

=====

VILLAGE OF MELROSE PARK
COOK COUNTY, ILLINOIS

ORDINANCE NO. 1753

AN ORDINANCE AMENDING CHAPTER 9.24 OF THE VILLAGE
OF MELROSE PARK MUNICIPAL CODE REGARDING
CONTROL OF FIREARMS AND ASSAULT WEAPONS, FOR THE
VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF
ILLINOIS.

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF MELROSE PARK

THIS 19TH DAY OF JULY 2013

RONALD M. SERPICO, Village President
MARY ANN PAOLANTONIO, Village Clerk

Board Of Trustees

CATHLEEN COSSIDENT ITALIA
ANTHONY J. PRIGNANO
ARTURO J. MOTA
MARY RAMIREZ TACONI
JAIME ANGUIANO
ANTHONY N. ABRUZZO

=====

Published by authority of the
President and Board of Trustees
Of the Village of Melrose Park,
Cook County, Illinois on
This 20TH day of JULY 2013

ORDINANCE NO. 1753

AN ORDINANCE AMENDING CHAPTER 9.24, OF THE VILLAGE OF MELROSE PARK MUNICIPAL CODE REGARDING CONTROL OF FIREARMS AND ASSAULT WEAPONS, FOR THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.

* * * * *

WHEREAS, the Village of Melrose Park (the “Village”) is a home rule unit of local government as is provided by Article VII, Section 6 of the Illinois Constitution of 1970 and, as such, may exercise various powers and perform numerous functions pertaining to its government and affairs in any manner not otherwise prohibited by law; and

WHEREAS, the Mayor of the Village and the Board of Trustees (collectively, the “Corporate Authorities”) are committed to maintaining a safe and healthy environment within the Village; and

WHEREAS, Illinois Public Act 098-0063 (the “Public Act”), effectuated on the ninth day of July, 2013, amends Section 13.1 of the Firearm Owners Identification Card Act (430 ILCS 65/1 *et seq.*), to pre-empt municipal regulation of the possession or ownership of assault weapons unless such regulations are enacted on, before or within ten (10) days of the effective date of the Public Act; and

WHEREAS, to ensure that the Village’s authority to regulate assault weapons is not preempted by the Public Act, the Corporate Authorities have determined that it is necessary for the public health, safety and welfare of the Village and its residents to amend the Village of Melrose Park Municipal Code (the “Code”) to amend the Village’s existing ban on assault weapons; and

WHEREAS, on the twenty-fourth day of June, 2013, the Corporate Authorities adopted Ordinance No. 1749, entitled “AN ORDINANCE AMENDING CHAPTER 9.24, OF THE

VILLAGE OF MELROSE PARK MUNICIPAL CODE REGARDING CONTROL OF FIREARMS AND ASSAULT WEAPONS, FOR THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS,” which clarified and expanded the Village’s existing ban on assault weapons; and

WHEREAS, prior to the adoption of Ordinance No. 1749, federal firearms licensees were licensed to conduct federal firearms transactions within the boundaries of the Village; and

WHEREAS, the Corporate Authorities find that a federal firearms transaction, involving a federal firearms licensee, which was permissible within the boundaries of the Village prior to the first day of June, 2013, shall continue to be permissible as an exception to the assault weapons regulation set forth in Ordinance No. 1749; and

WHEREAS, based upon 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 9.24, Section 9.24.060 of the Code as set forth below; and

NOW, THEREFORE, BE IT ORDAINED by the Corporate Authorities of the Village of Melrose Park, County of Cook, State of Illinois, in the exercise of the Village’s home rule powers, as follows:

Section 1. The statements set forth in the preambles to this Ordinance are found to be true and correct and are incorporated into this Ordinance as if set forth in full.

Section 2. The existing provisions of Section 9.24.060(B)(1) shall be amended with the addition of the following provisions, words, numbers and phrases:

(b) A Licensee engaging in a “Federal Firearms Transaction.”

1. A “Federal Firearms Transaction” shall mean:

- (i) A Licensee’s sale of a “Specially Exempted Firearm” to a “Federal Firearms Licensee;”
- (ii) A Licensee’s purchase of a “Specially Exempted Firearm” from a “Federal Firearms Licensee;” or

- (iii) A “Federal Firearms Licensee’s” possession of a “Specially Exempted Firearm,” for purposes of future sale.
2. For the purposes of this subsection, the following definitions shall apply:
- (i) A “Licensee” shall mean a person authorized to acquire or possess a firearm, pursuant to the Firearm Owners Identification Card Act (430 ILCS 65/1 *et seq.*).
 - (ii) A “Federal Firearms Licensee” shall mean a Licensee acting within the scope of the appropriate regulations established by the Bureau of Alcohol, Tobacco, Firearms and Explosives, licensed pursuant to Section 923 of the Federal Gun Control Act of 1968 (18 U.S.C. 923), and licensed to do business in the Village prior to June 1, 2013.
 - (iii) A “Specially Exempted Firearm” shall mean a semiautomatic pistol that has a fixed magazine that has the capacity to accept more than ten rounds of ammunition, and/or a large capacity magazine.
3. No Licensee availing itself under the exemption set forth above in this subsection (b) shall have the right to manufacture or distribute, sell, offer or display for sale, give, lend, transfer ownership of, acquire, or possess any semiautomatic pistol that has a fixed magazine, that has the capacity to accept more than ten rounds of ammunition, and/or a large capacity magazine in the Village, except to effectuate a Federal Firearms Transaction; or
- (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.

Section 5. 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 amendments 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 to be utilized in connection with the amendments contemplated by this Ordinance.

Section 6. All prior actions of the Village’s officials, employees and agents with respect to the subject matter of this Ordinance are hereby expressly ratified.

Section 7. The provisions of this Ordinance are hereby declared to be severable, and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision 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 8. All ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

Section 9. This Ordinance shall be immediately in full force and effect after passage, approval and publication or as otherwise provided by law and subject to state statute and the conditions set forth in the preambles above. A full, true and complete copy of this Ordinance shall be published in pamphlet form as provided by the Illinois Municipal Code, as amended.

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

Section 10.00 Effective Date.

This Ordinance shall be in full force and effect upon passage, approval and publication, as provided by law.

On The Individual Poll And Voice Vote Of The Board Of Trustees:

AYE VOTES: Trustee Italia, Trustee Mota, Trustee Taconi,
Trustee Anguiano

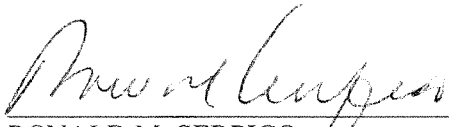
NAY VOTES:

ABSTAIN:

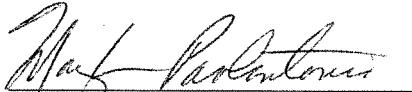
ABSENT: Trustee Prignano, Trustee Abruzzo

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS NINETEENTH DAY OF JULY, 2013, A.D.

APPROVED:


RONALD M. SERPICO,
VILLAGE PRESIDENT

ATTEST:


Mary Ann Paolantonio
Village Clerk

(SEAL)

Recorded in the Municipal Records: July 19, 2013
Published in pamphlet form: July 20, 2013