

AN ORDINANCE AMENDING CHAPTERS 130 AND 134 OF "THE HIGHLAND PARK CODE OF 1968", AS AMENDED, REGARDING HANDGUN CONTROL

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND PARK, LAKE COUNTY, ILLINOIS:

SECTION ONE: That Section 130.045 of "The Highland Park Code of 1968", as amended, be and the same is amended further hereby in its entirety; so that hereafter the said Section 130.045 shall be and read as follows:

"Sec. 130.045 Discharge of firearms in City; shooting range.

(A) It shall be unlawful for any person to discharge firearms within the corporate limits of the City of Highland Park, except at or upon a duly licensed shooting range constructed and maintained in compliance with the Highland Park Zoning Ordinance and as hereinafter set forth and except when the following are engaged in their official duties: Persons in the armed services of the United States of America, sheriffs, coroners, constables, police officers, or other duly constituted peace officers.

(B) It shall be and is declared hereby 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 corporate limits of the City of Highland Park, any handgun, shotgun or rifle unless such handgun, shotgun or rifle shall be unloaded and disassembled or otherwise taken apart so as to render it incapable of being fired, or unless the same shall be enclosed in a case not immediately accessible to such person. The provisions hereof shall not apply, however, to the following officers when engaged in the discharge of their official duties: members of the armed services of the United States of America, sheriffs, coroners, constables, police officers, and other duly constituted peace officers, and persons lawfully summoned by an officer to assist in making arrests or preserving the peace and while so engaged in assisting such officer.

(C) Skeet or Trap Shooting Range. In accord with Subsection (A) above, it shall be unlawful for any person, firm or corporation to operate or maintain within the corporate limits of the City of Highland Park any skeet or trap shooting range, unless such person, firm or corporation shall have first applied for and obtained a license for such operation and unless the same shall be constructed, operated and located in the manner set forth as follows:

(1) No skeet or trap shooting range within the corporate limits of the City of Highland Park shall be located within 250 yards of any residence, church, school, public building or place of business or in any other area unless zoned for same; provided, however, that such a shooting range may be located within 100 feet of a public street or highway when such range is provided with a backstop of sufficient strength and height so as to prevent passage of any projectile outside the area enclosed, and shall be so constructed as to absorb and neutralize any deflected or spent projectile.

(2) The only ammunition and equipment permitted to be used at any

skeet or trap shooting range are scatter shot ammunition fired from smooth-bore shotguns.

(3) Any skeet or trap shooting range licensed hereunder shall be attended by a supervisor who shall possess such qualifications as shall be prescribed from time to time by the Police Chief of the City of Highland Park, which said qualifications shall at all times remain on file in the office of the City Clerk of the City of Highland Park.

(D) Rifle or Pistol Shooting Range. In accord with Subsection (A) above, it shall be unlawful for any person, firm or corporation to operate or maintain within the corporate limits of the City of Highland Park any rifle or pistol shooting range, unless such person, firm or corporation shall have first applied for and obtained a license for such operation and unless the same shall be constructed, operated and located in the manner set forth as follows:

(1) No rifle or pistol shooting range within the corporate limits of the City of Highland Park shall be located within 250 yards of any residence, church, school, public building, or other place of business or in any other area unless zoned for same. Each such range shall provide, either:

(a) An enclosed area consisting of:

(i) A backstop constructed parallel with the firing line and of sufficient strength as to prohibit passage of the projectile through same and/or to any area outside the shooting range, and so constructed as to absorb and neutralize any deflected or spent projectile;

(ii) Targets, none of which shall be placed at a higher level than the firing point nor more than 3 feet lower than the firing line;

(iii) A firing line which shall be level from one flank to the other, with a minimum of 5 feet between firing points or stations;

(iv) Surrounding walls of solid masonry at least 8 inches thick with no windows or other openings between the firing line and the target;

(v) Ceiling planking not less than 2 inches thick, tightly joined, extending not less than 20 feet from and abutting the entire width of the backstop; and

(vi) Adequate ventilation; or

(b) Any other enclosure than that described above having a higher or equal safety factor established by scientific tests and approved for use by the Chief of Police of the City of Highland Park.

(2) Equipment:

(a) Rifles used upon any licensed rifle or pistol shooting range

shall be of not more than .22 calibre and shall be rim fire type only, and shall be chambered for either .22 short or .22 long rifles;

(b) No automatic type rifle shall be used;

(c) Any rifle or pistol used at any such licensed shooting range shall, before it is discharged, be tested with a three pound trigger pull, test weight or scale, and no rifle or pistol shall be used which has less than a three pound trigger pull; and

(d) The bore of each rifle used upon any such licensed range shall be inspected before firing to make sure that it is free of obstruction of any kind.

(3) Any rifle or pistol shooting range licensed hereunder shall be attended by a supervisor who shall possess such qualifications as shall be prescribed from time to time by the Chief of Police of the City of Highland Park, which said qualifications shall at all times remain on file in the office of the City Clerk of the City of Highland Park.

(4) Any rifle or pistol shooting range constructed by the City of Highland Park after the effective date of this amendment may be made available for fee on a monthly basis to Highland Park residents who have registered as handgun owners with the Highland Park Police Department pursuant to Chapter 134 of this Code.

(E) The licenses required by this Section shall be obtainable by written application made to the Chief of Police of the City of Highland Park on forms provided by him, which applications shall be approved (if at all) by the Chief of Police of the City of Highland Park, and shall be issued from the office of the City Clerk of the City of Highland Park."

SECTION TWO: That, pursuant to the authority conferred upon home rule units under the Constitution of the State of Illinois of 1970, the City Council of the City of Highland Park finds that it is necessary and in the public interest of the City of Highland Park that Chapter 134 of "The Highland Park Code of 1968", as amended, be and the same is amended further hereby in its entirety, so that hereafter the said Chapter 134 shall be and read as follows:

"CHAPTER 134: HANDGUN CONTROL

SECTION

134.001	Rules and Definitions
134.002	Manufacture, Assembly and Sale of Handguns and Ammunition Prohibited
134.003	Possession of Handguns Prohibited
134.004	Registration
134.005	Voluntary Delivery to Police Department
134.006	Disposition of Handguns
134.007	Construction

Sec. 134.001 Rules and Definitions.

(A) The language in the text of this Chapter shall be interpreted in accordance with the following rules of construction:

(1) The singular number includes the plural number, and the plural the singular;

(2) The word "shall" is mandatory; the word "may" is permissive; and

(3) The masculine gender includes the feminine and neuter.

(B) Whenever hereafter in this Chapter the following words and phrases are used, they shall, for the purposes of this Chapter, have the meanings respectively ascribed to them in this Subsection, except when the context otherwise indicates.

(1) "Ammunition" means any self-contained cartridge, shot, bullet or projectile by whatever name known, which is designed to be used, or adaptable to use, in a Firearm and shot or discharged therefrom.

(2) "Antique Firearm" means:

(a) Any Firearm (including any Firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and

(b) Any replica of any Firearm described in subparagraph (a) if such replica;

(i) Is not designed or redesigned for using rimfire or conventional centerfire Ammunition, or

(ii) Uses rimfire or conventional centerfire fixed Ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels or commercial trade.

(3) "Chief of Police" means the Chief of Police of the City of Highland Park.

(4) "City" means the City of Highland Park, Lake County, Illinois.

(5) "Collector" means any person who acquires, holds, or disposes of Firearms or Ammunition as curios or relics;

(6) "Firearm" means 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:

(a) Any pneumatic gun, spring gun or B-B gun which expels a single globular projectile not exceeding .18 inches in diameter;

(b) Any device used exclusively for signalling or safety and

required or recommended by the United States Coast Guard or the Interstate Commerce Commission;

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

(d) An Antique Firearm; and

(e) Model rockets used to propel a model vehicle in a vertical direction.

(7) "Handgun" means any Firearm which:

(a) Is designed or made, or remade or redesigned, and intended to be fired while held in one hand; or

(b) Has a barrel less than ten (10) inches in length; or

(c) Is a Firearm of a size which may be concealed upon the person.

(8) "Licensed Firearm Collector" means any Collector licensed by the Secretary of the Treasury of the United States under and by virtue of Title 18, United States Code, Section 923, and whose possession of Firearms is limited to curios and relics.

(9) "Licensed Shooting Range" means a location, indoors or out of doors, licensed and operating in accord with and pursuant to Section 130.045 of this Code, or the laws of any other municipality or local jurisdiction in which it has its situs.

(10) "Person" means any individual, corporation, company, association, firm, partnership, club, society or joint stock company.

(11) "Police Department" means the Police Department of the City.

Sec. 134.002 Manufacture, assembly and sale of Handguns and Ammunition prohibited.

No Person shall engage in the business of manufacturing, assembling, selling, or otherwise transferring Handguns or Ammunition within the corporate limits of the City, except that this prohibition shall not include the following:

(A) Reloading Ammunition for reuse in a Firearm which is in the possession of a Person in an exempt category as established under Section 134.003;

(B) Acquisition of a Handgun as the executor, administrator, or other legal representative of a decedent's estate;

(C) Transfer of a Handgun and/or Ammunition by bequest or intestate succession;

(D) Return of a Handgun and/or Ammunition to a Person from whom it was

received;

(E) Transfer of a Handgun and/or Ammunition where it is required by or in accordance with a judgment or decree of any court lawful jurisdiction;

(F) Transfer of a Handgun and/or Ammunition to any Federal, State or local government, or any department, agency, bureau, institution or commission thereof;

(G) Transfer of a Handgun and/or Ammunition to a private museum, society, institution or other private organization which customarily acquires and holds Firearms as curios and relics or for scientific or research purposes, or to theatrical organizations providing a regular performance schedule to the public and utilizing said Handguns only pursuant to Section 134.003(E) hereof; and/or

(H) Loan or rental of a Handgun solely for the purpose of target shooting in a Licensed Shooting Range.

Sec. 134.003 Possession of Handguns prohibited.

No person shall possess a Handgun within the corporate limits of the City, except that this prohibition shall not apply to persons in the following exempt categories:

(A) A member of any federal, state or local governmental authority when such Handgun has been issued in the course of such member's official duties, or a retired member of such authority.

(B) Security guards, watchmen, and special agents of public utilities or railroads or agents of the Illinois Legislative Investigating Commission while in performance of official duties;

(C) Persons legally entitled to possess Handguns, while transporting their Handguns between their residences or places of employment and a Licensed Shooting Range, provided that at all times during such transportation said Handgun shall be unloaded and disassembled or otherwise be taken apart so as to render it incapable of being fired or be enclosed in a case having trigger locks securely fastened to the Handgun;

(D) Licensed Firearm Collectors whose possession is limited to Antique Firearms, provided they do not possess or carry Ammunition and further provided that any transportation of such Handguns by such collectors shall not be undertaken unless such Handguns are broken down in a non-functioning state;

(E) Established theater groups, provided they maintain possession and control of such Handguns and do not possess or carry Ammunition;

(F) Licensed Shooting Range Proprietors; and

(G) Those persons who are registered owners pursuant to Section 134.004 and who have attended at least once in the last three (3) years a gun safety and training session which shall be conducted by the Police Department at least once every four (4)

months.

(1) In cases involving a person having a disability which makes attendance at such a session impossible, the Police Department will conduct such safety and training session in the home of such disabled person at a time convenient to such disabled person and the Police Department.

(2) In an effort to further safety and training, any rifle or pistol shooting range constructed by the City after the effective date of this amendment may be made available for fee on a monthly basis to Highland Park residents who have registered as Handgun owners with the Police Department pursuant to Section 134.004 hereinbelow.

Sec. 134.004 Registration.

(A) Other than those Persons listed in Subsection (A) of Section 134.003, any Person who resides within the corporate limits of the City and has a Handgun in his possession shall register annually with the Police Department and pay a \$5 registration fee.

(B) Application for registration and re-registration to possess a Handgun under such exempt category shall be made on forms sent annually to each household within the corporate limits of the City and made available at Police Department headquarters which shall require the following information:

(1) The name, address, date of birth, and social security number of the applicant;

(2) A physical description of the applicant;

(3) The exempt category (as established under Section 134.003) claimed by the applicant;

(4) A statement by the applicant that the applicant has in his possession a list containing the make, model and serial number of each Handgun in his possession;

(5) A statement by the applicant that he has in his possession a valid Firearm Owner's Identification Card issued pursuant to the statutes of the State of Illinois, and a copy thereof; and

(6) Such additional information as the Chief of Police may deem necessary to process the application.

(C) All statements made by the applicant upon the application or in connection therewith shall be under oath.

(D) The Chief of Police shall require every applicant to submit to fingerprinting by the Police Department in connection with the application for handgun registration.

(E) The Chief of Police shall cause to be kept in his office an accurate record of every application received and acted upon together with all other information and data pertaining thereto on all applications for owner's registration cards issued or

denied under the provision of this Chapter. Applications for owner's registration cards shall be numbered in consecutive numbers as filed, and every card issued shall be identified with the duplicate number of the application upon which it was issued and shall expire automatically one year from the date of issuance. The records and registration cards shall be maintained by the Chief of Police as investigatory records compiled for administrative law enforcement purposes, disclosure of which would interfere with pending or actually and reasonably contemplated enforcement proceedings and/or constitute an invasion of personal privacy.

(F) Within thirty (30) days of his receipt of an application, the Chief of Police, after consideration of the application for an owner's registration card and all information obtained relative thereto, shall either approve or deny the application and so notify the applicant in writing thereof.

(1) In the event the application is approved, the Chief of Police shall issue to the applicant therefor an owner's registration card which shall contain the applicant's name, residence, date of birth, sex, physical description, recent photograph and such other personal information as may be required by the Chief of Police. Each such registration card must have printed on it the following: "CAUTION --This card does not permit bearer to UNLAWFULLY carry or use handguns."

(2) In the event the application is denied, the Chief of Police shall inform the applicant accordingly. Thereupon the applicant shall dispose of the Handgun(s) in his possession in accord with the regulations set forth in this Chapter.

(G) It is mandatory that a person possessing an owner's registration card immediately report to the Police Department the theft or loss of any Handgun in his possession. Such report shall include the make, model and serial number of such Handgun.

Sec. 134.005 Voluntary delivery to Police Department.

In the event a Person voluntarily and peaceably delivers and surrenders any Handgun in his possession to the Police Department, such delivery shall preclude the arrest and prosecution of such person on a charge of violating any provision of this Chapter and/or Section 130.045 of "The Highland Park Code of 1968", as amended, with respect to the Handgun voluntarily delivered. Voluntary delivery under this Section shall be made at the headquarters of the Police Department or by summoning a police officer to the residence or place of business of the Person having such Handgun in his possession. Every Handgun to be delivered and surrendered to the Police Department under this Section shall be unloaded and securely wrapped in a package, and in the case of delivery to Police Department headquarters, the package shall be carried in open view. No Person who delivers and surrenders a Handgun under this Section shall be required to furnish identification, photographs or fingerprints. No amount of money shall be paid for any Handgun delivered or surrendered under this Section.

Sec. 134.006 Disposition of Handguns.

All Handguns ordered confiscated by the Court under the provisions of this

Chapter and all Handguns received by the Police Department under and by virtue of Section 134.005 shall be held and the owner thereof identified, if possible, by the Police Department. In the event the owner thereof is identified and such owner is not in an exempt category as set forth in Section 134.003, such Handgun shall be destroyed by the Police Department; otherwise, such Handgun shall be returned to the owner, unless such owner desires such Handgun to be destroyed. If after two (2) years from the date such Handgun comes into the possession of the Police Department, the Police Department is unable to ascertain the owner thereof, the Handgun shall be destroyed by the Police Department.

Sec. 134.007 Construction.

Nothing in this Chapter shall be construed or applied to necessarily require or excuse non-compliance with any provision of the laws of the State of Illinois and/or the United States. This Chapter and the penalties proscribed for violation thereof shall not supersede, but shall supplement, all Statutes of the State of Illinois and/or of the United States in which similar conduct may be prohibited or regulated.

Sec. 134.099 Penalty.

(A) Whoever violates any of the provisions of this Chapter shall, upon conviction, be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) for the first such offense; for each such subsequent offense such Person shall, upon conviction, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

(B) The trial court shall confiscate any Handgun seized under this Chapter and, when no longer needed for evidentiary purposes, the court shall transfer any such Handgun to the Police Department which shall destroy it in accord with Section 134.006 of this Chapter."

SECTION THREE: That the City Clerk of the City of Highland Park be and is directed hereby to publish this ordinance in pamphlet form pursuant to the Statutes of the State of Illinois, made and provided.

SECTION FOUR: That this ordinance shall be in full force and effect from and after

its passage, approval, and publication in the manner provided by law.

AYES: Mayor Pierce and Councilmen Blane, Brenner, Geraci, Koukos and Mandel

NAYS: None

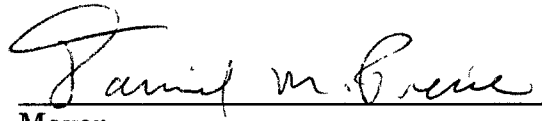
ABSENT: Councilman Weiss

PASSED: February 28, 1994


APPROVED: February 28, 1994

PUBLISHED IN PAMPHLET FORM: March 1, 1994

ORDINANCE NO. 9-94


Mayor

ATTEST:


City Clerk

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Linden Avenue currently posted as a 15-minute passenger loading zone be changed to a school bus loading only zone, and directed Corporation Counsel to draft the necessary ordinance for consideration at the February 28, 1994 City Council meeting.

Omnibus Vote

B. Other Business

6. Consideration of Certain Amendments to the Existing Handgun Control Ordinance

Councilwoman Weiss presented this item, and moved to table discussion of assault weapons to the April 11, 1994 City Council Meeting. Councilman Geraci seconded the motion.

Upon roll call: Yeas: Mayor Pierce, Councilwoman Weiss, and Councilmen
Mandel, Brenner, Geraci, Koukos and Blane
Nays: None

The Mayor declared that the motion carried.

Councilwoman Weiss then moved that the City Council approve certain amendments to Chapter 134: Handgun Control, as follows, and directed Corporation Counsel to draft the necessary ordinance: 1) all licensed gun club requirements be deleted; 2) a gun safety training requirement be added; 3) the registration fee be reduced; 4) the re-registration process be streamlined; 5) the registration requirement to provide the make, model and serial number of handguns be deleted; 6) a registration statement by the applicant requiring the applicant to possess a list containing the make, model and serial number of each handgun in his possession be added; 7) a requirement mandating that a person possessing an owner's registration card immediately report to the Police Department the theft or loss of any handgun in his possession which report shall include the make, model and serial number of such handgun be added; and 8) a provision for all registered owners to use any rifle or pistol shooting range constructed by the City after the effective date of this amendment for a fee on a monthly basis for meetings and target practice be added. Councilman Koukos seconded the motion. Following discussion, Councilman Geraci moved to amend the original motion in order that: the registration requirement to state the number of handguns owned by the applicant be deleted. Councilman Brenner seconded the motion to amend. Testimony was heard from the following:

- Mr. Martin Miller, Vice President of the Highland Park Gun Club, who supported the proposed amendments as amended by Councilman Geraci.
- Mr. Ken Cooper, Chief Instructor of the Highland Park Gun Club, who supported the proposed amendments as amended, and addressed the following: the present cost of compliance, the fingerprinting requirement, the requirement to state the number of handguns owned, and relief for the handicapped owner.
- Mr. Frank Rice, Highland Park resident, who supported an expanded safety training program to include head of the household training.

- Mr. Allen Shinebaum, Highland Park resident, who supported adding an exempt category for Firearm Owner's Identification Card (FOID) holders.
- Mr. Gary Hish, Highland Park resident, who opposed certain registration requirements and the proposed amendments.
- Ms. Beverly Cooper, President of the Highland Park Gun Club, who supported the proposed amendments as amended.
- Mr. Bob Sanders, Highland Park resident, who addressed the exempt categories and opposed the ordinance.
- Mr. Joel Friedman, Highland Park resident, who supported the proposed amendments as amended, and suggested that cigarettes and alcohol also be prohibited.
- Mr. Robert Buhai, Lake County Board Member, who supported the proposed amendments.
- Ms. Beverly Rosentein, representing the National Council of Jewish Women, who supported registration of handguns and a safety training requirement.
- Ms. Barb Lippai, President of the League of Women Voters, who supported the original motion, and urged the Council to support the enactment of effective state legislation.
- Ms. Priscilla Scott, Highland Park resident, who questioned the safety training requirements and the penalty provisions of the proposed ordinance, and addressed the deficiencies in the present FOID card registration.
- State Representative Lauren Beth Gash, who supported state legislation for handgun control.
- Mr. Cal Tobin, 814 Dean, who supported the registration provisions of the current ordinance.
- Mr. George Fisher of the Illinois Council Against Handgun Violation, who supported retaining the current registration requirements.
- Ms. Janet Schwartz, Highland Park resident, who supported the present registration requirements.

Following discussion and upon roll call upon the motion to amend the original motion in order that: the registration requirement to state the number of handguns owned by the applicant be deleted.

Yeas: Councilmen Mandel, Brenner, Geraci,
Koukos and Blane
Nays: Mayor Pierce and Councilwoman Weiss

The Mayor declared that the motion to amend carried.

Upon roll call on the original motion as amended:

Yeas: Mayor Pierce, Councilwoman Weiss, and Councilmen
Mandel, Brenner, Geraci, Koukos and Blane
Nays: None

The Mayor declared that the original motion as amended carried.

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Councilman Koukos announced that the public is invited to attend a reception for Jim and Sarah Brady regarding the Brady Bill to be held at the Marriott Lincolnshire on Friday, February 25, 1994 at 8:00 p.m.

RECESS

Upon a motion duly made, seconded and passed by acclamation, the Council recessed its meeting at 9:45 p.m. At 10:08 p.m., Mayor Pierce reconvened the Council Meeting, and upon roll call:

Present: Mayor Pierce, Councilwoman Weiss, and Councilmen
Mandel, Brenner, Geraci, Koukos and Blane

Absent: None

The Mayor declared that a quorum was present.

7. Consideration of a Plan Commission Recommendation and Findings of Fact in Support of the Highland Park Place Condominium Project at Laurel Avenue and Second Street

Mr. Hal Francke, attorney representing Pontarelli Builders, and Mr. John Thomas, Vice President of Pontarelli Builders, answered Council's questions and petitioned the Council to approve the Findings of Fact in support of the preliminary approval of a Special Use Permit in the nature of a Planned Residential Development (PRD) to allow for the development of 77 condominium units, subject to the proposed development conditions, and asked for relief from certain PRD requirements in terms of lot coverage, building height and parking. Following discussion, Councilwoman Weiss moved that the City Council concur with the Plan Commission's recommendation that the City Council approve the Findings of Fact in support of the preliminary approval of a Special Use Permit in the nature of a Planned Residential Permit to allow for the development of 77 condominium units, subject to the proposed development conditions.

Councilman Koukos seconded the motion.

Upon roll call: Yeas: Mayor Pierce, Councilwoman Weiss, and Councilmen
Mandel, Brenner, Geraci, Koukos and Blane
Nays: None

The Mayor declared that the motion carried.

8. Consideration of a Plan Commission Recommendation and Findings of Fact in Support of the Ridge Grove at Heller Woods PRD Located at 3071 Ridge Road

Mr. Carl Kupfer, architect representing the petitioner Mr. Jules Knapp, was present to answer the Council's questions. Councilman Koukos moved that the City Council concur with the Plan Commission's recommendation that the City Council approve the Findings of Fact in support of the preliminary approval of a Special Use Permit in the nature of a Planned Residential Permit to allow for a three lot single family residential development, subject to the proposed development conditions.

AN ORDINANCE AMENDING CHAPTERS 130 AND 134 OF "THE HIGHLAND PARK CODE OF 1968", AS AMENDED, REGARDING HANDGUN CONTROL

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND PARK, LAKE COUNTY, ILLINOIS:

SECTION ONE: That Section 130.045 of "The Highland Park Code of 1968", as amended, be and the same is amended further hereby in its entirety; so that hereafter the said Section 130.045 shall be and read as follows:

"Sec. 130.045 Discharge of firearms in City; shooting range.

(A) It shall be unlawful for any person to discharge firearms within the corporate limits of the City of Highland Park, except at or upon a duly licensed shooting range constructed and maintained in compliance with the Highland Park Zoning Ordinance and as hereinafter set forth and except when the following are engaged in their official duties: Persons in the armed services of the United States of America, sheriffs, coroners, constables, police officers, or other duly constituted peace officers.

(B) It shall be and is declared hereby 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 corporate limits of the City of Highland Park, any handgun, shotgun or rifle unless such handgun, shotgun or rifle shall be unloaded and disassembled or otherwise taken apart so as to render it incapable of being fired, or unless the same shall be enclosed in a case not immediately accessible to such person. The provisions hereof shall not apply, however, to the following officers when engaged in the discharge of their official duties: members of the armed services of the United States of America, sheriffs, coroners, constables, police officers, and other duly constituted peace officers, and persons lawfully summoned by an officer to assist in making arrests or preserving the peace and while so engaged in assisting such officer.

(C) Skeet or Trap Shooting Range. In accord with Subsection (A) above, it shall be unlawful for any person, firm or corporation to operate or maintain within the corporate limits of the City of Highland Park any skeet or trap shooting range, unless such person, firm or corporation shall have first applied for and obtained a license for such operation and unless the same shall be constructed, operated and located in the manner set forth as follows:

(1) No skeet or trap shooting range within the corporate limits of the City of Highland Park shall be located within 250 yards of any residence, church, school, public building or place of business or in any other area unless zoned for same; provided, however, that such a shooting range may be located within 100 feet of a public street or highway when such range is provided with a backstop of sufficient strength and height so as to prevent passage of any projectile outside the area enclosed, and shall be so constructed as to absorb and neutralize any deflected or spent projectile.

(2) The only ammunition and equipment permitted to be used at any

skeet or trap shooting range are scatter shot ammunition fired from smooth-bore shotguns.

(3) Any skeet or trap shooting range licensed hereunder shall be attended by a supervisor who shall possess such qualifications as shall be prescribed from time to time by the Police Chief of the City of Highland Park, which said qualifications shall at all times remain on file in the office of the City Clerk of the City of Highland Park.

(D) Rifle or Pistol Shooting Range. In accord with Subsection (A) above, it shall be unlawful for any person, firm or corporation to operate or maintain within the corporate limits of the City of Highland Park any rifle or pistol shooting range, unless such person, firm or corporation shall have first applied for and obtained a license for such operation and unless the same shall be constructed, operated and located in the manner set forth as follows:

(1) No rifle or pistol shooting range within the corporate limits of the City of Highland Park shall be located within 250 yards of any residence, church, school, public building, or other place of business or in any other area unless zoned for same. Each such range shall provide, either:

(a) An enclosed area consisting of:

(i) A backstop constructed parallel with the firing line and of sufficient strength as to prohibit passage of the projectile through same and/or to any area outside the shooting range, and so constructed as to absorb and neutralize any deflected or spent projectile;

(ii) Targets, none of which shall be placed at a higher level than the firing point nor more than 3 feet lower than the firing line;

(iii) A firing line which shall be level from one flank to the other, with a minimum of 5 feet between firing points or stations;

(iv) Surrounding walls of solid masonry at least 8 inches thick with no windows or other openings between the firing line and the target;

(v) Ceiling planking not less than 2 inches thick, tightly joined, extending not less than 20 feet from and abutting the entire width of the backstop; and

(vi) Adequate ventilation; or

(b) Any other enclosure than that described above having a higher or equal safety factor established by scientific tests and approved for use by the Chief of Police of the City of Highland Park.

(2) Equipment:

(a) Rifles used upon any licensed rifle or pistol shooting range

shall be of not more than .22 calibre and shall be rim fire type only, and shall be chambered for either .22 short or .22 long rifles;

(b) No automatic type rifle shall be used;

(c) Any rifle or pistol used at any such licensed shooting range shall, before it is discharged, be tested with a three pound trigger pull, test weight or scale, and no rifle or pistol shall be used which has less than a three pound trigger pull; and

(d) The bore of each rifle used upon any such licensed range shall be inspected before firing to make sure that it is free of obstruction of any kind.

(3) Any rifle or pistol shooting range licensed hereunder shall be attended by a supervisor who shall possess such qualifications as shall be prescribed from time to time by the Chief of Police of the City of Highland Park, which said qualifications shall at all times remain on file in the office of the City Clerk of the City of Highland Park.

(4) Any rifle or pistol shooting range constructed by the City of Highland Park after the effective date of this amendment may be made available for fee on a monthly basis to Highland Park residents who have registered as handgun owners with the Highland Park Police Department pursuant to Chapter 134 of this Code.

(E) The licenses required by this Section shall be obtainable by written application made to the Chief of Police of the City of Highland Park on forms provided by him, which applications shall be approved (if at all) by the Chief of Police of the City of Highland Park, and shall be issued from the office of the City Clerk of the City of Highland Park."

SECTION TWO: That, pursuant to the authority conferred upon home rule units under the Constitution of the State of Illinois of 1970, the City Council of the City of Highland Park finds that it is necessary and in the public interest of the City of Highland Park that Chapter 134 of "The Highland Park Code of 1968", as amended, be and the same is amended further hereby in its entirety, so that hereafter the said Chapter 134 shall be and read as follows:

"CHAPTER 134: HANDGUN CONTROL

SECTION

134.001	Rules and Definitions
134.002	Manufacture, Assembly and Sale of Handguns and Ammunition Prohibited
134.003	Possession of Handguns Prohibited
134.004	Registration
134.005	Voluntary Delivery to Police Department
134.006	Disposition of Handguns
134.007	Construction

Sec. 134.001 Rules and Definitions.

(A) The language in the text of this Chapter shall be interpreted in accordance with the following rules of construction:

(1) The singular number includes the plural number, and the plural the singular;

(2) The word "shall" is mandatory; the word "may" is permissive; and

(3) The masculine gender includes the feminine and neuter.

(B) Whenever hereafter in this Chapter the following words and phrases are used, they shall, for the purposes of this Chapter, have the meanings respectively ascribed to them in this Subsection, except when the context otherwise indicates.

(1) "Ammunition" means any self-contained cartridge, shot, bullet or projectile by whatever name known, which is designed to be used, or adaptable to use, in a Firearm and shot or discharged therefrom.

(2) "Antique Firearm" means:

(a) Any Firearm (including any Firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and

(b) Any replica of any Firearm described in subparagraph (a) if such replica;

(i) Is not designed or redesigned for using rimfire or conventional centerfire Ammunition, or

(ii) Uses rimfire or conventional centerfire fixed Ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels or commercial trade.

(3) "Chief of Police" means the Chief of Police of the City of Highland Park.

(4) "City" means the City of Highland Park, Lake County, Illinois.

(5) "Collector" means any person who acquires, holds, or disposes of Firearms or Ammunition as curios or relics;

(6) "Firearm" means 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:

(a) Any pneumatic gun, spring gun or B-B gun which expels a single globular projectile not exceeding .18 inches in diameter;

(b) Any device used exclusively for signalling or safety and

required or recommended by the United States Coast Guard or the Interstate Commerce Commission;

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

(d) An Antique Firearm; and

(e) Model rockets used to propel a model vehicle in a vertical direction.

(7) "Handgun" means any Firearm which:

(a) Is designed or made, or remade or redesigned, and intended to be fired while held in one hand; or

(b) Has a barrel less than ten (10) inches in length; or

(c) Is a Firearm of a size which may be concealed upon the person.

(8) "Licensed Firearm Collector" means any Collector licensed by the Secretary of the Treasury of the United States under and by virtue of Title 18, United States Code, Section 923, and whose possession of Firearms is limited to curios and relics.

(9) "Licensed Shooting Range" means a location, indoors or out of doors, licensed and operating in accord with and pursuant to Section 130.045 of this Code, or the laws of any other municipality or local jurisdiction in which it has its situs.

(10) "Person" means any individual, corporation, company, association, firm, partnership, club, society or joint stock company.

(11) "Police Department" means the Police Department of the City.

Sec. 134.002 Manufacture, assembly and sale of Handguns and Ammunition prohibited.

No Person shall engage in the business of manufacturing, assembling, selling, or otherwise transferring Handguns or Ammunition within the corporate limits of the City, except that this prohibition shall not include the following:

(A) Reloading Ammunition for reuse in a Firearm which is in the possession of a Person in an exempt category as established under Section 134.003;

(B) Acquisition of a Handgun as the executor, administrator, or other legal representative of a decedent's estate;

(C) Transfer of a Handgun and/or Ammunition by bequest or intestate succession;

(D) Return of a Handgun and/or Ammunition to a Person from whom it was

received;

(E) Transfer of a Handgun and/or Ammunition where it is required by or in accordance with a judgment or decree of any court lawful jurisdiction;

(F) Transfer of a Handgun and/or Ammunition to any Federal, State or local government, or any department, agency, bureau, institution or commission thereof;

(G) Transfer of a Handgun and/or Ammunition to a private museum, society, institution or other private organization which customarily acquires and holds Firearms as curios and relics or for scientific or research purposes, or to theatrical organizations providing a regular performance schedule to the public and utilizing said Handguns only pursuant to Section 134.003(E) hereof; and/or

(H) Loan or rental of a Handgun solely for the purpose of target shooting in a Licensed Shooting Range.

Sec. 134.003 Possession of Handguns prohibited.

No person shall possess a Handgun within the corporate limits of the City, except that this prohibition shall not apply to persons in the following exempt categories:

(A) A member of any federal, state or local governmental authority when such Handgun has been issued in the course of such member's official duties, or a retired member of such authority.

(B) Security guards, watchmen, and special agents of public utilities or railroads or agents of the Illinois Legislative Investigating Commission while in performance of official duties;

(C) Persons legally entitled to possess Handguns, while transporting their Handguns between their residences or places of employment and a Licensed Shooting Range, provided that at all times during such transportation said Handgun shall be unloaded and disassembled or otherwise be taken apart so as to render it incapable of being fired or be enclosed in a case having trigger locks securely fastened to the Handgun;

(D) Licensed Firearm Collectors whose possession is limited to Antique Firearms, provided they do not possess or carry Ammunition and further provided that any transportation of such Handguns by such collectors shall not be undertaken unless such Handguns are broken down in a non-functioning state;

(E) Established theater groups, provided they maintain possession and control of such Handguns and do not possess or carry Ammunition;

(F) Licensed Shooting Range Proprietors; and

(G) Those persons who are registered owners pursuant to Section 134.004 and who have attended at least once in the last three (3) years a gun safety and training session which shall be conducted by the Police Department at least once every four (4)

months.

(1) In cases involving a person having a disability which makes attendance at such a session impossible, the Police Department will conduct such safety and training session in the home of such disabled person at a time convenient to such disabled person and the Police Department.

(2) In an effort to further safety and training, any rifle or pistol shooting range constructed by the City after the effective date of this amendment may be made available for fee on a monthly basis to Highland Park residents who have registered as Handgun owners with the Police Department pursuant to Section 134.004 hereinbelow.

Sec. 134.004 Registration.

(A) Other than those Persons listed in Subsection (A) of Section 134.003, any Person who resides within the corporate limits of the City and has a Handgun in his possession shall register annually with the Police Department and pay a \$5 registration fee.

(B) Application for registration and re-registration to possess a Handgun under such exempt category shall be made on forms sent annually to each household within the corporate limits of the City and made available at Police Department headquarters which shall require the following information:

(1) The name, address, date of birth, and social security number of the applicant;

(2) A physical description of the applicant;

(3) The exempt category (as established under Section 134.003) claimed by the applicant;

(4) A statement by the applicant that the applicant has in his possession a list containing the make, model and serial number of each Handgun in his possession;

(5) A statement by the applicant that he has in his possession a valid Firearm Owner's Identification Card issued pursuant to the statutes of the State of Illinois, and a copy thereof; and

(6) Such additional information as the Chief of Police may deem necessary to process the application.

(C) All statements made by the applicant upon the application or in connection therewith shall be under oath.

(D) The Chief of Police shall require every applicant to submit to fingerprinting by the Police Department in connection with the application for handgun registration.

(E) The Chief of Police shall cause to be kept in his office an accurate record of every application received and acted upon together with all other information and data pertaining thereto on all applications for owner's registration cards issued or

denied under the provision of this Chapter. Applications for owner's registration cards shall be numbered in consecutive numbers as filed, and every card issued shall be identified with the duplicate number of the application upon which it was issued and shall expire automatically one year from the date of issuance. The records and registration cards shall be maintained by the Chief of Police as investigatory records compiled for administrative law enforcement purposes, disclosure of which would interfere with pending or actually and reasonably contemplated enforcement proceedings and/or constitute an invasion of personal privacy.

(F) Within thirty (30) days of his receipt of an application, the Chief of Police, after consideration of the application for an owner's registration card and all information obtained relative thereto, shall either approve or deny the application and so notify the applicant in writing thereof.

(1) In the event the application is approved, the Chief of Police shall issue to the applicant therefor an owner's registration card which shall contain the applicant's name, residence, date of birth, sex, physical description, recent photograph and such other personal information as may be required by the Chief of Police. Each such registration card must have printed on it the following: "CAUTION --This card does not permit bearer to UNLAWFULLY carry or use handguns."

(2) In the event the application is denied, the Chief of Police shall inform the applicant accordingly. Thereupon the applicant shall dispose of the Handgun(s) in his possession in accord with the regulations set forth in this Chapter.

(G) It is mandatory that a person possessing an owner's registration card immediately report to the Police Department the theft or loss of any Handgun in his possession. Such report shall include the make, model and serial number of such Handgun.

Sec. 134.005 Voluntary delivery to Police Department.

In the event a Person voluntarily and peaceably delivers and surrenders any Handgun in his possession to the Police Department, such delivery shall preclude the arrest and prosecution of such person on a charge of violating any provision of this Chapter and/or Section 130.045 of "The Highland Park Code of 1968", as amended, with respect to the Handgun voluntarily delivered. Voluntary delivery under this Section shall be made at the headquarters of the Police Department or by summoning a police officer to the residence or place of business of the Person having such Handgun in his possession. Every Handgun to be delivered and surrendered to the Police Department under this Section shall be unloaded and securely wrapped in a package, and in the case of delivery to Police Department headquarters, the package shall be carried in open view. No Person who delivers and surrenders a Handgun under this Section shall be required to furnish identification, photographs or fingerprints. No amount of money shall be paid for any Handgun delivered or surrendered under this Section.

Sec. 134.006 Disposition of Handguns.

All Handguns ordered confiscated by the Court under the provisions of this

Chapter and all Handguns received by the Police Department under and by virtue of Section 134.005 shall be held and the owner thereof identified, if possible, by the Police Department. In the event the owner thereof is identified and such owner is not in an exempt category as set forth in Section 134.003, such Handgun shall be destroyed by the Police Department; otherwise, such Handgun shall be returned to the owner, unless such owner desires such Handgun to be destroyed. If after two (2) years from the date such Handgun comes into the possession of the Police Department, the Police Department is unable to ascertain the owner thereof, the Handgun shall be destroyed by the Police Department.

Sec. 134.007 Construction.

Nothing in this Chapter shall be construed or applied to necessarily require or excuse non-compliance with any provision of the laws of the State of Illinois and/or the United States. This Chapter and the penalties proscribed for violation thereof shall not supersede, but shall supplement, all Statutes of the State of Illinois and/or of the United States in which similar conduct may be prohibited or regulated.

Sec. 134.099 Penalty.

(A) Whoever violates any of the provisions of this Chapter shall, upon conviction, be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) for the first such offense; for each such subsequent offense such Person shall, upon conviction, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

(B) The trial court shall confiscate any Handgun seized under this Chapter and, when no longer needed for evidentiary purposes, the court shall transfer any such Handgun to the Police Department which shall destroy it in accord with Section 134.006 of this Chapter."

SECTION THREE: That the City Clerk of the City of Highland Park be and is directed hereby to publish this ordinance in pamphlet form pursuant to the Statutes of the State of Illinois, made and provided.

SECTION FOUR: That this ordinance shall be in full force and effect from and after

its passage, approval, and publication in the manner provided by law.

AYES: Mayor Pierce and Councilmen Blane, Brenner, Geraci, Koukos and Mandel

NAYS: None

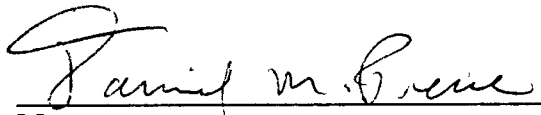
ABSENT: Councilman Weiss

PASSED: February 28, 1994

APPROVED: February 28, 1994

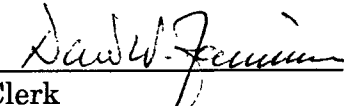
PUBLISHED IN PAMPHLET FORM: March 1, 1994

ORDINANCE NO. 9-94



Mayor

ATTEST:



City Clerk

AN ORDINANCE AMENDING CHAPTERS 130 AND 134 OF "THE HIGHLAND PARK CODE OF 1968", AS AMENDED, REGARDING HANDGUN CONTROL

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND PARK, LAKE COUNTY, ILLINOIS:

SECTION ONE: That Section 130.045 of "The Highland Park Code of 1968", as amended, be and the same is amended further hereby in its entirety; so that hereafter the said Section 130.045 shall be and read as follows:

"Sec. 130.045 Discharge of firearms in City; shooting range.

(A) It shall be unlawful for any person to discharge firearms within the corporate limits of the City of Highland Park, except at or upon a duly licensed shooting range constructed and maintained in compliance with the Highland Park Zoning Ordinance and as hereinafter set forth and except when the following are engaged in their official duties: Persons in the armed services of the United States of America, sheriffs, coroners, constables, police officers, or other duly constituted peace officers.

(B) It shall be and is declared hereby 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 corporate limits of the City of Highland Park, any handgun, shotgun or rifle unless such handgun, shotgun or rifle shall be unloaded and disassembled or otherwise taken apart so as to render it incapable of being fired, or unless the same shall be enclosed in a case not immediately accessible to such person. The provisions hereof shall not apply, however, to the following officers when engaged in the discharge of their official duties: members of the armed services of the United States of America, sheriffs, coroners, constables, police officers, and other duly constituted peace officers, and persons lawfully summoned by an officer to assist in making arrests or preserving the peace and while so engaged in assisting such officer.

(C) Skeet or Trap Shooting Range. In accord with Subsection (A) above, it shall be unlawful for any person, firm or corporation to operate or maintain within the corporate limits of the City of Highland Park any skeet or trap shooting range, unless such person, firm or corporation shall have first applied for and obtained a license for such operation and unless the same shall be constructed, operated and located in the manner set forth as follows:

(1) No skeet or trap shooting range within the corporate limits of the City of Highland Park shall be located within 250 yards of any residence, church, school, public building or place of business or in any other area unless zoned for same; provided, however, that such a shooting range may be located within 100 feet of a public street or highway when such range is provided with a backstop of sufficient strength and height so as to prevent passage of any projectile outside the area enclosed, and shall be so constructed as to absorb and neutralize any deflected or spent projectile.

(2) The only ammunition and equipment permitted to be used at any

skeet or trap shooting range are scatter shot ammunition fired from smooth-bore shotguns.

(3) Any skeet or trap shooting range licensed hereunder shall be attended by a supervisor who shall possess such qualifications as shall be prescribed from time to time by the Police Chief of the City of Highland Park, which said qualifications shall at all times remain on file in the office of the City Clerk of the City of Highland Park.

(D) Rifle or Pistol Shooting Range. In accord with Subsection (A) above, it shall be unlawful for any person, firm or corporation to operate or maintain within the corporate limits of the City of Highland Park any rifle or pistol shooting range, unless such person, firm or corporation shall have first applied for and obtained a license for such operation and unless the same shall be constructed, operated and located in the manner set forth as follows:

(1) No rifle or pistol shooting range within the corporate limits of the City of Highland Park shall be located within 250 yards of any residence, church, school, public building, or other place of business or in any other area unless zoned for same. Each such range shall provide, either:

(a) An enclosed area consisting of:

(i) A backstop constructed parallel with the firing line and of sufficient strength as to prohibit passage of the projectile through same and/or to any area outside the shooting range, and so constructed as to absorb and neutralize any deflected or spent projectile;

(ii) Targets, none of which shall be placed at a higher level than the firing point nor more than 3 feet lower than the firing line;

(iii) A firing line which shall be level from one flank to the other, with a minimum of 5 feet between firing points or stations;

(iv) Surrounding walls of solid masonry at least 8 inches thick with no windows or other openings between the firing line and the target;

(v) Ceiling planking not less than 2 inches thick, tightly joined, extending not less than 20 feet from and abutting the entire width of the backstop; and

(vi) Adequate ventilation; or

(b) Any other enclosure than that described above having a higher or equal safety factor established by scientific tests and approved for use by the Chief of Police of the City of Highland Park.

(2) Equipment:

(a) Rifles used upon any licensed rifle or pistol shooting range

shall be of not more than .22 calibre and shall be rim fire type only, and shall be chambered for either .22 short or .22 long rifles;

(b) No automatic type rifle shall be used;

(c) Any rifle or pistol used at any such licensed shooting range shall, before it is discharged, be tested with a three pound trigger pull, test weight or scale, and no rifle or pistol shall be used which has less than a three pound trigger pull; and

(d) The bore of each rifle used upon any such licensed range shall be inspected before firing to make sure that it is free of obstruction of any kind.

(3) Any rifle or pistol shooting range licensed hereunder shall be attended by a supervisor who shall possess such qualifications as shall be prescribed from time to time by the Chief of Police of the City of Highland Park, which said qualifications shall at all times remain on file in the office of the City Clerk of the City of Highland Park.

(4) Any rifle or pistol shooting range constructed by the City of Highland Park after the effective date of this amendment may be made available for fee on a monthly basis to Highland Park residents who have registered as handgun owners with the Highland Park Police Department pursuant to Chapter 134 of this Code.

(E) The licenses required by this Section shall be obtainable by written application made to the Chief of Police of the City of Highland Park on forms provided by him, which applications shall be approved (if at all) by the Chief of Police of the City of Highland Park, and shall be issued from the office of the City Clerk of the City of Highland Park."

SECTION TWO: That, pursuant to the authority conferred upon home rule units under the Constitution of the State of Illinois of 1970, the City Council of the City of Highland Park finds that it is necessary and in the public interest of the City of Highland Park that Chapter 134 of "The Highland Park Code of 1968", as amended, be and the same is amended further hereby in its entirety, so that hereafter the said Chapter 134 shall be and read as follows:

"CHAPTER 134: HANDGUN CONTROL

SECTION

134.001	Rules and Definitions
134.002	Manufacture, Assembly and Sale of Handguns and Ammunition Prohibited
134.003	Possession of Handguns Prohibited
134.004	Registration
134.005	Voluntary Delivery to Police Department
134.006	Disposition of Handguns
134.007	Construction

Sec. 134.001 Rules and Definitions.

(A) The language in the text of this Chapter shall be interpreted in accordance with the following rules of construction:

(1) The singular number includes the plural number, and the plural the singular;

(2) The word "shall" is mandatory; the word "may" is permissive; and

(3) The masculine gender includes the feminine and neuter.

(B) Whenever hereafter in this Chapter the following words and phrases are used, they shall, for the purposes of this Chapter, have the meanings respectively ascribed to them in this Subsection, except when the context otherwise indicates.

(1) "Ammunition" means any self-contained cartridge, shot, bullet or projectile by whatever name known, which is designed to be used, or adaptable to use, in a Firearm and shot or discharged therefrom.

(2) "Antique Firearm" means:

(a) Any Firearm (including any Firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and

(b) Any replica of any Firearm described in subparagraph (a) if such replica;

(i) Is not designed or redesigned for using rimfire or conventional centerfire Ammunition, or

(ii) Uses rimfire or conventional centerfire fixed Ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels or commercial trade.

(3) "Chief of Police" means the Chief of Police of the City of Highland Park.

(4) "City" means the City of Highland Park, Lake County, Illinois.

(5) "Collector" means any person who acquires, holds, or disposes of Firearms or Ammunition as curios or relics;

(6) "Firearm" means 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:

(a) Any pneumatic gun, spring gun or B-B gun which expels a single globular projectile not exceeding .18 inches in diameter;

(b) Any device used exclusively for signalling or safety and

required or recommended by the United States Coast Guard or the Interstate Commerce Commission;

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

(d) An Antique Firearm; and

(e) Model rockets used to propel a model vehicle in a vertical direction.

(7) "Handgun" means any Firearm which:

(a) Is designed or made, or remade or redesigned, and intended to be fired while held in one hand; or

(b) Has a barrel less than ten (10) inches in length; or

(c) Is a Firearm of a size which may be concealed upon the person.

(8) "Licensed Firearm Collector" means any Collector licensed by the Secretary of the Treasury of the United States under and by virtue of Title 18, United States Code, Section 923, and whose possession of Firearms is limited to curios and relics.

(9) "Licensed Shooting Range" means a location, indoors or out of doors, licensed and operating in accord with and pursuant to Section 130.045 of this Code, or the laws of any other municipality or local jurisdiction in which it has its situs.

(10) "Person" means any individual, corporation, company, association, firm, partnership, club, society or joint stock company.

(11) "Police Department" means the Police Department of the City.

Sec. 134.002 Manufacture, assembly and sale of Handguns and Ammunition prohibited.

No Person shall engage in the business of manufacturing, assembling, selling, or otherwise transferring Handguns or Ammunition within the corporate limits of the City, except that this prohibition shall not include the following:

(A) Reloading Ammunition for reuse in a Firearm which is in the possession of a Person in an exempt category as established under Section 134.003;

(B) Acquisition of a Handgun as the executor, administrator, or other legal representative of a decedent's estate;

(C) Transfer of a Handgun and/or Ammunition by bequest or intestate succession;

(D) Return of a Handgun and/or Ammunition to a Person from whom it was

received;

(E) Transfer of a Handgun and/or Ammunition where it is required by or in accordance with a judgment or decree of any court lawful jurisdiction;

(F) Transfer of a Handgun and/or Ammunition to any Federal, State or local government, or any department, agency, bureau, institution or commission thereof;

(G) Transfer of a Handgun and/or Ammunition to a private museum, society, institution or other private organization which customarily acquires and holds Firearms as curios and relics or for scientific or research purposes, or to theatrical organizations providing a regular performance schedule to the public and utilizing said Handguns only pursuant to Section 134.003(E) hereof; and/or

(H) Loan or rental of a Handgun solely for the purpose of target shooting in a Licensed Shooting Range.

Sec. 134.003 Possession of Handguns prohibited.

No person shall possess a Handgun within the corporate limits of the City, except that this prohibition shall not apply to persons in the following exempt categories:

(A) A member of any federal, state or local governmental authority when such Handgun has been issued in the course of such member's official duties, or a retired member of such authority.

(B) Security guards, watchmen, and special agents of public utilities or railroads or agents of the Illinois Legislative Investigating Commission while in performance of official duties;

(C) Persons legally entitled to possess Handguns, while transporting their Handguns between their residences or places of employment and a Licensed Shooting Range, provided that at all times during such transportation said Handgun shall be unloaded and disassembled or otherwise be taken apart so as to render it incapable of being fired or be enclosed in a case having trigger locks securely fastened to the Handgun;

(D) Licensed Firearm Collectors whose possession is limited to Antique Firearms, provided they do not possess or carry Ammunition and further provided that any transportation of such Handguns by such collectors shall not be undertaken unless such Handguns are broken down in a non-functioning state;

(E) Established theater groups, provided they maintain possession and control of such Handguns and do not possess or carry Ammunition;

(F) Licensed Shooting Range Proprietors; and

(G) Those persons who are registered owners pursuant to Section 134.004 and who have attended at least once in the last three (3) years a gun safety and training session which shall be conducted by the Police Department at least once every four (4)

months.

(1) In cases involving a person having a disability which makes attendance at such a session impossible, the Police Department will conduct such safety and training session in the home of such disabled person at a time convenient to such disabled person and the Police Department.

(2) In an effort to further safety and training, any rifle or pistol shooting range constructed by the City after the effective date of this amendment may be made available for fee on a monthly basis to Highland Park residents who have registered as Handgun owners with the Police Department pursuant to Section 134.004 hereinbelow.

Sec. 134.004 Registration.

(A) Other than those Persons listed in Subsection (A) of Section 134.003, any Person who resides within the corporate limits of the City and has a Handgun in his possession shall register annually with the Police Department and pay a \$5 registration fee.

(B) Application for registration and re-registration to possess a Handgun under such exempt category shall be made on forms sent annually to each household within the corporate limits of the City and made available at Police Department headquarters which shall require the following information:

(1) The name, address, date of birth, and social security number of the applicant;

(2) A physical description of the applicant;

(3) The exempt category (as established under Section 134.003) claimed by the applicant;

(4) A statement by the applicant that the applicant has in his possession a list containing the make, model and serial number of each Handgun in his possession;

(5) A statement by the applicant that he has in his possession a valid Firearm Owner's Identification Card issued pursuant to the statutes of the State of Illinois, and a copy thereof; and

(6) Such additional information as the Chief of Police may deem necessary to process the application.

(C) All statements made by the applicant upon the application or in connection therewith shall be under oath.

(D) The Chief of Police shall require every applicant to submit to fingerprinting by the Police Department in connection with the application for handgun registration.

(E) The Chief of Police shall cause to be kept in his office an accurate record of every application received and acted upon together with all other information and data pertaining thereto on all applications for owner's registration cards issued or

denied under the provision of this Chapter. Applications for owner's registration cards shall be numbered in consecutive numbers as filed, and every card issued shall be identified with the duplicate number of the application upon which it was issued and shall expire automatically one year from the date of issuance. The records and registration cards shall be maintained by the Chief of Police as investigatory records compiled for administrative law enforcement purposes, disclosure of which would interfere with pending or actually and reasonably contemplated enforcement proceedings and/or constitute an invasion of personal privacy.

(F) Within thirty (30) days of his receipt of an application, the Chief of Police, after consideration of the application for an owner's registration card and all information obtained relative thereto, shall either approve or deny the application and so notify the applicant in writing thereof.

(1) In the event the application is approved, the Chief of Police shall issue to the applicant therefor an owner's registration card which shall contain the applicant's name, residence, date of birth, sex, physical description, recent photograph and such other personal information as may be required by the Chief of Police. Each such registration card must have printed on it the following: "CAUTION --This card does not permit bearer to UNLAWFULLY carry or use handguns."

(2) In the event the application is denied, the Chief of Police shall inform the applicant accordingly. Thereupon the applicant shall dispose of the Handgun(s) in his possession in accord with the regulations set forth in this Chapter.

(G) It is mandatory that a person possessing an owner's registration card immediately report to the Police Department the theft or loss of any Handgun in his possession. Such report shall include the make, model and serial number of such Handgun.

Sec. 134.005 Voluntary delivery to Police Department.

In the event a Person voluntarily and peaceably delivers and surrenders any Handgun in his possession to the Police Department, such delivery shall preclude the arrest and prosecution of such person on a charge of violating any provision of this Chapter and/or Section 130.045 of "The Highland Park Code of 1968", as amended, with respect to the Handgun voluntarily delivered. Voluntary delivery under this Section shall be made at the headquarters of the Police Department or by summoning a police officer to the residence or place of business of the Person having such Handgun in his possession. Every Handgun to be delivered and surrendered to the Police Department under this Section shall be unloaded and securely wrapped in a package, and in the case of delivery to Police Department headquarters, the package shall be carried in open view. No Person who delivers and surrenders a Handgun under this Section shall be required to furnish identification, photographs or fingerprints. No amount of money shall be paid for any Handgun delivered or surrendered under this Section.

Sec. 134.006 Disposition of Handguns.

All Handguns ordered confiscated by the Court under the provisions of this

Chapter and all Handguns received by the Police Department under and by virtue of Section 134.005 shall be held and the owner thereof identified, if possible, by the Police Department. In the event the owner thereof is identified and such owner is not in an exempt category as set forth in Section 134.003, such Handgun shall be destroyed by the Police Department; otherwise, such Handgun shall be returned to the owner, unless such owner desires such Handgun to be destroyed. If after two (2) years from the date such Handgun comes into the possession of the Police Department, the Police Department is unable to ascertain the owner thereof, the Handgun shall be destroyed by the Police Department.

Sec. 134.007 Construction.

Nothing in this Chapter shall be construed or applied to necessarily require or excuse non-compliance with any provision of the laws of the State of Illinois and/or the United States. This Chapter and the penalties proscribed for violation thereof shall not supersede, but shall supplement, all Statutes of the State of Illinois and/or of the United States in which similar conduct may be prohibited or regulated.

Sec. 134.099 Penalty.

(A) Whoever violates any of the provisions of this Chapter shall, upon conviction, be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) for the first such offense; for each such subsequent offense such Person shall, upon conviction, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

(B) The trial court shall confiscate any Handgun seized under this Chapter and, when no longer needed for evidentiary purposes, the court shall transfer any such Handgun to the Police Department which shall destroy it in accord with Section 134.006 of this Chapter."

SECTION THREE: That the City Clerk of the City of Highland Park be and is directed hereby to publish this ordinance in pamphlet form pursuant to the Statutes of the State of Illinois, made and provided.

SECTION FOUR: That this ordinance shall be in full force and effect from and after

its passage, approval, and publication in the manner provided by law.

AYES: Mayor Pierce and Councilmen Blane, Brenner, Geraci, Koukos and Mandel

NAYS: None

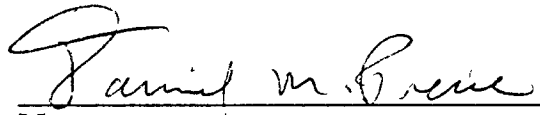
ABSENT: Councilman Weiss

PASSED: February 28, 1994

APPROVED: February 28, 1994

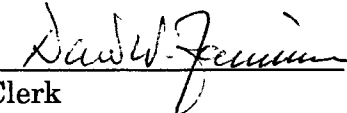
PUBLISHED IN PAMPHLET FORM: March 1, 1994

ORDINANCE NO. 9-94



Mayor

ATTEST:



City Clerk