
ORDINANCE NO. 5830

AN ORDINANCE AMENDING CHAPTER 23, ARTICLE I OF THE VILLAGE CODE OF
THE VILLAGE OF MOUNT PROSPECT, ILLINOIS, REGARDING FIREARMS AND
DANGEROUS OR FACSIMILE WEAPONS

Passed and approved
by the President and Board of Trustees
the 18th day of January, 2011

Published in pamphlet form
by authority of the corporate authorities
of the Village of Mount Prospect, Illinois,
the 19th day of January, 2011.

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AN ORDINANCE AMENDING CHAPTER 23, ARTICLE I OF THE VILLAGE CODE OF THE VILLAGE OF MOUNT PROSPECT, ILLINOIS, REGARDING FIREARMS AND DANGEROUS OR FACSIMILE WEAPONS

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MOUNT PROSPECT, COOK COUNTY, ILLINOIS, ACTING IN THE EXERCISE OF THEIR HOME RULE POWERS:

SECTION 1: Section 23.109, "Firearms or Facsimile Weapons, of Article I, General Offenses, of Chapter 23, Offenses and Miscellaneous Regulations, of the Mount Prospect Village Code shall be deleted in its entirety and the following inserted in its place:

23.109: FIREARMS AND DANGEROUS OR FACSIMILE WEAPONS:

A. Definitions.

1. Firearm. The term "firearm" shall have the meaning ascribed to it in 430 Illinois Compiled Statutes 65/1.1, as now or hereafter amended.
2. Dangerous Weapon. A dangerous weapon shall include a bow and arrow, crossbow, slingshot, wrist rocket, air gun, air pistol, spring gun, spring pistol, B-B gun, paint ball gun, pellet gun, or any device that is not a firearm, but impels a breakable ball containing washable marking colors or a pellet constructed of hard plastic, steel, lead or other hard materials with a force that is reasonably expected to cause bodily harm.
3. Facsimile firearm. Facsimile firearm means a copy or reproduction of a firearm, which would lead a reasonable person to believe that it was a firearm.

B. It shall be unlawful for any person under 18 years of age to have in his or her possession:

1. Any dangerous weapon, except in his or her abode or while under the direct supervision of an adult, who is that person's parent, guardian or other individual having charge of that person; or
2. Any firearm, except when such person is:
 - a. The holder of a valid and current firearm owner's identification card issued by the State of Illinois; or
 - b. Under the direct supervision of an adult, who is (i) that person's parent, guardian or other individual having charge of that person and (ii) a holder of a valid and current firearm owner's identification card issued by the State of Illinois.

- C. It shall be unlawful to fire or discharge any firearm or dangerous weapon in the village; provided that this section shall not be construed to prohibit any law enforcement officer from discharging a firearm in the performance of duty; or any citizen from discharging a firearm or dangerous weapon when lawfully defending his or her person or another.
- D. It shall be unlawful for any person to carry any firearm in any vehicle, or on or about his/her person, whether concealed or unconcealed, except as follows:
1. If such firearm is transported unloaded and broken down in a non-functioning state, not immediately accessible, or unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid firearm owner's identification card by the State of Illinois;
 2. While in the person's own abode or fixed place of business;
 3. While on public property, if the person is an invitee on public property for the purpose of display of the firearm or lawful commerce of such firearm; or
 4. As otherwise exempt pursuant to 720 Illinois Compiled Statutes 5/24-2, as amended, in regard to 720 Illinois Compiled Statutes 5/24-1(a)(4) or 5/24-1(a)(10).
- E. It shall be unlawful for any person to carry or display any facsimile firearm with the intent to terrify, alarm, threaten or intimidate any other person.
- F. It shall be unlawful for the owner of a firearm to allow any person under the age of eighteen (18), who is not the holder of a valid and current firearm owner's identification card issued by the State of Illinois, to gain access to a firearm without the lawful permission and supervision of that person's parent, guardian, or other individual having charge of the person. This violation shall not apply if the person under age eighteen (18) years gains access to the firearm and uses it in a lawful act of self-defense or defense of another, or gains access to the firearm after a person unlawfully enters the premises or vehicle within which the firearm is stored.
- G. This Section does not apply to the discharge of firearms or dangerous weapons upon a rifle range or pistol range designed for such use and approved by the Village or another governmental entity, and does not apply to the use of archery equipment as part of a program presented by any governmental entity.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 3: That the Village Clerk shall submit a copy of this Ordinance to the Illinois Department of State Police within thirty (30) days of its adoption, pursuant to 430 ILCS 65/13.3.

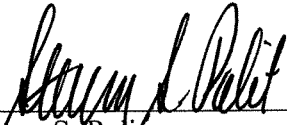
SECTION 4: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form in the manner provided by law.

AYES: Hoefert, Juracek, Korn, Matuszak, Zadel

NAYS: None

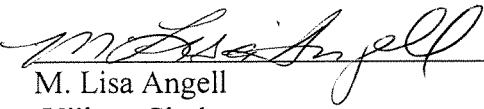
ABSENT: Wilks

PASSED and **APPROVED** this 18th day of January, 2011.



Steven S. Polit
Mayor Pro Tem

ATTEST:



M. Lisa Angell
Village Clerk

23.109: FIREARMS AND DANGEROUS OR FACSIMILE WEAPONS:

A. Definitions:

DANGEROUS WEAPON: A dangerous weapon shall include a bow and arrow, crossbow, slingshot, wrist rocket, air gun, air pistol, spring gun, spring pistol, BB gun, paintball gun, pellet gun, or any device that is not a firearm, but impels a breakable ball containing washable marking colors or a pellet constructed of hard plastic, steel, lead or other hard materials with a force that is reasonably expected to cause bodily harm.

FACSIMILE FIREARM: A copy or reproduction of a firearm, which would lead a reasonable person to believe that it was a firearm.

FIREARM: The term "firearm" shall have the meaning ascribed to it in 430 Illinois Compiled Statutes 65/1.1, as now or hereafter amended.

B. Possession: It shall be unlawful for any person under eighteen (18) years of age to have in his or her possession:

1. Any dangerous weapon, except in his or her abode or while under the direct supervision of an adult, who is that person's parent, guardian or other individual having charge of that person; or
2. Any firearm, except when such person is:
 - a. The holder of a valid and current firearm owner's identification card issued by the state of Illinois; or
 - b. Under the direct supervision of an adult, who is: 1) that person's parent, guardian or other individual having charge of that person and 2) a holder of a valid and current firearm owner's identification card issued by the state of Illinois.

C. Discharge Of Firearm Or Dangerous Weapon: It shall be unlawful to fire or discharge any firearm or dangerous weapon in the village; provided that this section shall not be construed to prohibit any law enforcement officer from discharging a firearm in the performance of duty; or any citizen from discharging a firearm or dangerous weapon when lawfully defending his or her person or another.

D. Carrying Firearms: It shall be unlawful for any person to carry any firearm in any vehicle, or on or about his/her person, whether concealed or unconcealed, except as follows:

1. If such firearm is transported unloaded and broken down in a nonfunctioning state, not immediately accessible, or unloaded and enclosed in a case, firearm carrying box,

shipping box, or other container by a person who has been issued a currently valid firearm owner's identification card by the state of Illinois;

2. While in the person's own abode or fixed place of business;
3. While on public property, if the person is an invitee on public property for the purpose of display of the firearm or lawful commerce of such firearm; or
4. As otherwise exempt pursuant to 720 Illinois Compiled Statutes 5/24-2, as amended, in regard to 720 Illinois Compiled Statutes 5/24-1(a)(4) or 5/24-1(a)(10).

E. Facsimile Firearms: It shall be unlawful for any person to carry or display any facsimile firearm with the intent to terrify, alarm, threaten or intimidate any other person.

F. Access To Firearms: It shall be unlawful for the owner of a firearm to allow any person under the age of eighteen (18), who is not the holder of a valid and current firearm owner's identification card issued by the state of Illinois, to gain access to a firearm without the lawful permission and supervision of that person's parent, guardian, or other individual having charge of the person. This violation shall not apply if the person under age eighteen (18) years gains access to the firearm and uses it in a lawful act of self-defense or defense of another, or gains access to the firearm after a person unlawfully enters the premises or vehicle within which the firearm is stored.

G. Exemptions: This section does not apply to the discharge of firearms or dangerous weapons upon a rifle range or pistol range designed for such use and approved by the village or another governmental entity, and does not apply to the use of archery equipment as part of a program presented by any governmental entity. (Ord. 5830, 1-8-2011)

23.114: MINIBIKES, GO-CARTS AND SNOWMOBILES; LIMITATION ON OPERATION:

It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether operating any minibike, go-cart or snowmobile upon properties and places allowed under the terms of this article or not, to operate such minibike, go-cart or snowmobile:

A. Without proper mechanical equipment, including, but not limited to:

1. Adequate brakes;

2. A muffler in good working order, which prevents excessive or unusual noises; or

- B. Within five hundred feet (500') of any dwelling unit, except where such operator is either the owner, lessee or invited guest of the owner or lessee of such dwelling unit; or
- C. At a speed greater than reasonable and prudent under the conditions then existing and in no case at a speed greater than thirty (30) miles per hour; or
- D. In a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto; or
- E. While under the influence of intoxicating liquor or narcotics; or
- F. To hunt, pursue or kill any wild bird or animal; or
- G. To commit any crime; or
- H. While in possession of any firearm, unless authorized by law; or
- I. Between the hours of ten o'clock (10:00) P.M. of any given day and seven o'clock (7:00) A.M. of the following day. (Ord. 3424, 6-5-1984)

23.606: FIREARMS REGULATION WITH RESPECT TO SCHOOLS AND MINORS:

- A. **Firearms In School Prohibited:** It shall be unlawful for any person other than a law enforcement officer to be in possession of any firearm on the premises of any public, private or parochial school. The sole exception to this is if an adult is in possession of a firearm for the purpose of a program or demonstration that has been specifically approved by the school authorities.

B. Vicarious Liability: Any person who provides to or permits possession of any firearm of any kind to a person under the age of twenty one (21) shall be liable to any individual who has been injured in person or in property on account of the use of the firearm by the person under twenty one (21) years of age.

C. Penalty: Any person found guilty of violating subsection A of this section shall be fined as set forth in appendix A, division III of this code, and the firearm shall be ordered confiscated by the police department. The only exception to the order of confiscation shall be if a third party, who is legally able to possess a firearm in the state proves, by clear and convincing evidence that the firearm was taken from the third party without the third party's consent. (Ord. 4752, 9-5-1995; amd. Ord. 5189, 5-15-2001)