

ORDINANCE NO. R-2013-08

**AN ORDINANCE AMENDING CERTAIN SECTIONS
OF THE MAYWOOD MUNICIPAL CODE REGARDING THE
REGULATION OF FIREARMS AND WEAPONS**

WHEREAS, the Village of Maywood (the "Village") is a home rule municipality, having all of the powers and authority granted to such municipalities pursuant to Code VII, Section 6 of the Illinois Constitution of 1970, including the right to exercise any power and perform any function pertaining to its government and affairs, including the protection of the public health, safety, morals and welfare; and

WHEREAS, the President and Board of Trustees of the Village of Maywood are concerned about the proliferation of deaths and crimes that involve the use of firearms in Cook County, Illinois, including deaths and crimes from firearm use within the City of Chicago and Village of Maywood and its surrounding communities; and

WHEREAS, the President and Board of Trustees of the Village of Maywood recognize that deaths and crimes that involve the use of firearms that occur in Maywood and in surrounding communities have a negative impact on the quality of life of residents, property owners and business owners and place burdens on federal, state, County and local law enforcement personnel and resources; and

WHEREAS, firearm violence is significant problem in a number of municipalities located within Cook County, Illinois, including the City of Chicago and the Village of Maywood and some of their surrounding communities, and the President and Board of Trustees have determined that the Village's local firearm regulations need to be enhanced as part of a comprehensive effort to stop firearm violence that is impacting Maywood's residents, property owners and business owners and its surrounding communities; and

WHEREAS, "assault weapons" are semi-automatic firearms designed with military features to allow rapid spray firing for the quick and efficient killing of humans; and

WHEREAS, "large capacity ammunition magazines" are feeding devices that are capable of holding more than ten (10) rounds of ammunition and may hold as many 100 rounds of ammunition; and

WHEREAS, assault weapons and/or large capacity ammunition magazines have been used recently in mass shootings in Connecticut and Colorado and are responsible for a significant percentage of the deaths of law enforcement officials; and

WHEREAS, assault weapons are inappropriate and unnecessary for civilian use; and

WHEREAS, the Maywood Village Code contains several provisions that regulate the use, sale and possession of "guns" "weapons" and "firearms," including provisions that govern the licensing of firearm dealers and firearm repair shops; and

WHEREAS, based on the recommendation of the Police Chief Timothy Curry and a review of other firearm regulation ordinances adopted by other Illinois communities, the President and Board of Trustees of the Village of Maywood desire to amend the Maywood Village Code as follows (the "Code Amendments"):

- A. Prohibit the sale of firearms by firearm dealers.
- B. Require all Village residents and non-residents (who engage in activity within the Village governed by the Code) who sell or otherwise transfer a firearm to obtain and retain proof of that the buyer has a valid Firearm Owner's Identification Card ("FOID") card.
- C. Require all persons residing in the Village who own or purchase a firearm to provide the Maywood Police Department with a copy of their FOID card.
- D. Require all persons to report any transferred, lost, stolen, or otherwise misplaced firearms within forty-eight (48) hours of knowing that the firearm was transferred, lost, stolen or otherwise misplaced.
- E. Prohibit all persons from possessing or carrying assault weapons and assault ammunition feeding devices, unless he or she qualifies under one of the designated exceptions
- F. Adopt an enhanced penalty schedule for repeat offenders; and

WHEREAS, these regulations will provide additional law enforcement regulatory options for the Maywood Police Department and enhanced penalties for violators, which are designed to reduce the amount of firearm violence that affects the Village and the surrounding communities; and

WHEREAS, the reporting requirements will help disarm persons from falsely claiming their firearms were lost or stolen to avoid involvement in a crime; and

WHEREAS, the increased level of reporting is not unduly burdensome or unreasonable; and

WHEREAS, the Code Amendments deter straw purchasers, protects rightful owners of firearms from being implicated in crimes, and helps prevent firearms and weapons from being transferred to individuals who are not eligible for FOID cards; and

WHEREAS, pursuant to the authority provided by 430 ILCS 65/13.1 (Firearm Owners Identification Card Act), the applicable provisions of the Illinois Municipal Code (65 ILCS 5/ et seq.) and its home rule powers under the Illinois Constitution of 1970, the President and Board of Trustees of the Village of Maywood have determined that it is in the best interests of the health, welfare, and safety of the residents, property owners and business owners of the Village to adopt the Code Amendments.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The findings set forth above are incorporated by reference into this Section 1 as if fully recited herein.

SECTION 2: Section 130.80 (Firearms), Chapter 130 (General Offenses), Title XIII (General Offenses) of the Maywood Village Code is amended to read in its entirety as follows:

§ 130.80 FIREARMS.

(A) Definitions. For the purposes set forth in section 130.80 (Firearms), section 130.81 (Weapons), section 111.34 (Weapons and Firearms Sale), and section 111.35 (Gunsmiths and Gun Shops) of the Village Code, the following words and phrases shall have the meanings, and are hereby defined, as follows:

AMMUNITION: Any self-contained cartridge, shot, bullet or projectile by whatever name known, which is designed to be used, or adaptable to use, in a weapon and shot or discharged therefrom.

ANTIQUE FIREARM: Any firearm manufactured on or before 1898 or any replica thereof, if such replica is not designed or redesigned for using and discharging ammunition, and any other firearm 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 that is not likely to be used as a weapon.

ASSAULT AMMUNITION FEEDING DEVICE: (1) Any magazine, belt, drum, feed strip or similar device that has a capacity of, or can be readily restored or converted to accept, more than ten (10) rounds of ammunition; or (2) Any combination of parts from which a device described in the above clause can be assembled.

ASSAULT WEAPON: (1) Any of the weapons (or types, replicas, or duplicates in any caliber of the weapons, regardless of manufacturer) known as:

A.A. Arms AP-9

Algimec Agmi

Armalite AR-180

Australian Automatic Arms SAP Pistol

Australian Automatic Arms SAR

Auto-Ordinance Thompson type

Avtomat Kalashnikov AK-47 type (including all models of the Norinco, Mitchell and Poly Tech)

Barrett Light-Fifty model 82A1

Beretta AR-70 (SC-70)
Beretta BM-59
Bushmaster Auto Rifle and Auto Pistol
Calico models M-900, M-950 and 100-P
Chartered Industries of Singapore SR-88
Claridge High Tech
Colt AR-15 and Sporter
Daewoo K-1, K-2, Max-1 and Max-2
Encom MK-IV, MP-9 and MP-45
Fabrique Nationale FN/FAL, FN/LAR or FN/FNC
FAMAS MAS 223
Feather AT-9 and Mini-AT
Federal XC-900 and XC-450
Franchi SPAS-12 and LAW-12
Galil AR and ARM
Heckler & Koch HK-91, HK-93, HK-94, PSG-1, SP-89
Holmes Mp-83
Intratec TEC-9, TEC-DC-9, TEC-22 and Scorpion
Iver Johnson Enforce Model 3000
Iver Johnson PM30 Paratrooper
M14S type
MAC 10, M-10, MAC-11 and MAC-11 Carbine type
Ruger Mini-14/5F (folding stock only) and Mini-14/5RF
Scarab Skorpion
SIG 57 AMT, SIG 550SP, SIG 551SP, SIG PE-57 types and 500 series
Spectre Auto Carbine and Auto Pistol
Springfield Armory BM59, SAR-48 and G-3
Sterling MK-6 and MK-7 and SAR types
Stevr AUG
Street Sweeper and Striker 12 revolving cylinder shotguns
SWD M-10, M-11, M-11/9, M-12
Valmet M63, M71S, M76 or M78
USAS-12
UZI Carbine, Mini-Carbine and Pistol
Weaver Arms Nighthawk
Wilkinson "Linda" Pistol

(2) Any semi-automatic rifle that has a fixed magazine that can hold more than eight (8) rounds or an ability to accept a detachable magazine and has at least two (2) of the following:

- a. A folding or telescoping stock;
- b. A pistol grip that protrudes beneath the action of the weapon and which is separate and apart from the stock;

- c. A bayonet mount;
- d. A flash suppressor;
- e. A barrel with a threaded muzzle;
- f. A grenade launcher.

(3) Any semi-automatic pistol that has an ability to accept a detachable magazine and has at least two (2) of the following:

- a. An ammunition magazine that attaches to the pistol outside of the pistol grip;
- b. A barrel having a threaded muzzle;
- c. A shroud that is attached to, or partially or completely encircles the barrel and which permits the shooter to hold the firearm with the no-trigger hand without being burned;
- d. A manufactured weight of fifty (50) ounces or more when the pistol is unloaded;
- e. A semi-automatic version of an automatic firearm.

(4) Any semi-automatic shotgun that has either a fixed magazine with a capacity in excess of five (5) rounds or an ability to accept a detachable magazine and, in addition, has at least one of the following:

- a. A folding or telescoping stock;
- b. A pistol grip that protrudes beneath the action of the firearm and which is separate and apart from the stock.

FIREARMS: For the purpose of this Code firearms are: pistols, revolvers, guns and small arms of a size and character that may be concealed on or about the person, commonly known as handguns, assault weapons, rifles, shotguns and all other arms designed to discharge ammunition.

FOID: Firearm Owners Identification Card Act, 430 ILCS 65/13.1.

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; provided however, that a copy of said license is filed with the Chief of Police.

LICENSED FIREARM DEALER: Any person engaged in the business of sale, rental or other transfer of firearms at wholesale or retail, including any person operating as a pawn broker, who is licensed as such pursuant to Section 111.34 or 111.35 of this Code.

PEACE OFFICER: Any person appointed by a governmental agency on a full time basis as a law enforcement official who is vested by law within the said governmental jurisdiction with all the powers possessed by police officers, including the power to make arrests on view of or under warrants for violations of State statutes and Village and County ordinances.

PERSON: Any individual, corporation, company, association, firm, partnership, club society, organization, or joint stock company.

WEAPONS: For the purpose of this Code weapons are: billy club, blackjack, bowie knife, dagger, dirk, derringer, metal knuckles, switchblade, knife, razor, slingshot, stiletto, or other things of deadly character that are not firearms. ~~firearms, assault weapons, rifles, shotguns or other arms designed to discharge ammunition.~~

(B) UNLAWFUL TO POSSESS OR CARRY; EXCEPTIONS:

(1) Assault Weapon Ban. Within the Village, it shall be unlawful for any person to possess or carry, or for any person to permit another to possess or carry on his/her land, in any vehicle or in his/her place of business any assault weapon or assault ammunition feeding device; provided that this section shall not apply to persons identified under subsections (B)(2)(a through g) below.

(2) Within the Village, it shall be unlawful for any person to carry any firearm in any vehicle or permit same to be carried in any vehicle to which such person is the title owner of record or on or about his/her person, except that a person may carry any firearm when on his/her land or in his/her abode or fixed place of business; provided that this section shall not apply to:

(a) Peace officers or any person summoned by any such officers to assist in making arrests or preserving the peace while he/she is actually engaged in assisting such officer;

(b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense; provided, however, that this exemption shall apply to the carrying of a firearm only while one is engaged in the performance of his/her official duty or while commuting between his/her home and place of employment;

(c) Members of the armed services or reserve forces of the United States or the Illinois national guard or organized militia; provided, however, that this exemption shall

apply to the carrying of a firearm only while one is engaged in the performance of his/her official duty;

(d) Special agents employed by a railroad or a public utility to perform police functions, watchmen, security guards and auxiliary police officers appointed under section 32.05 (auxiliary police officers) of this code; provided, however, that this exemption shall apply to the carrying of a firearm only while one is actually engaged in the performance of the duties of his/her employment or while commuting between his/her home and place of employment; and provided further that said security guards are in full compliance with appropriate provisions of subsection (a)(4) of section 24-2 of the Illinois Criminal Code and other applicable laws and that said auxiliary police officers are in full compliance with section 32.05 (auxiliary police officers) of this code and other applicable laws;

(e) Agents and investigators of the Illinois crime investigating commission authorized by the commission to carry firearms; provided, however, that this exemption shall apply to the carrying of a firearm only while one is on duty in the course of any investigation for the commissioner;

(f) Manufacture, transportation or sale of firearms to persons authorized under law to possess such;

(g) Duly authorized military or civil organizations while parading, with the special permission of the Governor;

(h) Licensed hunters or fishermen while commuting to or from established game areas, provided that he or she complies with subsection 2(i) below;

(i) Transportation of firearms broken down in a nonfunctioning state or unloaded with neither the firearm nor any ammunition readily or directly accessible from the passenger compartment of the transporting vehicle; provided, that in the case of a vehicle without a compartment separate from the driver's compartment, the firearm or ammunition shall be contained in a locked container other than the glove compartment or console; provided, however, that the transportation of assault weapons must not originate or terminate within the Village to qualify as an exception to this section;

(j) Antique firearms;

(k) Licensed firearm collectors;

(l) Members of established theater organizations located in Maywood and performing a regular performance schedule to the public, utilizing only blank ammunition in the discharge of weapons only during rehearsals, classes or performances; provided further that said organization maintains possession and control over these firearms in a safe place with a designated member of the organization when the weapons are not in use.

Any firearm carried pursuant to the exemptions of subsections 130.80(A)(2)(f through g) of this section shall be carried unloaded, and anyone possessing a firearm pursuant to exemptions of subsections 130.80(A)(2) (j, k and l) of this section shall not possess or carry any ammunition therefor.

~~(A)(C)~~ No person shall discharge any firearms or do any hunting in the Village. This shall not apply to ~~peace officers in the line of duty, or any person acting in self defense~~ the exemptions of subsections 130.80(A)(2) (a through e) of this section.

SECTION 3: Section 130.81 (Weapons), Chapter 130 (General Offenses), Title XIII (General Offenses) of the Maywood Village Code is amended to read in its entirety as follows:

§ 130.81 WEAPONS.

(A) *Carrying.* A person who is not a law enforcement officer or a Village officer shall not carry about his person any ~~concealed pistol, switchblade, knife, razor, slingshot, metal knuckles or any other weapon or thing of deadly character.~~

(B) *Transfer to minor.* No person shall sell, give or transfer any such weapon to any minor person.

(C) *Air rifles, paint ball guns.* No person shall fire or discharge on any street, public parkway, public alley or other public place or way in the Village any air rifle, as defined in section 130.82, paint ball gun, or similar device.

(D) *Confiscation of weapons.* In addition to any other penalty that may be imposed for violation of this section, weapons used in violation of this section shall be forfeited to and confiscated by the Village.

SECTION 4: Section 111.34 (Weapons Sale); Chapter 111 (General Business Regulations), Title XI (Business Regulations) of the Maywood Village Code is amended to read in its entirety as follows:

§ 111.34 FIREARMS AND WEAPONS SALE.

(A) Firearm Dealers Prohibited. No person shall engage in the business of a dealer in firearms or ammunition in the Village, including exchange, loan, rental or other transfer for consideration.

~~(A)(B)~~ *License.*

(1) It shall be unlawful for any person to engage in the business of selling or to otherwise sell or give away ~~any pistol, revolver or other firearm, or any dagger, stiletto, blackjack, billy club, derringer, bowie knife, dirk or any other weapon,~~ without first obtaining all required federal and state licenses and a license from the Village. The fee for the Village license shall be as set forth in section 110.13 (Fees).

(2) The Chief of Police shall approve the application before a license shall be issued.

~~(B)~~ (C) Reports of sales or transfers of weapons. Every person dealing in deadly weapons shall make out and deliver to the Chief of Police every day before the hour of 12:00 noon a legible and correct report of every sale or gift made under authority of his license during the preceding 24 hours, which report shall contain the date of such sale or gift, the name of the purchaser or donee with his or her address and age, the number, kind, description, and price of such weapon, the number of the purchaser's permit, and the purpose given by such person for the purchase of such weapon, which report shall be substantially in the following form:

Number of permit

Number of weapon

Name of purchaser

Address of purchaser

Age of purchaser

Kind or description of weapon

For what purpose purchased

Price

(D) Reports of sale or transfers of firearms. Whenever a person residing in the Village of Maywood or a non-resident, who engages in an activity within the Village that is governed by this Code, sells or transfers a firearm, the seller must obtain and retain a copy of a valid FOID card from the buyer. Prior to selling or transferring a firearm, the seller must contact the Maywood Police Department or Illinois State Police to confirm that the buyer's FOID card is valid and the seller must retain proof of the conversation with the MPD or ISP or retain other documentation that verifies the validity of the buyer's FOID card. The seller shall deliver to the Chief of Police within 24 hours of the sale a legible and correct written statement of any sale or transfer of a firearm that contains the following information: names and current addresses of the seller and buyer; age of buyer and seller, the serial number on the firearm, the model/make and description of the firearm.

(E) Register of weapon sales.

(1) Every person dealing in the aforementioned deadly weapons at retail, within the Village, shall keep a register of all such weapons sold, loaned, rented, or given away by him. Such register shall contain the date of the sale, loaning, renting, or

gift, the number of the permit, the number of the weapon, the name and age of the person to whom the weapon is sold, loaned, rented, or given, the price of such weapon, and the purpose for which it is purchased or obtained. The register shall be in the following form:

Date of sale
Number of Chief of Police Permit
Number of weapon
To whom sold, loaned, rented, or given
Age of purchaser or person obtaining weapon
Kind and description of weapon
For what purpose purchased or obtained
Price of weapon

(2) Such register shall be kept open for the inspection by any law enforcement officer of the police at all reasonable times during business hours.

~~(E) Permit to purchase.~~

~~(1) It shall be unlawful for any person to sell, barter, or give away to any person within the Village any deadly weapon mentioned except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the Chief of Police as hereinafter required. This section shall not apply to sales made of such articles which are to be delivered or furnished outside the Village.~~

~~(2) It shall be unlawful for any person to purchase any deadly weapon which can be concealed on the person without first securing from the Chief of Police a permit so to do. Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application the name, address, age, height, weight, complexion, nationality, and other elements of identification of the person desiring such permit, and the applicant shall present such evidence of good character as the Chief of Police at his discretion may require. As part of the permit application, a copy of a valid FOID card must be provided to the Maywood Police Department.~~

~~(3) It shall be the duty of the Chief of Police to refuse such permit to any person having been convicted of any crime or to any minor. Otherwise, in case he shall be satisfied that the applicant is of good character, it shall be the duty of the Chief of Police to grant such permit upon the payment of a fee of \$10.~~

(E) *Display.* It shall be unlawful for any person to exhibit for sale in show cases or show windows, on counters or in any other public manner, any deadly weapon, or to display any signs, posters, cartoons, or display cards suggesting the sale of any such deadly weapons.

(G) No person shall sell or offer for sale any air rifle, as air rifle is defined in section 130.82 of this Code, within the Village, and no business license shall be granted by the Village for a purpose which includes selling air rifles.

(H) *Revocation.* In case the Village President shall determine after public hearing that such applicant has violated any provision of this section, he shall revoke the license to such person for the selling of such weapons, and the money paid for such license shall be forfeited to the Village. No other such license shall be issued to such licensee for a period of 3 years thereafter.

(I) *Reporting Lost or Stolen Firearms.* Any person who loses, destroys, transfers, or has their firearm stolen, is required to report the loss or destruction to the Maywood Police Department within forty-eight (48) hours after he or she knew or reasonably should have known that the firearm had been transferred, stolen, lost, destroyed or otherwise misplaced. The report must include the make, model, and serial number of the firearm, along with the date and location of purchase. Individuals who fail to comply will be subject to a \$1,000 fine for the first violation. The fine will be \$1,500 for each firearm on the second offense and \$2,000 for each subsequent violation.

SECTION 5: Section 111.35 (Gunsmiths and Gun Shops); Chapter 111 (General Business Regulations), Title XI (Business Regulations) of the Maywood Village Code is amended to read in its entirety as follows:

§ 111.35 GUNSMITHS AND GUN SHOPS.

(A) *License: Gunsmiths and Gun Shops Prohibited*

(4) It shall be unlawful for any person to engage in the business of repairing any pistol, revolver, derringer, or other firearm. ~~which can be concealed on the person without a license so to do. The license fee shall be as set forth in § 110.13. The Chief of Police shall approve the application before a license shall be issued.~~

~~(2) A person licensed under § 111.37 shall not be required to pay the additional fee for engaging in the business of repairing firearms, but shall be required to make the additional report provided in division (B) of this section.~~

~~(B) *Reports.* Every person licensed as a gunsmith shall make out and submit to the Chief of Police every day before 12:00 noon a legible and correct report of each firearm received for repair during the preceding 24 hours, which report shall contain the date, name, physical description, age, address and occupation of the owner of such firearm, the type of weapon, its make, serial number and bore and length of such weapon, which report shall be substantially in the following form:~~

- ~~_____ Date~~
- ~~_____ Name of owner~~
- ~~_____ Physical description of owner~~
- ~~_____ Age of owner~~

- ~~— Address of owner~~
- ~~— Occupation of owner~~
- ~~— Type of weapon~~
- ~~— Make of weapon~~
- ~~— Serial number~~
- ~~— Bore and length of weapon~~

~~(C) It shall be unlawful for any person to engage in the business of repairing any air rifle, as air rifle is defined in § 130.82 of this Code, within the Village, and no business license shall be granted by the Village for a purpose which includes repair of air rifles.~~

SECTION 6: Section 111.36 (Ammunition); Chapter 111 (General Business Regulations), Title XI (Business Regulations) of the Maywood Village Code is deleted:

~~**§ 111.36 AMMUNITION.**~~

~~No person engaged in the business of selling or giving away firearms or deadly weapons or engaging in a trade of gunsmith shall keep and maintain in the premises in which said business or trade is carried on more than 2,000 rounds of any kind of loaded cartridges, ammunition or shells; and further, shall not keep and maintain in such premises at any one time more than 3 pounds of gunpowder or other explosive substance suitable for the reloading or rearming of shells, shell cases, or cartridges.~~

SECTION 7: The list of "Business Occupations/Annual License Fee (\$)" set forth in Section 110.13 (Fees); Chapter 110 (Business Licenses), Title XI (Business Regulations) of the Maywood Village Code is amended as follows:

Business Occupation or Trade	Annual License Fee (\$)
Weapons sale or gunsmith or gun shop	700 plus copy of insurance

SECTION 8: All tables of contents, indexes, and internal references or cross-references to sections that have been deleted or amended by the Code amendments set forth above shall be amended so as to be consistent with the terms of this Ordinance.

SECTION 9: All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

SECTION 10: Each section, paragraph, clause and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 11: Except as to the Code Amendments set forth above in this Ordinance, all Chapters and Sections of the Maywood Village Code, as amended, shall remain in full force and effect.

SECTION 12: This Ordinance shall be in full force and effect from and after its adoption, approval and publication as required by law.

PASSED this 13 day of March, 2013, by the Village President and Board of Trustees of the Village of Maywood on a roll call vote as follows:

AYES: Mayor Yarbrough Sr., Trustee(s) G. Guzman, A. Jaycox, E. Perkins and R. Rivers

NAYS: None

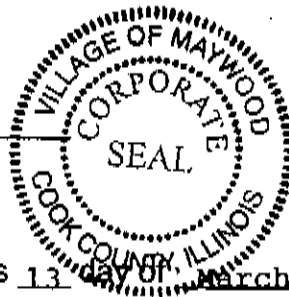
ABSENT: Trustee M. Lightford

APPROVED by the Village President on the 13 day of March, 2013, and attested to by the Village Clerk this same day.

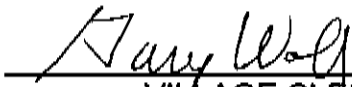

VILLAGE PRESIDENT

ATTEST:


VILLAGE CLERK



Published by me in pamphlet form this 13 day of March, 2013.


VILLAGE CLERK

