

ORDINANCE NO. 101-13

AN ORDINANCE AMENDING CHAPTER 134 OF, AND ADDING CHAPTER 136 TO,
"THE HIGHLAND PARK CODE OF 1968," AS AMENDED, REGARDING ASSAULT WEAPONS

WHEREAS, Chapter 134 of "The Highland Park Code of 1968," as amended ("*City Code*"), regulates the manufacture, sale, and possession of firearms in the City; and

WHEREAS, on June 24, 2013, the City Council adopted Ordinance No. 68-13, prohibiting the manufacture, sale, and possession of assault weapons and large capacity magazines within the City, subject to certain specified exemptions ("*Assault Weapon Ordinance*"); and

WHEREAS, the City has been examining thoughtful comments submitted by City residents regarding potential amendments to the Assault Weapon Ordinance that would permit the expansion of reasonable and limited exemptions to the prohibition on the manufacture, sale, and possession of assault weapons and large capacity magazines within the City; and

WHEREAS, having completed its review of the comments and recommendations, pursuant to the home rule powers of the City, and in order to protect both the home rule authority of the City and the public safety and welfare, the City Council desires to amend Chapter 134 of, and to add a new Chapter 136 to, the City Code to allow for the relocation and the modification of the provisions regarding the manufacture, sale, ownership, acquisition, or possession of assault weapons within the City; and

WHEREAS, the City Council has determined that it will serve and be in the best interest of the City and its residents to amend the City Code pursuant to this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HIGHLAND PARK, LAKE COUNTY, STATE OF ILLINOIS, as follows:

SECTION ONE: RECITALS. The foregoing recitals are incorporated into, and made a part of, this Ordinance as the findings of the City Council.

SECTION TWO: AMENDMENT TO CHAPTER 134.

A. Chapter 134, entitled "Firearms Control," of Title XIII, entitled "Misdemeanors," of the City Code is hereby re-titled "Handgun Control".

B. The provisions of Section 134.010, entitled "Assault Weapons and Large Capacity Magazines," of Chapter 134, entitled "Firearms Control," of Title XIII, entitled "Misdemeanors," of the City Code are hereby relocated to a new Chapter 136 of Title XIII, in accordance with Section Three of this Ordinance. Following the effective date of this Ordinance, Section 134.010 is to be reserved.

SECTION THREE: ASSAULT WEAPONS. Title XIII, entitled "Misdemeanors," of the City Code is hereby amended to add a new Chapter 136, which Chapter hereafter reads as follows:

"CHAPTER 136: ASSAULT WEAPONS

SECTION

- 136.001 Definitions
- 136.005 Possession and Sale Prohibited
- 136.006 Exemptions
- 136.010 Safe Storage or Display of Weapons and Magazines
- 136.015 Possession or Sale in Violation of Chapter
- 136.020 Disposition of Weapons and Magazines
- 136.025 Destruction of Weapons and Magazines

Sec. 136.001 Definitions.

Whenever the following words and phrases are used, they shall, for purposes of this Chapter, have the meanings ascribed to them in this Section 136.001, except when the context otherwise indicates.

(A) "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.

(B) "Antique Firearm" means:

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

(2) Any replica of any Firearm described in Paragraph (1) of this definition, but only if such replica;

(a) Is not designed or redesigned for using rimfire or conventional centerfire Ammunition; or

(b) 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.

(C) "Assault Weapon" means:

(1) A semiautomatic rifle that has the capacity to accept a Large Capacity Magazine detachable or otherwise and one or more of the following:

(a) Only a pistol grip without a stock attached;

(b) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;

(c) A folding, telescoping or thumbhole stock;

(d) A shroud attached to the barrel, or that partially or completely encircles the barrel, allowing the bearer to hold the Firearm with the non-trigger hand without being burned, but excluding a slide that encloses the barrel; or

(e) A Muzzle Brake or Muzzle Compensator;

(2) A semiautomatic pistol or any semi-automatic rifle that has a fixed magazine, that has the capacity to accept more than ten rounds of Ammunition;

(3) A semiautomatic pistol that has the capacity to accept a Detachable Magazine and has one or more of the following:

(a) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;

- (b) A folding, telescoping or thumbhole stock;
 - (c) A shroud attached to the barrel, or that partially or completely encircles the barrel, allowing the bearer to hold the Firearm with the non-trigger hand without being burned, but excluding a slide that encloses the barrel;
 - (d) A Muzzle Brake or Muzzle Compensator; or
 - (e) The capacity to accept a Detachable Magazine at some location outside of the pistol grip;
- (4) A semiautomatic shotgun that has one or more of the following:
- (a) Only a pistol grip without a stock attached;
 - (b) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
 - (c) A folding, telescoping or thumbhole stock;
 - (d) A fixed magazine capacity in excess of five rounds; or
 - (e) An ability to accept a Detachable Magazine;
- (5) Any shotgun with a revolving cylinder;
- (6) Conversion kit, part or combination of parts, from which an Assault Weapon can be assembled if those parts are in the possession or under the control of the same person;
- (7) Shall include, but not be limited to, the Assault Weapons models identified as follows:
- (a) The following rifles or copies or duplicates thereof:
 - (i) AK, AKM, AKS, AK-47, AK-74, ARM, MAK90, Misr, NHM 90, NHM 91, SA 85, SA 93, VEPR;
 - (ii) AR-10;
 - (iii) AR-15, Bushmaster XM15, Armalite M15, or Olympic Arms PCR;
 - (iv) AR70;
 - (v) Calico Liberty;
 - (vi) Dragunov SVD Sniper Rifle or Dragunov SVU;
 - (vii) Fabrique National FN/FAL, FN/LAR, or FNC;
 - (viii) Hi-Point Carbine;
 - (ix) HK-91, HK-93, HK-94, or HK-PSG-1;

- (x) Kel-Tec Sub Rifle;
- (xi) Saiga;
- (xii) SAR-8, SAR-4800;
- (xiii) SKS with Detachable Magazine;
- (xiv) SLG 95;
- (xv) SLR 95 or 96;
- (xvi) Steyr AUG;
- (xvii) Sturm, Ruger Mini-14;
- (xviii) Tavor;
- (xix) Thompson 1927, Thompson M1, or Thompson 1927 Commando; or
- (xx) Uzi, Galil and Uzi Sporter, Galil Sporter, or Galil Sniper Rifle (Galatz).

(b) The following pistols or copies or duplicates thereof:

- (i) Calico M-110;
- (ii) MAC-10, MAC-11, or MPA3;
- (iii) Olympic Arms OA;
- (iv) TEC-9, TEC-DC9, TEC-22 Scorpion, or AB-10; or
- (v) Uzi.

(c) The following shotguns or copies or duplicates thereof:

- (i) Armscor 30 BG;
- (ii) SPAS 12 or LAW 12;
- (iii) Striker 12; or
- (iv) Streetsweeper.

"Assault Weapon" does not include any Firearm that has been made permanently inoperable, or weapons designed for Olympic target shooting events.

(D) "Curios or Relics" has the meaning set forth in 27 C.F.R. § 478.11, as may be amended.

(E) "Detachable Magazine" means any Ammunition feeding device, the function of which is to deliver one or more Ammunition cartridges into the firing chamber, which can be removed from the Firearm without the use of any tool, including a bullet or Ammunition cartridge.

(F) "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:

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

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

(3) Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial Ammunition; and

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

(G) "Large Capacity Magazine" means any Ammunition feeding device with the capacity to accept more than ten rounds, but shall not be construed to include the following:

(a) A feeding device that has been permanently altered so that it cannot accommodate more than ten rounds.

(b) A 22 caliber tube Ammunition feeding device.

(c) A tubular magazine that is contained in a lever-action Firearm.

(H) "Muzzle Brake" means a device attached to the muzzle of a weapon that utilizes escaping gas to reduce recoil.

(I) "Muzzle Compensator" means a device attached to the muzzle of a weapon that utilizes escaping gas to control muzzle movement.

Sec. 136.005 Possession and Sale Prohibited.

No person shall manufacture, sell, offer or display for sale, give, lend, transfer ownership of, acquire or possess any Assault Weapon or Large Capacity Magazine, unless expressly exempted in Section 136.006 of this Chapter.

Sec. 136.006 Exemptions

The prohibitions set forth in Section 136.005 of this Chapter shall not apply to:

(A) The sale or transfer to, or possession by any officer, agent, or employee of the City or any other municipality or state or of the United States, members of the armed forces of the United States, or the organized militia of this or any other state; or peace officers, but only to the extent that any such person named in this Section 136.006(A) is otherwise authorized to acquire or possess an Assault Weapon and/or Large Capacity Magazine and does so while acting within the scope of his or her duties;

(B) Any qualified retired law enforcement officer, as that term is defined in 18 U.S.C. § 926C(c), but only to the extent that the Assault Weapon and/or Large Capacity Magazine is safely stored or displayed by the officer in compliance with Section 136.010 of this Chapter;

(C) Transportation of Assault Weapons or Large Capacity Magazine if such weapons are broken down and in a nonfunctioning state and are not immediately accessible to any person;

(D) Antique Firearms, but only to the extent that the Antique Firearm is safely stored or displayed in compliance with Section 136.010 of this Chapter; or

(E) Curios or Relics, but only to the extent that both: (a) the owner of the Curio or relic has obtained a federal license for collectors of Curios or Relics; and (b) the Curio or relic is safely stored or displayed in compliance with Section 136.010 of this Chapter.

Sec. 136.010 Safe Storage or Display of Weapons and Magazines.

Any Assault Weapon or Large Capacity Magazine that is exempt from the requirements of Section 136.005 of this Chapter, and that must be safely stored or displayed pursuant to Section 136.006 of this Chapter, must be secured in a locked container or equipped with a tamper-resistant mechanical lock or other safety device, properly engaged so as to render such weapon or magazine inoperable by any person other than the owner or other lawfully authorized user. Specifically, and without limitation of the foregoing, any Assault Weapon or Large Capacity Magazine that may be kept within the City pursuant to this Chapter must be secured from access by minors. For purposes of this Section 136.010, such weapon or magazine shall not be deemed stored or kept when being carried by or under the control of the owner or other lawfully authorized user.

Sec. 136.015 Possession or Sale in Violation of Chapter.

Any Assault Weapon or Large Capacity Magazine possessed, sold or transferred in violation of Section 136.005 of this Chapter is hereby declared to be contraband and shall be seized and destroyed of in accordance with the provisions of Section 136.025 of this Chapter.

Sec. 136.020 Disposition of Weapons and Magazines.

Any person who, prior to the effective date of this Chapter, was legally in possession of an Assault Weapon or Large Capacity Magazine prohibited by this Chapter shall have 60 days from the effective date of this Chapter to do any of the following without being subject to prosecution hereunder:

(A) Remove the Assault Weapon or Large Capacity Magazine from within the limits of the City;

(B) Modify the Assault Weapon or Large Capacity Magazine either to render it permanently inoperable or to permanently make it a device no longer defined as an Assault Weapon or Large Capacity Magazine;

(C) Surrender the Assault Weapon or Large Capacity Magazine to the Chief of Police or his or her designee for disposal as provided in Section 136.025 of this Chapter; or

(D) Take the steps necessary to cause the Assault Weapon or Large Capacity Magazine to fall within one of the exemptions set forth in Section 136.006 of this Chapter.

Sec. 136.025 Destruction of Weapons and Magazines.

The Chief of Police shall cause to be destroyed each Assault Weapon or Large Capacity Magazine surrendered or confiscated pursuant to this Chapter; provided, however, that no Assault Weapon or Large Capacity Magazine shall be destroyed until such time as the Chief of Police determines that the Assault Weapon or Large Capacity Magazine is not needed as evidence in any matter. The Chief of Police shall cause to be kept a record of the date and method of destruction of each Assault Weapon or Large Capacity Magazine destroyed pursuant to this Chapter.

Sec. 136.999 Penalty.

The violation of any provision of this Chapter is a misdemeanor, punishable by not more than six months imprisonment or a fine of not less than \$500 and not more than \$1000, or both."

SECTION FOUR: PUBLICATION. The City Clerk shall be, and is hereby, directed to publish this Ordinance in pamphlet form pursuant to the Statutes of the State of Illinois.

SECTION FIVE: EFFECTIVE DATE. 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 Rotering, Councilmen Stone, Kaufman, Frank, Blumberg, Naftzger, Knobel

NAYS: None

ABSENT: None

PASSED: October 14, 2013

APPROVED: October 14, 2013


PUBLISHED IN PAMPHLET FORM: October 15, 2013

ORDINANCE NO.: 101-13



Nancy R. Rotering, Mayor

ATTEST:



Ghida S. Neukirch, City Clerk

#26016696_v4