

VILLAGE OF ORLAND PARK

Ordinance No: 3758

AN ORDINANCE AMENDING THE PROVISIONS OF THE ORLAND PARK VILLAGE CODE LICENSING AND REGULATING THE BUSINESS OF SELLING OR OTHERWISE DISPOSING OF FIREARMS AND FIREARM AMMUNITION

WHEREAS, the corporate authorities of the Village of Orland Park recognize the potential danger to the community resulting from the unregulated commercial sale or other disposition of firearms and firearm ammunition; and

WHEREAS, the corporate authorities of the Village have determined that it is in the public interest to strictly regulate the manner, hours, security precautions, and commercial facilities where firearms and firearm ammunition are sold; and

WHEREAS, the corporate authorities have determined that allowing the sale of handguns, handgun ammunition, semiautomatic assault weapons, large capacity ammunition feeding devices or assault weapon attachments is not acceptable in the Village of Orland Park; and

WHEREAS, the corporate authorities of the Village have determined that it is in the best interests of the Village, its residents and other members of the public having occasion to be in the Village to amend the provisions of the Village Code licensing and regulating the business of selling or otherwise disposing of firearms and firearm ammunition.

NOW, THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1:

Title 7, Regulations for Specified Businesses, Chapter 3, Section 7-3-7, of the Village Code of the Village of Orland Park is hereby amended by deleting the current text thereof, and adding new text in its place, reading in its entirety as follows:

7-3-7: FIREARMS AND FIREARM AMMUNITION:

7-3-7-1: DEALER LICENSE REQUIRED:

It shall be unlawful for any person to engage in the business of selling, or to sell or give away any firearm or firearm ammunition, as defined in the Firearm Owners Identification Card Act, 430 ILCS 65/1.1, without securing a firearm/firearm ammunition dealer license. The license required by this chapter shall be in

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addition to any other licensing required by law or ordinance.

7-3-7-2: NUMBER AND TERM OF LICENSES TO BE ISSUED:

No more than one (1) firearm/firearm ammunition dealer license shall be issued and in force at any one time and such license shall be valid for a period of one (1) year from the date of its issuance.

7-3-7-3: LICENSE APPLICATION:

An application for a firearm/firearm ammunition dealer license shall be made in conformity with the general requirements of this Code relating to applications for licenses. The Village Manager, or his/her designee, shall approve said application before a license shall be issued, and the Chief of Police, or his/her designee(s), shall be authorized by the license applicant to conduct a background investigation of any employee of a prospective licensee who will participate in the sale or other disposition of firearms and/or firearm ammunition. A fee of ONE HUNDRED (\$100.00) DOLLARS, or such other amount as may be prescribed by the Board of Trustees, shall be paid to the Village for each background investigation of an employee or prospective licensee.

7-3-7-4: LICENSE FEE:

The annual fee for a firearm/firearm ammunition dealer license shall be as set forth in Section 7-2-3 of this Title.

7-3-7-5: REPORT OF SALES OR GIFTS:

Every licensed firearm/firearm ammunition dealer shall make out and deliver to the Chief of Police every calendar month, a legible and correct report of every sale or gift made under the authority of his/her license during the preceding calendar month, which report shall contain the date of such sale or gift, the name of the purchaser or donee with his or her address and age, the number, kind, description and price of such firearm, the number of the purchaser's permit (Illinois Firearm Owner's Identification Card) and the purpose given by such purchaser for the purchase of such firearm.

7-3-7-6: REGISTER REQUIRED:

Every licensed firearm/firearm ammunition dealer shall keep a register of all such firearms and/or firearm ammunition sold, loaned, rented or given away by such dealer. Such register shall contain the date of the sale, loaning, renting or gift, the number of the purchaser's/recipient's Illinois Firearm Owners Identification Card, the serial number of the firearm, the name and age of the person to whom the firearm or firearm

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ammunition is sold, loaned, rented or given, the quantity of ammunition, the price of each item and the purpose for which it is purchased or obtained. The register shall be kept open for inspection by the Orland Park Police Officer(s) at all reasonable times during business hours.

7-3-7-7: ADDITIONAL REQUIREMENTS FOR FIREARM/FIREARM AMMUNITION DEALER LICENSE:

(a) Definitions. In this Section:

- (1) A "handgun" means a firearm designed to be held and fired by a single hand and includes a combination of parts from which such a firearm can be assembled;
- (2) "Semiautomatic assault weapon" means:
 - (A) any of the firearms or types, replicas, or duplicates in any caliber of the firearms, known as:
 - (i) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (all models);
 - (ii) Action Arms Israeli Military Industries UZI and Galil;
 - (iii) Beretta AR-70 (SC-70);
 - (iv) Colt AR-15;
 - (v) Fabrique Nationale FN/FAL, FN/LAR, and FNC;
 - (vi) SWD -10, -11, -11/9, and -12;
 - (vii) Steyr AUG;
 - (viii) INTRATEC TEC-9, TEC-DC9 and TEC-22; and
 - (ix) any shotgun which contains its ammunition in a revolving cylinder, such as (but not limited to) the Street Sweeper and Striker 12;
 - (x) any rifle having a caliber of 50 or greater;
 - (B) a semiautomatic rifle that has an ability to accept a detachable magazine and has any of the following:

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(i) a folding or telescoping stock;

(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

(iii) a bayonet mount;

(iv) a flash suppressor or barrel having a threaded muzzle; or

(v) a grenade launcher; or

(C) a semiautomatic pistol that has an ability to accept a detachable magazine and has any of the following:

(i) an ammunition magazine that attaches to the pistol outside of the pistol grip;

(ii) a barrel having a threaded muzzle;

(iii) a shroud that is attached to, or partially or completely encircles the barrel, and that permits the shooter to hold the firearm with the non-trigger hand without being burned;

(iv) a manufactured weight of 50 ounces or more when the pistol is unloaded; or

(v) a semiautomatic version of an automatic firearm; or

(D) a semiautomatic shotgun that has any of the following:

(i) a folding or telescoping stock;

(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

(iii) a fixed magazine capacity in excess of 5 rounds; or

(iv) an ability to accept a detachable magazine;

"Semiautomatic assault weapon" does not include:

(A) any firearm that:

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- (i) is manually operated by bolt, pump, lever or slide action;
 - (ii) is an "unserviceable firearm" or has been made permanently inoperable; or
 - (iii) is an antique or muzzle-loading firearm; or
- (B) any semiautomatic rifle that cannot accept a detachable magazine that holds more than 5 rounds of ammunition; or
- (C) any semiautomatic shotgun that cannot hold more than 5 rounds of ammunition in a fixed or detachable magazine.
- (3) (A) "Large capacity ammunition feeding device" means:
- (i) a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition; or
 - (ii) any combination of parts from which a device described in subparagraph (i) can be assembled;
- (B) "Large capacity ammunition feeding device" does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition or any device that has been made permanently inoperable.
- (4) "Assault weapon attachment" means any device capable of being attached to a firearm that is specifically designed for making or converting a firearm into any of the firearms listed in paragraph (2) of subsection (a) of this Section.
- (5) "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, or
 - (B) any replica of any firearm described in subparagraph (A) if the replica:
 - (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or
 - (ii) uses rimfire or conventional centerfire ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade; or

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(C) any firearm (other than a machine gun), which, although designed as a weapon, the Chief of Police 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) No firearm/firearm ammunition dealer license shall be issued:

(1) To a person selling, giving away or otherwise dealing in, or intending to sell, give away or otherwise deal in, handguns, handgun ammunition, semiautomatic assault weapons, large capacity ammunition feeding devices or assault weapon attachments.

(2) Except to a person who sells or otherwise deals in firearms and/or firearm ammunition as ancillary to a retail business devoted to products or services other than firearms or firearm ammunition and where the floor area devoted to the sale or other disposition of firearms and/or firearm ammunition does not exceed five percent (5%) of the total floor area of such retail business accessible to the public;

(3) For the operation of a firearm range, such operation being hereby strictly prohibited, unless operated solely for training of law enforcement officers;

(4) To a person who has been convicted of a felony;

(5) To a person who has been convicted of a misdemeanor involving the use of a firearm within five (5) years of the date of application;

(6) To a person who does not possess a current Federal license to sell firearms;

(7) To a person who does not hold a valid State of Illinois Firearm Owners Identification Card;

(8) To a person who does not own or lease the premises where the firearm/firearm ammunition dealership is to be located for at least the term of the license.

(9) To a person who does not identify a specific premises which has been inspected and approved by the Village or who does not identify specific premises for which a special use permit has been issued pursuant to the Land Development Code of the Village;

(10) To a person whose firearm/firearm ammunition dealer license has been revoked for cause within the twelve (12) months preceding the date of application;

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- (11) To a person who at the time of license renewal would not be eligible for such a license;
- (12) To a person whose business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of an employee;
- (13) To a person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of firearms;
- (14) To a person who has been a patient in a mental institution within the past five (5) years;
- (15) To a person who is addicted to a narcotic or any other controlled substance as defined in the Illinois Criminal Code;
- (16) To a person who is mentally retarded;
- (17) To a firm, association, partnership, corporation, trust or any legal entity when any person holding more than a five percent (5%) interest therein as a stockholder, general or limited partner or beneficiary or otherwise, would not qualify for a license because of any of the foregoing requirements.

7-3-7-8: FIREARM SECURITY MEASURES:

(1) Every hour of every day, the portion of the premises owned or leased by a licensed firearm/firearm ammunition dealer devoted to the sale or other disposition of firearms and/or firearm ammunition must be fully monitored by a high-quality video taping system with the video tapes resulting therefrom retained by the licensed dealer for not less than thirty (30) consecutive days from the date of taping and made available for inspection by any Orland Park Police Officer(s).

(2) All firearms on display on the premises owned or leased by a licensed dealer must, except when being exhibited by the dealer's employee to a potential purchaser, be kept inside a locked storage case or locked display rack with the keys therefor available only to the licensed dealer's authorized employees and, in addition, every firearm located on such premises shall be equipped with a safety mechanism to hinder the use of the firearm by unauthorized users. Such devices shall include, but shall not be limited to, trigger locks, combination handle locks, and solenoid use-limitation devices.

Safety mechanism means a design adaption or nondetachable accessory that lessens the likelihood of unanticipated use of the firearm by other than the owner of the firearm and those specifically authorized by the owner to use the firearm.

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The trigger lock means a device that when locked in place by means of a key, prevents a potential user from pulling the trigger of the firearm without first removing the trigger lock by use of the trigger lock's key.

A combination handle lock means a device that is part of the firearm which precludes the use of the firearm unless the combination tumblers are properly aligned.

A solenoid use-limitation device means a device which precludes, by use of a solenoid, the firing of the firearm unless a magnet of the appropriate strength is placed in proximity to the handle of the weapon.

(3) Every firearm sold or otherwise disposed of by a licensed dealer shall be equipped with at least one of the safety mechanisms defined in 7-3-7-8(2)(a), above, when delivered by the dealer to the purchaser or recipient of such firearm;

(4) Possession of every firearm sold or otherwise disposed of by a licensed dealer shall only be transferred by such dealer, or his or her authorized employee, to the purchaser or recipient thereof when such purchaser or recipient has left the dealer's business premises and has arrived at the purchaser's or recipient's motor vehicle or other means of transportation;

(5) No firearm/firearm ammunition dealer license shall be issued to a person if the business premises to be used by the licensee for the sale or other disposition of firearms or firearm ammunition is located within one-quarter (1/4) mile of a public or private school building (including a nursery, preschool, elementary or high school) or within one-quarter (1/4) mile of a public park.

(6) All ammunition must be kept in locked cabinets that can only be opened by the licensed dealer's employee(s).

7-3-7-9: ADVERTISING OF FIREARM SAFETY INSTRUCTION:

Every licensed firearm/firearm ammunition dealer shall advertise on his/her business premises, and make available written information regarding, firearm operation and hunting safety courses of instruction which may be available for prospective firearm/firearm ammunition purchasers and recipients.

7-3-7-10: LICENSE SUSPENSION OR REVOCATION:

A firearm/firearm ammunition dealer's license may be suspended or revoked in accordance with the procedures set forth in Section 7-1-16 of this Title 7.

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SECTION 2

All statutes of the State of Illinois or any parts thereof which are in conflict with the provisions of this Ordinance are hereby superseded by this Ordinance enacted under the home rule power of the Village of Orland Park.

SECTION 3

All ordinances, codes or regulations, or parts of ordinances, codes or regulations of the Village of Orland Park in conflict with the provisions of this Ordinance are hereby repealed insofar as they conflict herewith.

SECTION 4

This Ordinance shall be in full force and effect from and after its passage, approval and publication. The Village Clerk is hereby authorized to publish this Ordinance in pamphlet form, said pamphlets to be deposited in the Village Clerk's office for distribution to the general public

PASSED this 19th day of May, 2003

David P. Maher, Village Clerk

Aye: 5 Trustee Fenton, Trustee Murphy, Trustee Gira, Trustee O'Halloran, and Village President McLaughlin

Nay: 2 Trustee Dodge, and Trustee Schussler

DEPOSITED in my office this 19th day of May, 2003

David P. Maher, Village Clerk

APPROVED this 19th day of May, 2003

Daniel J. McLaughlin, Village President

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PUBLISHED this 20th day of May, 2003

David P. Maher, Village Clerk