, lend or otherwise transfer, or to purchase any gun or firearm manufactured or produced for the purpose of firing or shooting pellets of paint.
- B. It shall be unlawful for any person holding a retail business license to sell paint in the form of pellets which explode upon projection from a gun or firearm, or for any person to



purchase paint in such explosive pellets.

- C. Penalty: Any person who or which shall be found guilty of violating any of the provisions of this Section, shall, upon conviction, be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense. Each purchase, sale or gift of any such firearm or gun mentioned in this Section shall be deemed a separate and distinct offense.