

CHAPTER 4

WEAPONS

SECTION:

- 5-4-1: Firearms
5-4-2: Nunchakus

5-4-1: FIREARMS:

- A. Definition: "Firearms", for the purpose of this Section, is a pistol, revolver, gun or small arms of any size or character that may be concealed upon or about the person.
- B. Permit to Purchase: It shall be unlawful for any person to purchase a firearm without having first secured a permit for each such purchase from the Chief of Police. Such permit shall be issued by the Chief of Police upon application therefor and payment of ten dollar (\$10.00) permit fee only after the Chief of Police has sufficient time to reasonably investigate the applicant to determine whether the applicant is not a person to whom the issuance of the permit is prohibited by this Section. Permits shall not be issued to any person who does not possess a currently valid Illinois firearm owner's identification nor shall a permit be issued to any person who is under the age of eighteen (18) years, has ever been convicted of a felony under the laws of Illinois or any other state or the United States, has ever been confined to a penitentiary of Illinois or any other state or the United

States, has been convicted of a misdemeanor under the laws of Illinois or any other state within a period of two (2) years of the date of the application, is addicted to narcotics, is mentally retarded, is being treated medically or psychologically for a current mental or emotional disease or disturbance, has been a patient in a mental institution within a period of five (5) years of the date of the application or who is an alien. Permits shall be valid for a period of five (5) days only.

C. Firearms Dealers:

1. License Required: It shall be unlawful for any person to sell, rent, offer to sell or rent any firearms without securing a license therefor. A retail business or rental business license required by other ordinances of the Village shall be sufficient license to engage in such business¹.

2. Sales or Rentals Restricted: It shall be unlawful for any person to sell, rent or loan a firearm to any person who does not possess and display a currently valid permit provided for in subsection B of this Section.

3. Report Required: It shall be the duty of each person who shall sell or rent any firearm to another person to obtain from such purchaser or lessee his Illinois firearm owner's identification number, name, age and address and report the same, in writing, within

1. See Title 3, Chapter 1 of this Code for general licensing provisions.

ten (10) days of such sale or lease, to the Chief of Police together with the date of sale or lease, the description, make, model and serial number of the firearm. Failure to make such report shall be unlawful and shall be grounds for the suspension or revocation of the license of the seller or lessor.

- D. Gifts or Loans of Firearms: It shall be unlawful for any person to give or loan any firearm to another who does not possess and display a currently valid permit provided for in subsection B of this Section.
- E. Penalty: Any person convicted of a violation of this Section shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). (Ord. 78-263, 1-10-78)

1-2: NUNCIKUS:

It shall be unlawful for any person, other than a police officer of this Village, the County of Will or the State of Illinois, to sell, manufacture, purchase, possess or carry nunkus or similar weapon within the corporate limits of the Village.

Any person who violates the provisions of this section shall be subject to penalty provided in Section 1-4 of the Code. (Ord. 0-19, 4-2-74; 1994 Code)

4. Transmits in any manner to any peace officer, public officer or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed; or

5. Enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it; or

6. While acting as a collection agent or as defined in the Illinois collection agency act as an employee of such collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debtor which is designed to harass, annoy or intimidate the alleged debtor; or

7. Transmits in any manner to the police department or fire department of any municipality or fire protection district, or any privately owned and operated ambulance service, a false request for an ambulance, emergency medical technician ambulance or emergency medical technician-paramedic, knowing at the time there is no reasonable ground for believing that such assistance is required. (1994 Code)

5-3-1-3: DISTURBING RELIGIOUS MEETINGS: No person shall disturb or disrupt any congregation or assembly met for religious worship by making noise or by rude and indecent behavior or profane discourse within their place of worship or so near the same as to disturb the order and solemnity of the meeting. (Ord. 0-80, 11-28-1967)

5-3-1-4: PUBLIC INTOXICATION; DRIVING: No person shall be in a state of intoxication on any highway thoroughfare or other public place in the village nor shall such person solicit alms from any person. (Ord. 0-80, 11-28-1967)

5-3-1-5: OPEN LIQUOR CONTAINER: It shall be unlawful for any person of any age to have any alcoholic beverages in a container which has been opened, whether the same remains open or has been resealed, on any street or highway or in any public place open to the public other than within the premises which are licensed for the sale of alcoholic beverages under the provisions of title 3, chapter 3 of this code¹. (Ord. 0-237, 11-23-1976)

5-3-1-6: BATTERY: A person commits battery if he intentionally or knowingly without legal justification and by any means:

- A. Causes bodily harm to an individual; or
- B. Makes physical contact of an insulting or provoking nature with an individual. (1994 Code)

5-3-1-7: UNLAWFUL USE OF WEAPONS:

A. Sales/Possession: A person commits the offense of unlawful use of weapons when he knowingly:

- 1. Sells, manufactures, purchases, possesses or carries in a public place any bludgeon, blackjack, slingshot,

1. See also title 6, exhibit A, subsection 11-502(a) of this code.

sand-club, sand-bag, metal knuckles, nunchaku sticks, 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 coil spring, elastic material or compressed gas; 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 piece of glass, stun gun or taser or any other dangerous or deadly weapon or instrument of like character; or

3. Carries on or about his person or 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 or fixed place of business any loaded pistol, revolver, stun gun or taser or other firearm; 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", which shall be defined for the purposes of this subsection as 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 weapons; 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 weapon;

b. Any rifle having one or more barrels less than sixteen inches (16") in length or a shotgun having one or more barrels less than eighteen inches (18") 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 twenty six inches (26"); or

c. Any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance of over one-quarter ($\frac{1}{4}$) ounce or like purposes, such as, but not limited to black powder bombs and Molotov cocktails for artillery projectiles; or

8. Carries or possesses any firearm, stun gun or taser 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 any governmental body of 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; or

9. Carries or possesses in a vehicle or on or about his person any pistol, revolver, stun gun or taser or firearm or ballistic knife, 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 or taser or other firearm.

A "stun gun or taser", as used in this subsection A means: a) 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 a current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning, or b) 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 a current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning; or

11. Sells, manufactures or purchases any explosive bullet, regardless of whether such bullet is capable of penetrating any garment worn by a

person. For purposes of this subsection A, "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, or with any garment worn by any person. "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; or

12. Carries or possesses on or about his person any bludgeon, black-jack, sling-shot, sand-club, sand-bag, metal knuckles, switchblade knife, ballistic knife, tear gas gun projector, bomb or any object containing noxious liquid gas, pistol or revolver or other firearm, bomb, grenade, bottle or other container containing an explosive substance of over one-quarter ($\frac{1}{4}$) ounce, or cartridge while in the building or on the ground of any elementary or secondary school, community college, college or university. This subsection A12 shall not apply to law enforcement officers or security officers of such school, college, or university, nor to students carrying or possessing firearms for use in training courses, parades, hunting, target shooting on school ranges, or otherwise with the consent of school authorities and which firearms are transported unloaded and enclosed in a suitable case, box or transportation package; or

13. Discharges or possesses for such purposes in a public place any toy firearm, air rifle, toy cannon or any gun which discharges projectiles ei-

ther by air, spring, explosive substance or any other force.

- B. **Automobile Possession:** The presence in an automobile other than a public omnibus of any weapon, instrument or substance referred to in subsection A7 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:

1. If such weapon, instrument or instrumentality is found upon the person of one of the occupants therein; or

2. 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 and is not found upon the person of such driver, then such presumption shall not apply to the driver.

- C. **Exemptions:**

1. Subsections A3, A4, and A10 do not apply to or affect any of the following:

a. Peace officers, and any person summoned by a peace officer to assist in making arrests or preserving the peace, while actually engaged in assisting such officer.

b. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of person accused or convicted of an offense, while in the performance of their official duty, or while commuting between their homes and places of employment.

c. Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard or the Reserve Officers Training Corps, while in the performance of their official duty.

d. Special agents employed by a railroad or a public utility to perform police functions, and guards of armored car companies, while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment; and watchmen while actually engaged in the performance of the duties of their employment.

e. Persons licensed as private security contractors, private detectives, or private alarm contractors, or employed by an agency certified by the Illinois Department of Professional Regulation, if their duties include the carrying of a weapon under the provisions of the Illinois Private Detective, Private Alarm, and Private Security Act of 1983, while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment, provided that such commuting is accomplished within one hour from departure from home or place of employment, as the case may be. Persons exempted under this subsection shall be required to have completed a course of study in firearms handling and training approved and supervised by the Illinois Department of Professional Regulation as prescribed by Section 28 of the Illinois Private Detective, Private Alarm, and Private Security Act of 1983, prior to becoming eligible for this exemption. Any documentation provided by the Illinois

Department of Professional Regulation evidencing completion of training shall be carried at all times when such persons are in possession of a concealable weapon.

f. Any person regularly employed in a commercial or industrial operation as a security guard for the protection of persons employed and private property related to such commercial or industrial operation, while actually engaged in the performance of his or her duty or traveling between sites or properties belonging to the employer, and who, as a security guard, is a member of a security force of at least five (5) persons registered with the Illinois Department of Professional Regulation; provided that such security guard has successfully completed a course of study, approved by and supervised by the Illinois Department of Professional Regulation, consisting of not less than forty (40) hours of training that includes the theory of law enforcement, liability for acts, and the handling of weapons.

g. Agents and investigators of the Illinois Legislative Investigating Commission authorized by the Commission to carry the weapons specified in subsections A3 and A4, while on duty in the course of any investigation for the Commission.

h. Persons employed by a financial institution for the protection of other employees and property related to such financial institution, while actually engaged in the performance of their duties, commuting between their homes and places of employment, or traveling between sites or properties owned or operated by such financial

institution, provided that any person so employed has successfully completed a course of study, approved by and supervised by the Illinois Department of Professional Regulation, consisting of not less than forty (40) hours of training which includes theory of law enforcement, liability for acts, and the handling of weapons. For purposes of this subsection "financial institution" means a bank, savings and loan association, credit union or company providing armored car services.

i. Any person employed by an armored car company to drive an armored car, while actually engaged in the performance of his duties.

j. Persons who have been classified as peace officers pursuant to the Illinois Peace Officer Fire Investigation Act.

k. Investigators of the office of the Illinois State's Attorneys Appellate Prosecutor authorized by the board of governors of the office of the Illinois State's Attorneys Appellate Prosecutor to carry weapons pursuant to section 7.06 of the Illinois State's Attorneys Appellate Prosecutor's Act.

2. Subsections A4 and A10 do not apply to or affect any of the following:

a. Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, and patrons of such ranges, while such members or patrons are using their firearms on those target ranges.

b. Duly authorized military or civil organizations while parading, with the special permission of the Illinois Governor.

c. Licensed hunters, trappers or fishermen while engaged in hunting, trapping or fishing.

d. Transportation of weapons that are broken down in a nonfunctioning state or are not immediately accessible.

3. Subsection A7 of this Section does not apply to or affect any of the following:

a. Peace officers while in performance of their official duties.

b. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

c. Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

d. Manufacture, transport, or sale of machine guns to persons authorized under subsections C3a through C3c of this Section to possess machine guns if the machine guns are broken down in a nonfunctioning state or are not immediately accessible.

e. (1) Persons licensed under Federal law to manufacture any weapon from which eight (8) or more shots or bullets can be discharged by a single function

of the firing device, or ammunition for such weapons, and actually engaged in the business of manufacturing such weapons or ammunition, but only with respect to activities which are within the lawful scope of such business, such as the manufacture, transportation, or testing of such weapons or ammunition. This exemption does not authorize the general private possession of any weapon from which eight (8) or more shots or bullets can be discharged by a single function of the firing device, but only such possession and activities as are within the lawful scope of a licensed manufacturing business described in this subsection.

(2) During transportation, such weapons shall be broken down in a nonfunctioning state or not immediately accessible.

f. (1) The manufacture, transport, testing, delivery, transfer or sale, and all lawful commercial or experimental activities necessary thereto, or rifles, shotguns, and weapons made from rifles or shotguns, or ammunition for such rifles, shotguns or weapons, where engaged in by a person operating as a contractor or subcontractor pursuant to a contract or subcontract for the development and supply of such rifles, shotguns, weapons or ammunition to the United States Government or any branch of the Armed Forces of the United States, when such activities are

necessary and incident to fulfilling the terms of such contract.

(2) The exemption granted under this subsection C3 shall also apply to any authorized agent of any such contractor or subcontractor who is operating within the scope of his employment, where such activities involving such weapon, weapons or ammunition are necessary and incident to fulfilling the terms of such contract.

(3) During transportation, any such weapon shall be broken down in a nonfunctioning state, or not immediately accessible.

4. Subsection A1 of this Section does not apply to the purchase, possession or carrying of a blackjack or slingshot by a peace officer.

5. Subsection A8 of this Section does not apply to any owner, manager or authorized employee of any place specified in that subsection nor to any law enforcement officer.

6. Subsections A4 and A10 of this Section do not apply to members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while using their firearms on those target ranges.

7. Subsection A11 of this Section does not apply to:

a. Members of the Armed Services or Reserved Forces of the United States or the Illinois National Guard,

while in the performance of their official duty.

b. Bonafide collectors of antique or surplus military ordinance.

c. Laboratories having a department of forensic ballistics, or specializing in the development of ammunition or explosive ordinance.

d. Commerce, preparation, assembly or possession of explosive bullets by manufacturers of ammunition licensed by the Federal Government, in connection with the supply of those organizations and persons exempted by subsection C7a of this Section, or like organizations and persons outside this State, or the transportation of explosive bullets to any organization or person exempted in this Section by a common carrier or by a vehicle owned or leased by an exempted manufacturer. (Ord. 95-786, 5-9-1995)

Possession By Minors Prohibited: It shall be unlawful for any person under the age of eighteen (18) to possess a laser pointer except under the direct supervision of a parent or guardian.

Transfer Or Sale To Minors: It shall be unlawful for any person, firm, business, or corporation to sell a laser pointer to any person under the age of eighteen (18).

Definition: For purposes of this Section a laser pointer is any hand-held device which contains a laser that emits an intense beam of light, including, but not limited to, Class 1 Class