



Office of the City Clerk

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Legislation Details (With Text)

File #: O2017-6422
Type: Ordinance Status: Failed to Pass
File created: 9/6/2017 In control: City Council
Final action:
Title: Amendment of Municipal Code Section 10-8-334 to restrict possession of certain items at public assemblies
Sponsors: Burke, Edward M., Reboyras, Ariel
Indexes: Ch. 8 Use Of Public Ways & Places
Attachments: 1. O2017-6422.pdf

Table with 5 columns: Date, Ver., Action By, Action, Result. Rows include dates 5/29/2019 and 9/6/2017 with actions like 'Failed to Pass' and 'Referred'.

ORDINANCE v JVV ^ XU

WHEREAS, the City of Chicago is a home rule unit of government pursuant to the 1970 Illinois Constitution, Article VII, Section 6(a); and

WHEREAS, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, in light of the recent acts of terrorism on behalf of neo-Nazis and White Supremacists in Charlottesville, Virginia, which left one woman dead and dozens injured, the City of Chicago must prepare and upgrade any necessary public safety measures in anticipation of similar protests and rallies; and

WHEREAS, Virginia is a preemption state that also allows "open carry," which led to the events the nation witnessed in Charlottesville, where paramilitary militias appeared as part of the "Unite the Right" rally; and

WHEREAS, we have already seen violence, even death, at these rallies, but the potential is far worse if participants continue to carry guns and other weapons into such confrontational situations; and

WHEREAS, "open carry" can also be used as an act of intimidation, for example, during the "Unite the Right" event, neo-Nazis carried firearms and chanted anti-Semitic slogans as they marched past a Charlottesville synagogue where 40 worshippers were so frightened that they felt compelled to leave from a back door; and

WHEREAS, in April of 2016, opposing protesters carrying firearms at a Dallas Nation of Islam mosque engaged in a tense confrontation that, fortunately, ended without the discharge of any firearms; and

WHEREAS, allowing the display of firearms during these types of demonstrations puts the dedicated men and women of the local police departments at a disadvantage and hinders their ability to protect rally attendees and the general public; and

WHEREAS, the City of Boston took the right approach prior to a controversial "Free Speech" rally that drew 40,000 protesters where anything that could be used as a weapon such as guns or flag poles, were banned from the Boston Common, the site of the rally; and

WHEREAS, the Chicago Police Department and other security firms in the -Chicagoland area employ similar tactics during large public gathering events such as concerts and parades; and

WHEREAS, a municipality has the authority to forbid public demonstrations that might disrupt a school or hospital, it can ban the use of loudspeakers in a residential neighborhood at night, it can refuse to permit a demonstration that will unduly block traffic during rush hour, and can

therefore similarly restrict the carrying of weapons during public demonstrations for which it issues permits; now, therefore,

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

SECTION 1. Section 10-8-334 of the Municipal Code of Chicago is hereby amended by inserting the underscored language as follows:

10-8-334 Public assembly.

[Omitted text is unaffected by this ordinance.]

g) It shall be unlawful for any person to knowingly interfere with any person or organization lawfully conducting a public assembly.

h) It shall be unlawful for any person to carry at a public assembly: firearms, knives, weapons, sharp objects, shields, fireworks, chains, bats, clubs, sticks, batons, and any other rod-like instrument. This list shall not limit the discretion of the Chicago Police Department Superintendent to determine other items that may not be allowed at an assembly.

Provided, however, that this provision shall not apply to the following officers while engaged in the discharge of their official duties: sheriffs, peace officers, and corrections officers: nor to the following employees or agents while engaged in the discharge of the duties of their employment: conductors, baggagemen, messengers, drivers, watchmen, special agents and policemen employed by railroads or express companies: nor to persons lawfully summoned by an officer to assist in making arrests or preserving the peace, while so engaged in assisting such officer.

-(h) (i) Any person violating any provision of this section, or any regulations promulgated hereunder, shall be fined not less than \$200.00 nor more than \$1,000.00, or may be subject to incarceration for up to 10 days, or both, except in the case of a violation of Subsection (h) where the fine shall be not less than \$500.00 nor more than \$1,000.00, or may be subject to incarceration for up to 10 days, or both.

SECTION 3. The provisions of this ordinance are declared to be separate and severable. The invalidity of any

provision of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

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Alderman, 14^{U1} Ward