



# City of Chicago



SO2013-3378

Office of the City Clerk

## Document Tracking Sheet

<b>Meeting Date:</b>	5/8/2013
<b>Sponsor(s):</b>	Burke (14)
<b>Type:</b>	Ordinance
<b>Title:</b>	Amendment of Chapter 4-144 of Municipal Code allowing museums to lawfully acquire and display unloaded curios or relic firearms of historic value as part of their collection
<b>Committee(s) Assignment:</b>	Committee on Public Safety

**SUBSTITUTE**  
**ORDINANCE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:**

**SECTION 1.** Chapter 4-144 of the Municipal Code is hereby amended by adding a new Article VI, sections 4-144-400 through and including 4-144-470, and by adding the language underscored, as follows:

**4-144-010 License – Required.**

It shall be unlawful for any person to engage in the business of selling or otherwise transferring any ammunition, stun gun or taser without securing a weapons dealer license to do so. For purposes of this section “stun gun” and “taser” have the meaning ascribed to those terms in 720 ILCS 5/24-1(a)(10).

**ARTICLE VI. Professional Firearm Curators.**

**4-144-400 Definitions.**

For purposes of this Article, the following definitions apply:

(a) “Collector” and “Curio or relic firearm” have the meaning ascribed to those terms in 27 CFR 478.11 or as listed on the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives’ Firearms Curios or Relics List, AFT Publication 5300.11, as amended.

(b) “FOID” has the same meaning ascribed to that term in section 8-20-010.

(c) “Professional firearm curator” means a person who:

(1) (i) is a public museum that is eligible to receive funds for capital development under subsection 1-25(7) of the Department of Natural Resources Act, 20 ILCS 801/1-25; or

(ii) is a bona fide Illinois non-profit corporation that is a museum operating for the purpose of acquiring, conserving, preserving, studying, interpreting, or enhancing historical material for educational or scientific purposes and has continuously for a period of not less than 5 years prior to the date of application exhibited specimens, artifacts, articles, documents and other things of historical, anthropological, archaeological, industrial or scientific import to the public for its instruction and enjoyment; and

(2) has been issued a federal firearms collector’s license; and

(3) has a location in the city at which curio or relic firearms are exhibited to the public for its instruction and enjoyment.

(d) “Superintendent” means the superintendent of police.

**4-144-410 License required.**

It shall be unlawful for any person to engage in the business of a professional firearm curator without securing a weapons dealer license to do so.

Notwithstanding any provision of the code to the contrary, a professional firearm curator may possess curio or relic firearms when such curio or relic firearms are part of the professional firearm curator's collection which is exhibited to the public for its instruction and enjoyment.

The license required under this Article shall be in addition to any other license required by law.

The license granted under this Article does not authorize the licensee to engage in the business of selling or otherwise transferring firearms.

**4-144-420 Application – Additional information required.**

(a) In addition to the requirements set forth in Section 4-4-050, an application for, or renewal of, a weapons dealer license to engage in the business of a professional firearm curator shall be accompanied by the following information:

- (1) the length of time the applicant has been in business;
- (2) the location and description of the proposed licensed premises;
- (3) the name and address of the owner of the premises. If the premises are leased, the name, address and telephone number of the owner of the premises;
- (4) a copy of the applicant's federal firearm collector's license;
- (5) a list of all employees and managers authorized to control, handle, store or otherwise possess the curio or relic firearms at the licensed premises and a copy of each person's FOID card;
- (6) a safety plan approved by the superintendent; and
- (7) any other information that the commissioner or the superintendent may require to implement this Article.

**4-144-430 License issuance and renewal.**

A license or a renewal of a license issued under this Article shall be denied or revoked for any of the following reasons:

(a) The applicant's license under this Article, or any other license for the sale, manufacture, use or possession of firearms, has been revoked for cause.

(b) A license issued under this Article for the location described in the application has been revoked for any cause within one year of the date of the application.

(c) The applicant makes any false, misleading or fraudulent statement or misrepresents any fact in the license application, or uses any scheme or subterfuge for the purpose of evading any provision of this Article.

(d) The applicant or licensee at the time of application for or renewal of any license issued pursuant to this chapter would not be eligible for such license upon a first application.

**4-144-440 Department duties.**

(a) The commissioner shall forward any application for a weapons dealer license to engage in the business of a professional firearm curator to the police and fire departments.

(b) The commissioner shall have the authority to promulgate rules and regulations necessary to implement this Article.

(c) The superintendent shall have the authority to promulgate rules and regulations necessary to implement this Article relating to the safety plan, the safe storage and handling of

the curio or relic firearms or any other non-firearm dangerous or deadly weapon, and any other restriction which the superintendent deems necessary for public safety.

#### **4-144-450 Legal duties.**

(a) Every licensee shall obtain and keep current at all times throughout the duration of the license period, liability insurance for the operation of the premises described in such application or license in the aggregate amount of \$1,000,000.00, issued by an insurer authorized to insure in Illinois. The insurance policy required by this section shall be for a term of at least 12 months, and shall be co-extensive with the first 12 months of the applicable license period. Thereafter, the licensee shall continue to maintain such insurance policy in full force and effect for the duration of the two-year license period. The licensee shall keep proof of the required insurance at the licensed premises at all times and, upon demand, shall produce such proof for inspection by an authorized city official. Each policy of insurance required under this section shall include a provision requiring 30 days' advance notice to the commissioner prior to termination or lapse of the policy. Failure to comply with this section shall be grounds for the suspension or revocation of the license for a single offense in accordance with Section 4-4-280 of this Code.

(b) Every licensee shall comply with a safety plan, approved by the superintendent. Such plan shall include provisions that address: (i) the installation and maintenance of adequate exterior lighting; (ii) the installation and maintenance of interior and exterior surveillance cameras installed at each building; (iii) the installation of an alarm system; (iv) protocols for the safe display and storage of firearms and ammunition; and (v) the employment of adequately trained personnel; all in accordance with rules prescribed by the superintendent. Recordings from the surveillance camera required by clause (ii) shall be maintained for not less than 30 days and shall be made available to members of the department of police. Notwithstanding any other ordinance to the contrary, the city shall not impose a fee for any surveillance camera installed pursuant to this section solely because the camera or its wiring is in any portion of the public way.

(c) The licensed premises shall be open at all reasonable times for inspection by the departments of buildings, police, business affairs and consumer protection, and fire.

(d) All employees and managers authorized by the licensee to control, handle, store or otherwise possess any curio or relic firearm shall have a valid FOID card. No other employee, manager or person shall be permitted to control, handle, store or otherwise possess any curio or relic firearm.

(e) An employee or manager with a valid FOID card shall be present at the licensed premises at all times that the licensed premises is open to the public.

#### **4-144- 460 Operating without a license.**

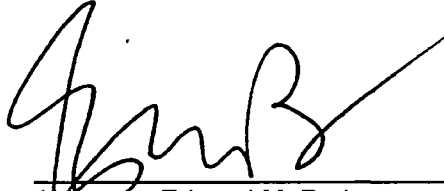
In addition to any other applicable fine or penalty, any person who engages in the business of a professional firearm curator without first having obtained the required license shall be subject to a fine of not less than \$3,000.00 nor more than \$5,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

#### **4-144- 470 Penalty.**

Unless another penalty or fine is specifically provided, any person who violates any provision of this Article, or any rule or regulation promulgated thereunder, shall be subject to a fine of not less than \$1,500.00 nor more than \$3,000.00 for each offense, or incarceration for a

period not to exceed six months, or both. Each day that such violation exists shall constitute a separate and distinct offense.

**SECTION 2.** This ordinance shall take effect 10 days after its passage and approval.

A handwritten signature in black ink, appearing to read 'E. M. Burke', written over a horizontal line.

Alderman Edward M. Burke  
14<sup>th</sup> Ward



**JAMES A. BALCER**

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October 16, 2013

To the President and Members of the City Council:

Your Committee on Public Safety begs leave to report and recommend that Your Honorable Body pass a substitute ordinance amending Chapter 8-20 of the Municipal Code to allow museums to acquire unloaded curios or relic firearms of historic value as part of their collection.

This recommendation was concurred unanimously by a viva voce vote of the members of the Committee with no dissenting vote.

Alderman Edward Burke, (14)  
O2013-3378

Respectfully submitted,

James A. Balcer  
Chairman  
Committee on Public Safety