



Office of the City Clerk

City Hall
121 N. LaSalle St.
Room 107
Chicago, IL 60602
www.chicityclerk.com

Legislation Details (With Text)

File #: O2017-3303

Type: Ordinance **Status:** Failed to Pass

File created: 4/19/2017 **In control:** City Council

Final action:

Title: Amendment of Municipal Code Chapter 9-124 by adding new Sections 9-124-483 and 9-124-485 regarding requirements to report firearm freight thefts and provide railroad freight security

Sponsors: Burke, Edward M., Willie B. Cochran, Dowell, Pat

Indexes: Ch. 124 Transportation Services & Rail Transportation

Attachments: 1. O2017-3303.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|----------------|--------|
| 5/29/2019 | 1 | City Council | Failed to Pass | |
| 4/19/2017 | 1 | City Council | Referred | |

ORDINANCE fjs?!

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, this public body has no greater duty at this time than to seek relief for this City from the vice grip of gun violence; and

WHEREAS, the prevalence of illegally obtained firearms directly feeds into this pandemic; and

WHEREAS, Chicago's train yards have emerged as a ready source of firearms for thieves; and

WHEREAS, a news investigation revealed that five years of Chicago Police Department records showed that trains were targeted for theft more than 400 times during that time period; and

WHEREAS, in April 2015, rival gangs encountering each other in a Chicago rail yard joined forces to steal 111 guns from a boxcar containing a shipment of over 300 such weapons; and

WHEREAS, with only padlocks securing the shipment, a simple bolt cutter aided their feat; and

WHEREAS, it is reported that the gangs were selling the firearms within hours, that only 16 of those guns have been recovered, and that most of those were found in the possession of reputed gang members or drug dealers; and

WHEREAS, in September 2016, a half dozen semi-automatic rifles and 27 handguns were stolen and allegedly not reported to Chicago Police until 11 days later; and

WHEREAS, included in the backdrop of train heists in the area are a December 2009 theft of 319 guns and a May 2014

theft of 13 weapons; and

WHEREAS, it has been observed that such robberies "helped fuel a wave of violence on Chicago's streets;" and

WHEREAS, the United States Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") reports a sharp increase of nearly 51% in firearms stolen from federally licensed dealers in 2016 compared to the year before; and

WHEREAS, agency officials observe that once a group succeeds, "they will try again;" and

WHEREAS, the "if once you succeed, try and try again" approach is also evident in the repeat thefts of guns from rail yards and trains; and

WHEREAS, court records from one of the thefts show that those involved stole from trains "on a regular basis;" and

WHEREAS, the ATF acknowledges that stolen firearms remain in the same area as the theft; and

WHEREAS, a retired ATF Chicago official characterizes the thefts as "a serious (security) breakdown that needs to be addressed;" and

WHEREAS, the biggest rail yards are located in areas of the City where most of 2016's 762 homicides occurred; and

WHEREAS, the City of Chicago is the nation's largest rail hub, where six of the nation's seven largest railroads come together and through which 500 freight trains pass daily with 37,500 rail cars representing one-fourth of the nation's freight rail traffic; and

WHEREAS, dilapidated fencing and ill-maintained security walls are not uncommon barriers between criminals and their prize, and between innocent residents and peril; and

WHEREAS, claimed delays in discovering and reporting thefts have allowed these guns to dissipate quickly into neighborhoods, preventing our police department from thwarting their spread; and

WHEREAS, the City counts as a cornerstone of its strength and stature its role as a rail transportation hub and, therefore, as a driver of the economic prosperity that this country has known; and

WHEREAS, to overcome its current tribulations, this City has to draw upon all that makes us strong and must not allow ill-afforded fissures within those bedrocks; and

WHEREAS, Chicago calls upon its partners in the railroad industry to be an ally in one of its most challenging chapters; and

WHEREAS, this partnership demands that the owners and operators of trains and rail yards commit to prompt reporting and investigation of firearm thefts from their properties, as well as undertake efforts to secure said properties to prevent thefts from occurring in the first place; and

WHEREAS, the City Council of the City of Chicago hereby calls upon these owners and operators to act as allies in the endeavor to resolve gun violence in this City and not surrender to the problem; and

WHEREAS, to that end, the City of Chicago finds it within its mission to secure the public health, safety, and welfare of

its residents to identify measures that can aid in the immediate investigation and prevention of firearm thefts from trains and rail yards; NOW THEREFORE,

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

SECTION 1. The above recitals are expressly incorporated herein and made part hereof as though fully set forth herein.

SECTION 2. Chapters 9-124 of the Municipal Code of Chicago is hereby amended by inserting new sections 9-124-483 and 9-124-485 as follows:

9-124-483 Reporting Firearm Freight Theft.

- a) Every person owning or operating a railroad within the City shall immediately notify the City's 9-1-1 emergency telephone system any time there is a theft of cargo containing firearms, as defined in Chapter 8-20, from a freight car.
- b) Each hour of delay between the discovery of such theft and the reporting of it to the 9-1-1 system shall constitute a separate offense and shall be punishable by a fine of not less than \$200, but not more than \$500, for each offense.
- c) Compliance with this Section shall be in addition to any other reporting requirements required by any local, state or federal law or regulation pertaining to lost, stolen, sold or otherwise transferred firearms.

9-124-485 Railroad Freight Security.

Any person owning or operating "railroad property" as defined in 625 ILCS 5/18c-7503(2.5) within the City shall keep in good repair and good standing such security equipment and measures as are employed to reduce theft from, and trespassing on to, rail yards and freight cars including, but not limited to, fences and monitoring equipment and other measures listed in 625 LLCS 5/18c-7503(2.5). A report to the Chicago Police Department or other law enforcement authority of firearm freight theft shall create a rebuttable presumption of a violation of this Section. Each stolen firearm shall constitute a separate offense and shall be punishable by a fine of not less than \$200, but not more than \$500, for each offense.

Willie Cochran Alderman, 20th Ward
Pat Dowell Alderman, 3rd Ward

SECTION 3. This ordinance shall be in full force and effect thirty (30) days after its passage and approval.