

ORDINANCE NO. 1167

STATE OF ILLINOIS)
)
COUNTIES OF COOK)
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**AN ORDINANCE AMENDING CHAPTER 58, SECTION 58-4 AND
ADOPTING CHAPTER 58, SECTIONS 58-19, 58-20 AND 58-21 OF THE
MUNICIPAL CODE OF STEGER, ILLINOIS REGARDING WEAPONS FOR
THE VILLAGE OF STEGER, ILLINOIS.**

WHEREAS, the Village of Steger, Counties of Cook and Will, State of Illinois (the “Village”) is a duly organized and existing municipality and unit of local government created under the provisions of the laws of the State of Illinois, and is operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances and adopt resolutions for the benefit of the residents of the Village; and

WHEREAS, the Village President (the “Village President”) and the Board of Trustees (the “Village Board” and together with the Village President, the “Corporate Authorities”) of the Village are committed to ensuring the health, safety and welfare of the Village’s residents and visitors; and

WHEREAS, Section 11-60-2 of the Illinois Municipal Code (65 ILCS 5/11-60-2) provides that the corporate authorities of each municipality may define, prevent and abate nuisances; and

WHEREAS, the use of certain types of weapons within the Village, including but not limited to, air rifles and firearm replicas, create a public nuisance; and

WHEREAS, based on the foregoing, the Corporate Authorities have determined that it is necessary, advisable and in the best interests of the Village and its residents to amend Chapter 58, Sections 58-4 and to adopt Chapter 58, Sections 58-19, 58-20 and 58-21 of the Village Code as set forth below;

NOW, THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Steger, Counties of Cook and Will, and the State of Illinois, as follows:

**ARTICLE I.
IN GENERAL**

Section 1.0: Incorporation Clause.

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings

Section 2.0: Purpose.

The purpose of this Ordinance is to amend Chapter 58, Section 58-4 and to adopt Chapter 58, Sections 58-19, 58-20 and 58-21 of the Village Code to regulate weapons and to authorize the Village President or his designee to take all actions necessary to carry out the intent of this Ordinance.

ARTICLE II.

**AUTHORIZATION;
AMENDMENT TO CHAPTER 58, SECTION 58-4 AND ADOPTION OF
CHAPTER 58, SECTIONS 58-19, 58-20 AND 58-21 OF
THE MUNICIPAL CODE OF STEGER, ILLINOIS.**

Section 3.0: Amendment to Section 58-4.

That the Municipal Code of Steger, Illinois is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 58, Section 58-4 as follows:

Sec. 58-4. – Reserved. ~~Regulation of firearms and bow and arrow.~~

~~(1) No person shall discharge a firearm within the limits of the village unless discharged by a peace officer; or by a person engaged in self defense; or a person engaged in the defense of others, as permitted under the state statutes. For purposes of this section, the definition of "firearm" is the same as that of the Statutes of the State of Illinois.~~

~~(2) No person shall engage in the use of bow and arrow except on their own property at a fixed target which assures that under no circumstances can the arrow leave the user's property and enter upon the property of others or the village's property or easements.~~

~~(3) No person shall discharge an air rifle within the village limits. For purposes of this section, an air rifle is a weapon whose projectile is propelled by either compressed air or gas.~~

~~(4) Any person violating this section shall be fined in an amount not less than \$50.00 and no more than \$500.00.~~

~~(5) Each violation shall be considered a separate offense and subject to a penalty as set forth in subsection (4), above.~~

Section 3.1: Adoption of Chapter 58, Section 58-19.

That the Municipal Code of Steger, Illinois is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by adopting Chapter 58, Section 58-19 as follows:

Sec. 58-19. – Unlawful Use of Weapons.

- (a) Definitions: When used in this article, the following words and terms shall have the meanings ascribed herein:
- (1) Air rifle: Any air gun, air pistol, spring gun, spring pistol, BB gun, paintball gun, pellet gun or any implement that is not a firearm which impels a breakable paintball containing washable marking colors or a pellet constructed of hard plastic, steel, lead or other hard materials with a force that reasonably is expected to cause bodily harm.
 - (2) Billy club: A short stick or club which is either telescopic or constructed of a solid piece of wood or other man-made material.
 - (3) Cartridge: A tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap.
 - (4) Explosive bullet: The projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal.
 - (5) Firearm replica: Any replica of a firearm that is of similar shape and size of a firearm that would cause a reasonable person to believe it was a firearm.
 - (6) Machine gun: Any weapon, which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manually reloading by a single function of the trigger, including the frame or receiver of any such weapon, or sells, manufactures, purchases, possesses, or carries any combination of parts designed or intended for use in converting any weapon into a machine gun, or any combination or parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.
 - (7) Stun gun or taser: Any device which is powered by electrical charging units such as batteries and which fires one or several barbs attached to a length of wire and which, upon hitting a human, can send out current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning or any device which is powered by electrical charging units, such as batteries, and which, upon contact with a human or clothing worn by a human, can send out current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning.

(b) Unlawful Use of Weapons: A person commits the offense of unlawful use of weapons when he knowingly:

- (1) Sells, manufactures, purchases, possesses or carries any bludgeon, black-jack, slung-shot, sand-club, sand-bag, metal knuckles or other knuckle weapon regardless of its composition, throwing star, or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or a ballistic knife, which is a device that propels a knifelike blade as a projectile by means of a coiled spring, elastic material or compressed gas. Crossbows, common or compound bows and underwater spearguns are exempted from the definition of ballistic knife; or
- (2) Carries or possesses with intent to use the same unlawfully against another, a dagger, dirk, billy, dangerous knife, razor, stiletto, broken bottle or other piece of glass, stun gun, taser, air rifle, firearm replica or any other dangerous or deadly weapon or instrument of like character; or
- (3) Carries on or about his person in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid gas or substance, other than an object containing a nonlethal noxious liquid gas or substance designed solely for personal defense carried by a person eighteen (18) years of age or older; or
- (4) Carries or possesses in any vehicle or concealed on or about his person except when on his land or in his own abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun or taser or other firearm, except that this subsection (b)(4) does not apply to or affect transportation of weapons that meet one of the following conditions:
 - a. are broken down in a non-functioning state; or
 - b. are not immediately accessible; or
 - c. are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card; or
 - d. are carried or possessed in accordance with the Firearm Concealed Carry Act by a person who has been issued a currently valid license under the Firearm Concealed Carry Act; or

- (5) Sets a spring gun; or
- (6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or
- (7) Sells, manufactures, purchases, possesses or carries:
 - a. a machine gun; or
 - b. any rifle having one or more barrels less than 16 inches in length or a shotgun having one or more barrels less than 18 inches in length or any weapon made from a rifle or shotgun, whether by alteration, modification, or otherwise, if such a weapon as modified has an overall length of less than 26 inches; or
 - c. any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes, such as, but not limited to, black powder bombs and Molotov cocktails or artillery projectiles; or
- (8) Carries or possesses any firearm, stun gun, taser, air rifle, firearm replica or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by the village or any public gathering at which an admission is charged, excluding a place where a showing, demonstration or lecture involving the exhibition of unloaded firearms is conducted;

This subsection (b)(8) does not apply to any auction or raffle of a firearm held pursuant to a license or permit issued by a governmental body, nor does it apply to persons engaged in firearm safety training courses; or
- (9) Carries or possesses in a vehicle or on or about his person any pistol, revolver, stun gun, taser, air rifle, firearm replica or firearm when he is hooded, robed or masked in such manner as to conceal his identity; or
- (10) Carries or possesses on or about his person, upon any public street, alley or other public lands within the corporate limits of the village, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his land or in his own abode or fixed place of business, any pistol, revolver, stun gun, taser, air rifle, firearm replica or other firearm; except that this subsection (b)(10) does not apply to or affect transportation of weapons that meet one of the following conditions:

- a. are broken down in a non-functioning state; or
- b. are not immediately accessible; or
- c. are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card; or
- d. are carried or possessed in accordance with the Firearm Concealed Carry Act by a person who has been issued a currently valid license under the Firearm Concealed Carry Act.

(11) Sells, manufactures or purchases any explosive bullet.

(12) Carries or possesses on or about his or her person while in a building occupied by the village, a billy club, other weapon of like character, or other instrument of like character intended for use as a weapon.

(c) Presence Of Unlawful Weapons In Vehicles: The presence in an automobile other than a public omnibus of any weapon, instrument or substance in the village referred to in subsection (b)(7) is prima facie evidence that it is in the possession of, and is being carried by, all persons occupying such automobile at the time such weapon, instrument or substance is found, except under the following circumstances: (i) if such weapon, instrument or instrumentality is found upon the person of one of the occupants therein; or (ii) if such weapon, instrument or substance is found in an automobile operated for hire by a duly licensed driver in the due, lawful and proper pursuit of his trade, then such presumption shall not apply to the driver.

(d) Any person violating this section shall be fined in an amount not less than \$50.00 and no more than \$500.00.

(e) Each violation shall be considered a separate offense and subject to a penalty as set forth in subsection (d), above.

(f) Notwithstanding the foregoing, any federal or state law that conflicts with this section, including but not limited to, the Firearm Concealed Carry Act and the Firearm Owners Identification Card Act, shall control and prevail.

SECTION 3.1: ADOPTION OF CHAPTER 58, SECTION 58-20.

That the Municipal Code of Steger, Illinois is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by adopting Chapter 58, Section 58-20 as follows:

Sec. 58-20. – Discharging Firearms, Air Rifles; Use of Bow and Arrow.

(a) Definitions: For the purposes of this section, the following words shall have the meanings respectively ascribed to them:

(1) Air rifle: Means and includes any air gun, air pistol, spring gun, spring pistol, BB gun, paintball gun, pellet gun or any implement that is not a firearm which impels a breakable paintball containing washable marking colors or a pellet constructed of hard plastic, steel, lead or other hard materials with a force that reasonably is expected to cause bodily harm.

(2) Firearm: Any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:

a. Any air rifle; or

b. Any device used exclusively for signaling or safety and required or recommended by the United States coast guard or the interstate commerce commission; or

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

d. Any antique firearms (other than a machine gun) which, although designed as a weapon, the department of state police of the state of Illinois finds by reason of the date of its manufacture, value, design and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

(b) Discharge Of Firearm Or Air Rifle Prohibited: It is unlawful for any person, except as hereinafter provided, to discharge any firearm or air rifle in the village.

(c) Exemptions:

- (1) Any officer of the law may discharge a firearm in the performance of his duty.
- (2) A citizen may discharge a firearm when lawfully defending his person or property.
- (3) Persons may discharge firearms while engaged in skeet shooting at locations where skeet shooting is permitted in the village by the board of trustees. The board may issue a permit, revocable at any time it may determine, to country clubs where the skeet shooting is coincidental to the operation of the club and where the club obtains and files with the village the written consent of all owners of improved properties within the village limits adjoining the country club and the written consent of all owners improved properties within the village limits whose property abuts on portions of the streets which abut the property of the country club.
- (d) No person shall engage in the use of bow and arrow except on their own property at a fixed target which assures that under no circumstances can the arrow leave the user's property and enter upon the property of others or the village's property or easements.
- (e) Any person violating this section shall be fined in an amount not less than \$50.00 and no more than \$500.00.
- (f) Each violation shall be considered a separate offense and subject to a penalty as set forth in subsection (e), above.
- (g) Notwithstanding the foregoing, any federal or state law that conflicts with this section, including but not limited to, the Firearm Concealed Carry Act and the Firearm Owners Identification Card Act, shall control and prevail.

SECTION 3.2: ADOPTION OF CHAPTER 58, SECTION 58-21.

That the Municipal Code of Steger, Illinois is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by adopting Chapter 58, Section 58-21 as follows:

Sec. 58-21.—Unlawful Possession of Firearms or Firearm Ammunition.

(a) A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(1) He is under eighteen (18) years of age and has in his possession any firearm of a size which may be concealed upon the person; or

(2) He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(3) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(4) He has been a patient in a mental institution within the past 5 years and has any firearms or firearm ammunition in his possession. For purposes of this paragraph (4):

(a) "Mental institution" means any hospital, institution, clinic, evaluation facility, mental health center, or part thereof, which is used primarily for the care or treatment of persons with mental illness.

(b) "Patient in a mental institution" means the person was admitted, either voluntarily or involuntarily, to a mental institution for mental health treatment, unless the treatment was voluntary and solely for an alcohol abuse disorder and no other secondary substance abuse disorder or mental illness; or

(5) He is a person with an intellectual disability and has any firearms or firearm ammunition in his possession; or

(6) He has in his possession any explosive bullet. For purposes of this subsection (a)(6), "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "Cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap.

(b) Any person violating this section shall be fined in an amount not less than \$50.00 and no more than \$500.00.

(c) Each violation shall be considered a separate offense and subject to a penalty as set forth in subsection (b), above.

- (d) Notwithstanding the foregoing, any federal or state law that conflicts with this section, including but not limited to, the Firearm Concealed Carry Act and the Firearm Owners Identification Card Act, shall control and prevail.

SECTION 3.3: Other Actions Authorized.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendment contemplated by this Ordinance and shall take all action necessary in conformity therewith. The officers, employees and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms or notices to be utilized in connection with the intent of this Ordinance.

**ARTICLE III.
HEADINGS, SAVINGS CLAUSES,
PUBLICATION, EFFECTIVE DATE.**

Section 4.0: Headings.

The headings for the articles, sections, paragraphs and sub-paragraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provisions of this Ordinance.

Section 5.0: Severability.

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section or part of this Ordinance be determined to be in conflict with any law, statute, or regulation by a court of competent jurisdiction, said provision, clause, sentence, paragraph, sub-paragraph, section or part thereof shall be excluded

and deemed inoperative, unenforceable and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

Section 6.0: Superseder.

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

Section 7.0: Publication.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

Section 8.0: Effective Date.

This Ordinance shall be effective ten (10) days after its passage, approval and publication in accordance with applicable law.

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PASSED this ____ day of July, 2017.

Joseph M. Zagone, Jr., Village Clerk

Ordinance No. 1167

APPROVED this _____ day of July, 2017.

Kenneth A. Peterson, Jr., Village President

Roll call vote:
Voting in favor:
Voting against:
Not voting: