Legislation Details (With Text)

File #:	SO2014-4271		
Type:	Ordinance	**Status:**	Passed
File created:	5/28/2014	**In control:**	City Council
		Final action:	6/25/2014
Title:	Amendment of Municipal Code Titles 2, 4, 8, 13, 15, and 17 regarding sale and transfer of firearms		
Sponsors:	Emanuel, Rahm, Balcer, James, Graham, Deborah L., Pawar, Ameya, Cappleman, James		
Indexes:	Ch. 3 Business & Commercial Districts, Ch. 4 Bureau of Fire Prevention, Ch. 4 Downtown Districts, Ch. 5 License Fees for Title 4 Licenses, Ch. 5 Manufacturing Districts, Ch. 6 Regulated Business License, Ch. 9 Use Regulations, Ch. 13 Review & Approval Procedures, Ch. 14 Dept. of Administrative Hearings, Ch. 17 Terminology & Measurements, Land Use & Zoning-Tables & Index, Ch. 20 Weapons, Ch. 96 Miscellaneous Buildings & Structures, Ch. 144 Weapons, Ch. 151 License - Application and Issuance Procedures, Ch. 240 Pawnbrokers, Ch. 264 Secondhand Dealers		
Attachments:	1. SO2014-4271.pdf, 2. O2014-4271.pdf		

Date	Ver.	Action By	Action	Result
6/25/2014	1	City Council	Signed by Mayor	
6/25/2014		City Council	Passed as Substitute	Pass
6/18/2014	1	Committee on Public Safety	Recommended to Pass	Pass
5/28/2014	1	City Council	Referred	

City Council

City of Chicago

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June 25, 2014

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 the proposed substitute ordinance amending various provisions of the Municipal Code regarding firearms.

This recommendation was concurred unanimously by a viva voce vote of the members of the Committee with no dissenting vote. (02014-4271)

(Mayoral)

Respectfully submitted,

James A. Balcer
Chairman
Committee on Public Safety

SUBSTITUTE ORDINANCE

WHEREAS, In 2008, the Supreme Court ofthe United States decided the case District of Columbia v. Heller, and held that the Second Amendment to the United States Constitution protects an individual's right to possess a firearm unconnected with service in the militia; and

WHEREAS, In 2010, the Supreme Court issued its opinion in McDonald v. City of Chicago, and held that the Second Amendment's right to possess a handgun for self-defense in the home also applied to the states; and

WHEREAS, On January 6, 2014, in Illinois Association of Firearms Retailers v. The City of Chicago, the United States District Court for the Northern District of Illinois declared that the City of Chicago's (the "City") ban on the sale and transfer of firearms was unconstitutional under the Second Amendment; and

WHEREAS, Every year, more than 100,000 people in our nation are injured, maimed or killed with a firearm; and

WHEREAS, Firearm-related injuries and deaths are the cause of significant social and economic costs to the City and our communities and have a severe impact on our criminal justice and health care systems; and

WHEREAS, The majority of all firearms recovered in crimes were originally sold by licensed firearms dealers; and

WHEREAS, The Bureau of Alcohol, Tobacco, Firearms and Explosives (the "ATF") has reported that straw purchasing from licensed firearms dealers is the most common way in which firearms are diverted to the illegal gun market; and

WHEREAS, In 2012, more than 16,000 firearms were lost or stolen from licensed firearms dealers across the country: and

WHEREAS, The ATF licenses and regulates firearms dealers, but the State of Illinois does not require any such license; and

WHEREAS, Research has shown that state and local regulation of firearms dealers, coupled with regular compliance inspections, is associated with significantly less illegal gun trafficking, straw purchasing and firearm theft; and

WHEREAS, In order to provide for the ongoing protection of the public welfare and safety, it is essential for the City Council of the City of Chicago to promptly pass an ordinance that provides for reasonable regulation of the sale and transfer of firearms, including regulations for the effective licensing of firearm dealers; now, therefore,

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

SECTION 1. Section 2-14-190 ofthe Municipal Code of Chicago is hereby amended by deleting the language struck through, as follows:

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2-14-190 Municipal hearings division - Jurisdiction.

(a) The department of administrative hearings is authorized to establish a system of administrative adjudication for the enforcement of all provisions of the Municipal Code, and similar matters pursuant to Section 2-14-030(6), that are not adjudicated by the vehicle, buildings, or environmental safety and consumer affairs hearings divisions~~, oxcept that it shall not adjudicate violations of the following chapters and sections: chapter 4 92 (Massage Establishments and Massage Services); chapter 4-144 (Weapons); and Section 7-28-190 (Health Nuisances-Throwing Objects into Roadways)~~.

SECTION 2. Section 4-5-010 ofthe Municipal Code of Chicago is hereby amended by adding the language underscored, as follows:

4-5-010 Establishment of license fees.

This chapter shall establish fees for various licenses created by this title unless otherwise provided. The following fees shall apply for the specified licenses. The chapter in which each fee requirement is created is also provided. Unless otherwise stated, fees shall be assessed every two years. For every license application which includes fingerprinting ofthe applicant as part of the application process, a fingerprint fee sufficient to cover the cost of processing fingerprints will be assessed in addition to the below fees. The fingerprint fee will be assessed regardless of whether the license applied for is issued or denied. The amount ofthe fee will be set forth by regulation promulgated by the commissioner of business affairs and consumer protection.

$1,100.00 $ 3.800.00 $ 2,350.00 $ 2.350.00

(Omitted text is unaffected by this ordinance)

(31) Weapons dealer (4-144)(unless otherwise specified) Firearms Dealers Professional Theatrical Armorers Professional Firearm Curators

(Omitted text is unaffected by this ordinance)

SECTION 3. Section 4-6-270 ofthe Municipal Code of Chicago is hereby amended by adding the language underscored, as follows:

4-6-270 Home occupations.

(Omitted text is unaffected by this ordinance)

(e) Activities not subject to licensure as a home occupation. The following activities shall not be licensed as home occupations under this section: any repair of motorized vehicles, including the painting or repair of automobiles, trucks, trailers, boats, and lawn equipment; animal hospitals; astrology, card reading, palm reading or fortune-telling in any form; kennels; stables; bird keeping facilities; dancing schools; restaurants; massage establishments; catering/food preparation businesses; funeral chapels or homes; crematoria; mausoleums; any facility where products are manufactured, produced or assembled when the home occupation licensee is not the retail point of sale for such products; public places of amusement; the sale of firearms, antique firearms as that term is defined in section 8-20-010, or ammunition; a weapons dealer; firearm training or instruction; caterers; construction businesses or landscaping businesses that

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provide the storage of goods and materials to be utilized in the operation of the business or use; warehousing; and welding or machine shops. Provided, however, that nothing

in this subsection shall prohibit the performance of emergency medical services in a residential dwelling.

(Omitted text is unaffected by this ordinance)

SECTION 4. Chapter 4-144 of the Municipal Code of Chicago is hereby amended by deleting sections 4-144-100 through and including 4-144-130, by deleting Article IV sections 4-144-250 and 4-144-260, by adding new sections 4-144-005, 4-144-007, and 4-144-245, by adding a new Article VII, sections 4-144-700 though and including 4-144-840, by deleting the language struck through and by adding the language underscored, as follows:

CHAPTER 4-144 WEAPONS DEALERS

ARTICLE I. ~~DEADLY~~ WEAPONS DEALERS 4-144-005
Weapons dealer license

(a) A weapons dealer license shall be required for the following business activities:

1) a stun gun dealer;
2) an air rifles and toy weapons dealer;
3) a firearms dealer;
4) a professional theatrical armorer; or
5) a professional firearms curator.

(b) A separate license shall be reguired for each separate business location.

ARTICLE II STUN GUN DEALERS

4-144-007 Definitions.

For purposes of this Article, the following definitions apply:

"FOID" and "Superintendent" have the meaning ascribed to those terms in section 8-20-010.

"Stun gun" and "Taser" have the meaning ascribed to those terms in 720 ILCS 5/24-l(a)(10).

4-144-010 Stun Gun Dealer- License -Required.

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

4-144-020 License - Application.

In addition to the requirements set forth in Section 4-4-050, an application for, and, if requested, renewal of, a ~~weapons dealer~~ license issued under this Article shall be accompanied by the following information:

(Omitted text is unaffected by this ordinance)

~~(d) a copy of the applicant's federal firearm license, if required to have one;~~

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(e d) a copy of the applicant's FOID card, provided that if the applicant is not a natural person, no FOID card shall be required for the applicant or controlling persons; and~~,~~ ~~if required to have one~~;

~~(f) q safety plan approved by the superintendent; and~~

(§ e) any other information that the commissioner or the superintendent may require to implement this Article.

4-144-030 License - Fee Qualifications.

~~The foo for a weapons dealer license shall be as set forth in Section 4-5-010.~~ No license shall be issued under this Article if the applicant or any employee who handles or possesses a stun gun or taser:

a) is under 21 years of age;

b) has ever been convicted of a felony;

c) has ever been convicted of a misdemeanor involving a stun gun or taser, or any other violation of law concerning the manufacture, use, possession or sale of stun guns or tasers; or

d) has not been issued a FOID card; provided that if the applicant is not a natural person, no FOID card shall be reguired for the applicant or any controlling person.

4-144-040 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 stun guns or tasers ~~firearms or ammunition~~, 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 or licensee makes any false, misleading or fraudulent statement or misrepresents any fact in the license application or renewal, or uses any scheme or subterfuge for the purpose of evading any provision of this Article ~~chapter~~.

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

4-144-050 Department duties.

a) The commissioner shall forward any application for a ~~weapons dealer~~ stun gun dealer license under this Article to the police department ~~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, display and handling of stun guns and tasers ~~ammunition, and any other restriction~~.

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4-144-060 Legal duties.

(Omitted text is unaffected by this ordinance)

(fe) ~~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 of and storage of 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 ofthe 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 subsection solely because the camera or its wiring is in any portion of the public way.~~

(e b) 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.

c) The licensee shall not permit any employee to handle, sell or possess a stun gun or taser unless the employee ;

1) has a valid FOID card;
2) is 21 years of age or older;
3) has never been convicted of a felony;
4) has never been convicted of a misdemeanor involving a stun gun or taser, or any other violation of law concerning the manufacture, use, possession or sale of stun guns, tasers or firearms.

d) The licensee shall initiate a state and FBI fingerprint-based record search of every employee who will handle, sell or possess stun guns or tasers to verify the employee's background. If a licensee acguires any subseguent or independent knowledge that an employee who handles, sells, or possesses stun guns or tasers does not meet the Qualifications of subsection (c), the licensee shall take immediate steps to ensure that such employee does not have access to the stun guns or tasers.

e) A licensee or employee shall not:

1) deliver a stun gun or taser, incidental to a sale or transfer, to a purchaser for at least 24 hours after the application for such purchase or transfer has been made;
2) display a stun gun or taser in any window; or
3) sell or otherwise transfer a stun gun or taser unless the purchaser:
   i) is at least 18 years of age;
   ii) has a valid FOID card; and
   iii) has presented a valid government issued photo identification card.

4-144-061 Records Sale ~~of certain ammunition prohibited~~.

(a) In addition to any other applicable state and federal law reguiring records and record retention, the licensee shall maintain the following records:

(1) for the purchase of a stun gun or taser, a copy of the purchaser's FOID card and photo identification for a period of not less than 10 years from the date of purchase of the stun gun or taser;

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(2) a copy of the fingerprints and FOID card of every employee who handles, sells, or possesses the stun guns or tasers for a period of not less than 5 years after

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the employee is no longer an employee: and

(3) a copy of the annual inventory reguired pursuant to section 4-144-062, for a period of not less than 10 years after the completion of the inventory.

(b) Unless otherwise preempted by state or federal law, such records shall at all times during the licensee's business hours be open for inspection by any member ofthe department

or police department-~~Except as allowed by section 8-20 100(c), it shall be unlawful for any person to sell, offer for sale, expose for sale, barter or give away to any person within the city, any armor piercing or .50 caliber ammunition.~~

4-144-062 Inventory ~~Sale of ammunition to minors prohibited~~.

Every licensee shall conduct, on an annual basis, a physical inventory audit, which shall include, at a minimum, a listing of each stun gun, taser and cartridges:

a) acguired or held by the licensee during the twelve-month period;

b) sold or otherwise transferred during the twelve-month period; and

c) stolen or lost during the twelve-month period-~~No person licensed under this chapter shall sell or othe~~

~~rwise transfer any ammunition to a person who is under the age of 18~~.

4-144-065 Sale of certain types of stun guns and tasers prohibited ~~metal piercing bullets~~.

No licensee or employee shall sell or transfer any stun gun or taser which fires one or more barbs by the use of gunpowder, smokeless powder or black powder propellant.

~~No person licensed under this chapter shall sell, offer for sale, expose for sale, barter, give away or othe rwise transfer any metal piercing bullets. For purposes of this section "metal piercing bullet" means any bullet that is manufactured with other than a lead or lead alloy core, or ammunition of which the bullet itself is wholly composed of, or machined from, a metal or metal alloy other than lead, or any other bullet that is manufacture d to defeat or penetrate bullet resistant properties of soft body armor or any other type of bullet resistant clothi ng which meets the minimum requirements ofthe current National Institute for Justice Standards for "Ballistic Re sistance of Police Body Armor."~~

4-144-070 Operating without a license.

Any person who engages in the business of selling or otherwise transferring any stun gun or taser ~~ammunition~~ 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, or incarceration for a period not to exceed six months, or both. Each day that a violation continues shall constitute a separate and distinct offense.

4-144-080 Penalty.

(a) Unless another fine or penalty 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.

(b) Every act or omission constituting a violation of this Article by any officer, director, manager, employee or agent of the licensee shall be deemed to be the act or omission of such licensee and such

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licensee shall be liable for all penalties and sanctions provided by this Article in the same manner as if such act or omission had been done or omitted by the licensee personally.

ARTICLE II. GUNSMITHS 4-144-100 Liconso-Required-It shall bo unlawful for any person to engage in the business of repairing any pistol, revolver, derringer or othor firearm which can be concealed on the person without securing a weapons dealer license so to do.

4-144-110 Reserved.

4 144 120 Reserved.

4 144 130 Reserved.

ARTICLE III. AIR RIFLES AND TOY WEAPONS DEALERS 4-144-245
Violations.

Unless another fine or penalty is specifically provided, any person violating any provision of this Article shall be fined not less than $250.00 nor more than $500.00 for a first offense and not less than $500.00 nor more than $1.000.00 for each subseguent offense. Each day that such violation exists shall constitute a separate and distinct offense.

ARTICLE IV. VIOLATION OF CHAPTER PROVISIONS 4 144 250 VioB

Unless another fine or penalty is specifically provided, any person violating any provision of this chapter shall be fined not less than $250.00 nor more than $500.00 for a first offense and not less than $500.00 nor more than $1,000.00 for each subsequent offense. Each purchase, sale or gift of any weapon or article mentioned in this chapter shall be deemed a separate offense.

4-144-260 Liconso-Revocation.

In caso tho mayor shall determine that a licensee has violated any provision of this chapter, he shall revoke the weapons dealer license issued to such person, and the money paid for such liconso shall be forfeited to the city. No other such license shall be issued to such licensee for a period of three years thereafter.

ARTICLE V. PROFESSIONAL THEATRICAL ARMORERS. 4-144-310
License required.

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

Notwithstanding any provision of the code to the contrary, a professional theatrical armorer may import, manufacture, possess, transfer, loan or rent theatrical props solely for a theatrical purpose.

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

4-144-320 Application - Additional information required.

In addition to the requirements set forth in Section 4-4-050, an application for, and, if requested, renewal of, a deadly weapons license to engage in the business of a professional armorer shall be accompanied by the following information:

(Omitted text is unaffected by this ordinance)

e) a copy of the applicant's FOID card, if required to have one; and
f) a safety plan approved by the superintendent; and

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(§ D anY other information that the commissioner or the superintendent may require to implement this Article.

4-144-330 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:

(Omitted text is unaffected by this ordinance)

(e) The applicant or licensee at the time of application or renewal of any license under this Article does not have a safety plan that has been approved by the superintendent.

4-144-350 Legal duties.

(Omitted text is unaffected by this ordinance)

(b) (1) At the same time an applicant submits an application for a license, the applicant shall submit a safety plan to the superintendent in a form and manner prescribed by the superintendent. After review of the proposed safety plan, the superintendent, in consultation with the executive director of emergency management and communications, the fire commissioner, and any other appropriate department, shall either approve or deny the safety plan within 30 days of its submission. During the 30-dav review period, the superintendent may consult with the applicant to recommend amendments to the proposed plan. If the superintendent denies a safety plan, he shall state, in writing, the basis for such denial. The superintendent shall notify the commissioner of such approval or denial. ~~Every licensee shall comply with a safety plan, approved by the superintendent. Such plan shall include provisions that address: (i) the installation and mainte nance 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 of 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 de partment 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~~

(2) Every safety plan shall include a floor plan of the proposed site and provisions that address: (i) the installation and maintenance of adeguate exterior lighting; (ii) the installation

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and maintenance of interior and exterior surveillance cameras installed at the licensed location; (iii) the installation of an alarm system; (iv) protocols for the safe display and storage of ammunition and firearms; and (v) the employment of adeguatelv trained personnel, all in accordance with rules prescribed by the superintendent. Recordings from the surveillance cameras reguired by this subsection shall be maintained for not less than 30 days and shall be made available upon reguest to members of the police department.

The licensee shall obtain all necessary permits, including a public way use permit if applicable; provided that notwithstanding any other provision of the code to the contrary, no fee for a public way use permit will be imposed when the permit is for any surveillance camera installed pursuant to this subsection solely because the camera or its wiring is in any portion of the public way.

3) Any proposed change to the approved safety plan shall be submitted to the superintendent, in a form and manner prescribed by the superintendent, prior to the implementation of such change. The superintendent shall approve or deny the proposed change within 30 days and notify the commissioner of such approval or denial.

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4) The licensee shall keep a copy ofthe approved safety plan at the licensed premises and make it available upon reguest for inspection by members ofthe department or the police department.

5) No license may be issued or renewed unless the superintendent approves the applicant's or licensee's safety plan.

6) Every licensee shall comply with the safety plan, as approved by the superintendent.

7) The failure to adeguatelv implement, maintain or adhere to the provisions ofthe approved safety plan under this section shall be grounds for suspension or revocation of the license and shall be grounds for the city to recover its costs resulting from such failure under Chapter 1-20.

(Omitted text is unaffected by this ordinance)

ARTICLE VI. PROFESSIONAL FIREARM CURATORS. 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:

(4- a) the length of time the applicant has been in business;

(2 b) the location and description ofthe proposed licensed premises;

(3 c) the name and address of the owner of the premises. If the premises are leased, the name, address and telephone number ofthe owner ofthe premises;

(4 d) a copy of the applicant's federal firearm collector's license;

(§ e) 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; and

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(6) ~~a safety plan approved by the superintendent; and~~

(7- f) 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:

(Omitted text is unaffected by this ordinance)

(e) The applicant or licensee at the time of application or renewal of any license under this Article does not have a safety plan that has been approved by the superintendent.

4-144-450 Legal duties.

(Omitted text is unaffected by this ordinance)

(b) (1) At the same time an applicant submits an application for a license, the applicant shall submit a safety plan to the superintendent in a form and manner prescribed by the superintendent. After review ofthe proposed safety plan, the superintendent, in consultation with the executive director of emergency management and communications, the fire commissioner, and any other appropriate department, shall either approve or deny the safety plan within 30 days of its submission. During the 30-day review period, the superintendent may consult with the applicant to recommend amendments to the proposed plan. If the superintendent denies a safety plan, he shall state, in writing, the basis for such denial. The superintendent shall notify the commissioner of such approval or denial. ~~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 of 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 ofthe 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~~

(2) Every safety plan shall include a floor plan of the proposed site and provisions that address: (i) the installation and maintenance of adeguate exterior lighting; (ii) the installation and maintenance of interior and exterior surveillance cameras installed at the licensed location; (iii) the installation of an alarm system; (iv) protocols for the safe display and storage of ammunition and firearms; and (v) the employment of adeguatelv trained personnel, all in accordance with rules prescribed by the superintendent. Recordings from the surveillance cameras reguired by this subsection shall be maintained for not less than 30 days and shall be made available upon reguest to members ofthe police department.

The licensee shall obtain all necessary permits, including a public way use permit if applicable; provided that notwithstanding any other provision of the code to the contrary, no fee for a public way use permit will be imposed when the permit is for any surveillance camera

installed pursuant to this subsection solely because the camera or its wiring is in any portion of the public way.

3) Any proposed change to the approved safety plan shall be submitted to the superintendent, in a form and manner prescribed by the superintendent, prior to the implementation of such change. The superintendent shall approve or deny the proposed change within 30 days and notify the commissioner of such approval or denial.

4) The licensee shall keep a copy of the approved safety plan at the licensed premises and make it available upon reguest for inspection by members ofthe department or the police department.

5) No license may be issued or renewed unless the superintendent approves the applicant's or licensee's safety plan.

6) Every licensee shall comply with the safety plan, as approved by the superintendent.

7) The failure to adeguatelv implement, maintain, or adhere to the provisions of the approved safety plan under this section shall be grounds for suspension or revocation of the license and shall be grounds for the city to recover its costs resulting from such failure under Chapter 1-20.

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(Omitted text is unaffected by this ordinance)

ARTICLE VII FIREARMS DEALERS 4-144-700
Definitions.

For purposes of this Article, the following definitions apply:

"Antigue.firearm." "Assault Weapon," "FOID," "Peace Officer." and "Superintendent" have the same meaning ascribed to those terms in section 8-20-010.

"Authorized Employee" means a licensee's employee who:

1) is 21 years old or older:
2) has a valid FOID card:
3) is located at the licensed premises: and
4) is authorized by the licensee to control, handle, sell, store or otherwise possess firearms or ammunition.

"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, ATF Publication 5300.11, as amended.

"Firearm" has the meaning ascribed to that term in section 8-20-010: provided that for purposes of this Article, a "firearm" does not include an antigue firearm,

"Handgun" means a firearm designed to be held and fired by the use of a single hand, and includes a combination of parts from which such firearm can be assembled.

"Licensee" means a person issued a weapon dealer-firearms dealer license pursuant to this Article.

"Responsible person" means any person listed as a responsible person on the licensee's or applicant's federal firearm license.

"Store Manager" means a person who:

1) is 21 years old or older:
2) has a valid FOID card: and
3) is designated by the licensee for the responsibility of the on-site overall day-to-day operations of a firearms dealer licensed premises.

"Straw purchaser" means a person who acguires a firearm for another person who: (i) is prohibited by law from possessing a firearm, or (ii) does not want his name associated with the transaction.

4-144-710 Firearms Dealer- License Required.

a) It shall be unlawful for any person to engage in the business of: (1) selling or otherwise transferring, at retail, any ammunition or any new or previously owned firearm: or (2) repairing firearms or making or fitting special barrels, stocks or trigger mechanisms to firearms, without securing a weapons dealer-firearms dealer license to do so.

b) The license reguired under this Article shall be in addition to any other license reguired by this code or other applicable law: provided that:

1) no secondhand dealer license shall be reguired for a licensee to purchase from, sell to. or otherwise transfer a previously owned firearm to a customer at the licensed premises:

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2) no weapons dealer-stun gun dealer license shall be reguired for a licensee to purchase from, sell to, or otherwise transfer to a customer a stun gun or taser at the licensed premises: or

3) no certificate of fitness or license issued pursuant to chapter 15-4 shall be reguired for the storage of ammunition at the licensed premises in compliance with this Article and section 15-4-985.

c) A license or renewal of a license issued under this Article shall expire two years after the date of issuance: provided that if after the effective date of this section, the licensee has an existing license issued under this Title 4 for the licensed premises, the commissioner is authorized to align the expiration date ofthe license issued under this Article to the expiration of any existing business license issued under this Title 4, and to prorate the fee for such license.

4-144-720 License - Application.

a) An application for a license pursuant to this Article shall be made in conformity with the provisions of this Article and the general reguirements of Chapter 4-4 relating to applications for licenses. No original or renewal license shall be issued to any applicant or licensee unless all persons reguired to be disclosed as applicants meet the eligibility reguirements.

b) The application shall be in writing, signed by the applicant if an individual. If the applicant is a partnership or corporation, the application shall be signed by an officer or partner. If the applicant is a limited liability company managed by members, the application shall be signed by a manager. If the applicant is a limited liability company managed by its members,

the application shall be signed by a member. The application shall be verified by oath or affidavit, and shall include the following statements and information:

1) in the case of an individual: the name, date of birth, residence address, current telephone number and social security number of the applicant: in the case of a partnership, limited partnership, corporation, limited liability company or other legal entity: the date and state of its organization or incorporation: the objects for which it was organized or incorporated: and the name, residence address, date of birth and social security numbers of any applicant;

2) the location and description ofthe premises which is to be operated under such license;

3) the name, address and phone number ofthe owner ofthe premises, including the name and address ofthe beneficiary if title to the premises is held by a person as trustee and if known to the applicant. If the premises is leased, a copy ofthe lease, which must include a statement ofthe building owner indicating that the owner agrees to the use of the building for the operation of a firearms dealer;

4) the name, date of birth, residence address and current telephone number of every store manager at the licensed premises;

5) a copy ofthe applicant's and manager's FOID cards; provided that if the applicant is not a natural person no FOID card shall be reguired for the applicant or controlling persons;

6) a copy of the applicant's federal firearm license;

7) the name, date of birth, residence address and current telephone number of all responsible persons:

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8) a statement that the applicant is Qualified to receive a license because the applicant, responsible person, store manager and all authorized employees meet all the requirements of: (i) any applicable provision of this Article; (ii) another applicable provision of this code; or (iii) any other applicable local, state or federal law;

9) a statement that the applicant, responsible person, store manager or any authorized employee has not been convicted, or found liable in an administrative adjudication, of a felony, a misdemeanor involving a firearm, or any other law concerning the manufacture, possession, use or sale of firearms:

10) a statement as to whether any previous license which authorized the sale of firearms issued by any jurisdiction to the applicant, responsible person, store manager or any authorized employee was revoked, the date ofthe revocation and the reasons for the revocation; and

11) any other information that the commissioner or the superintendent may reguire to implement this Article.

c) The commissioner shall forward the application to the departments of fire and police-Before a license shall be issued, the departments of buildings, fire and police shall inspect the premises for which the license is sought to determine whether the proposed licensed premises is in compliance with the provisions of this code and the rules and regulations promulgated thereunder relating to buildings, public safety and fire prevention.

d) The applicant, store manager and all responsible persons shall submit to fingerprinting by the department.

4-144-730 License Qualifications.

a) No license shall be issued under this Article if the applicant, responsible person, store manager, or any authorized employee:

1) is under 21 years of age:

2) has ever been convicted of a felony;

3) has ever been convicted of a misdemeanor involving a firearm, or any other violation of law concerning the manufacture, use, possession or sale of firearms.

b) In addition to the Qualifications set forth in subsection (a), if the applicant is selling or otherwise transferring firearms, no license shall be issued if:

1) the applicant has not been issued a valid federal firearm license for the proposed licensed premises; and

2) the applicant, store manager and all authorized employees do not possess valid FOID cards; provided that if the applicant is not a natural person, no FOID card shall be reguired ofthe applicant or controlling persons.

4-144-740 License issuance-restrictions.

In addition to any other reason for revocation or denial of a license provided in this code, a license issued under this Article shall be denied or revoked for any of the following reasons:

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

b) A license issued under this chapter for the location described in the application has been revoked for cause within three years of the date of the application.

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

d) An applicant or licensee at the time of application or renewal of a license would not be eligible for such license upon a first application.

e) An applicant or licensee has been issued one of the following licenses for the same premises;
1) secondhand dealer;
2) pawnbroker;
3) sale of alcoholic liguor;
4) medical cannabis dispensing organization; or
5) cultivation center.

(f) A responsible person or store manager was a responsible person or store manager for a person whose license for the sale, manufacture, use or possession of firearms or ammunition was revoked for cause within the previous three years.

(g) An applicant or licensee at the time of application or renewal of a license does not have a safety plan approved by the superintendent.

4-144-750 Location restriction.

No license shall be issued for a location that is within 500 feet from any pre-existing primary or secondary school or any park owned or leased by any unit of local, state or federal government, measured from property line to property line.

4-144-760 License Issuance and Conditional Approval-fa) The commissioner shall approve or deny the application, or issue a conditional approval, no later than 45 days after payment ofthe license fee.

(b) Upon review of the application, if the commissioner determines that an applicant meets the requirements for the issuance of a license except that the applicant has not been issued a federal firearm license, the commissioner may conditionally approve such application to permit the applicant to apply for a federal firearm license. The conditional approval shall be for a period of no longer than 120 days. The conditional approval does not authorize the applicant to engage in any business reguiring a license under this Article. If the applicant fails to obtain a federal firearm license during the 120-dav period, the application shall be denied.

4-144-770 Responsible sales of firearms training-fa) Within 30 days after issuance of a license under this Article, the licensee shall contact the superintendent, in a manner and form prescribed by the superintendent, to schedule an initial training session on the best practices for the responsible sale of firearms to be conducted by the police department. The current store manager and all current authorized employees shall complete the training program no later than 60 days after issuance ofthe license. Annually thereafter, the licensee shall contact the superintendent to schedule an initial training session for any store manager or authorized employee subseguentlv employed after the last initial training session conducted for that licensee.

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(b) After completion of the initial training program by a store manager or authorized employee, such store manager or authorized employee shall complete a refresher training program once every three years.

4-144-780 Department duties.

(a) The commissioner has the authority to promulgate rules and regulations to implement those aspects of this Article which fall under the commissioner's jurisdiction.

(b) (1) The superintendent shall develop training programs, consistent with section 4-144-770, on the responsible sale of firearms for store managers and authorized employees. At a minimum, the training programs shall instruct store managers and authorized employees on best practices for the detection and deterrence of illegal purchases of firearms.

(2) The superintendent has the authority to promulgate rules and regulations to implement those aspects of this Article, which fall under the superintendent's jurisdiction,

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including, but not limited to, the conducting of a physical inventory, training programs for licensees, the safety plan, and the safe storage and handling of firearms and ammunition.

4-144-790 Legal duties.

A licensee shall:

a) obtain and keep current at all times throughout the duration of the license period, liability insurance for the operation ofthe 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 reguired 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 reguired 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 reguired under this section shall include a provision reguiring 10 days advance notice to the commissioner prior to termination or lapse of the policy.

b) allow inspection of the licensed premises at all reasonable times by the department and the departments of buildings, police, and fire.

c) except as provided in section 4-144-795(a), permit only the store manager or authorized employees who meet the Qualification reguirements of section 4-144-730 to handle, sell, or possess firearms or ammunition.

d) initiate a state and FBI fingerprint-based record search of every authorized employee to verify the person's criminal background. If a licensee acquires any subseguent or independent knowledge that a store manager or authorized employee does not meet the gualifications, the licensee shall take immediate steps to ensure that such store manager or authorized employee does not have access to firearms.

e) conduct, no less than once per guarter, a physical inventory audit, which shall include, at a minimum, a listing of each firearm:

1) acquired or held by the licensee during the quarter:

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2) sold or otherwise transferred during the quarter: and

3) stolen or lost during the quarter-Each listing shall include the make, model and serial number of each firearm.

f) store firearms separately from ammunition. Storage of firearms and ammunition shall comply with the approved safety plan, section 15-4-985, and any other applicable rule or regulation.

(q) not display firearms or ammunition in any window.

(h) post in a conspicuous place at each entrance to the licensed premises a sign that clearly states: THESE PREMISES ARE UNDER VIDEO SURVEILLANCE. YOUR IMAGE MAY BE RECORDED.

(i) record every sale or transfer of a firearm or ammunition by video surveillance in such a manner as to clearly capture the facial features of the purchaser or transferee. The video

surveillance recording must produce retrievable and identifiable images and video recordings in compliance with the approved safety plan and any rule promulgated by the superintendent.

(j) notify, in writing, the superintendent and commissioner within 5 business days of receiving a notice of violation of any firearm licensing law issued by the federal government and the disposition of such violation, if known at the time.

(k) have on-site at all times the licensed premises is open for business, a store manager or authorized employee who has completed the.mandatory responsible firearm sales training program in compliance with section 4-144-770.

4-144-795 Additional legal duties for the responsible sale of firearms and ammunition-No licensee, store manager or authorized employee shall:

a) permit a customer to handle:

1) a firearm if the customer does not have a valid FOID card:

2) more than one firearm at a time. Prior to permitting a customer to handle a second firearm, the first firearm shall be returned to a locked display case or other secure storage location:

3) a firearm unless the firearm is unloaded and secured with a trigger lock or plastic tie: and

4) a firearm unless the store manager or authorized employee is present and attending to the customer.

b) sell or transfer any firearm to a person he knows to be intoxicated.

c) possess any black powder at the licensed premises.

d) deliver a firearm, incidental to a sale or transfer, to a purchaser until 24 hours after the application for such purchase or transfer has been made; provided that if the application is for a handgun, the delivery of such handgun shall be withheld for 72 hours after such application has been made.

e) sell or otherwise transfer:

(1) any ammunition or long gun to a person under the age of 18: or

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(2) any handgun to a person under the age of 21.

f) sell or otherwise transfer to any person a firearm unless:
1) a background check is conducted to ensure that the person is not prohibited under state or federal law from possessing such firearm:
2) the person has a valid FOID card; and
3) the person has presented a valid government-issued photo identification card.

g) sell or otherwise transfer a handgun, unless the handgun bears the manufacturer's name, manufacturer's mark or model, and manufacturer's serial number assigned to that handgun.

h) sell or otherwise transfer a handgun if the licensee, store manager, or authorized employee knows that the person purchased a handgun within the previous 30 days; provided that this subsection shall not apply to a purchase of a handgun by:

1) peace officers;
2) a collector issued a federal firearm collector's license who is purchasing an antique, curio or relic firearm;
3) a person whose handgun was stolen or lost and the person reported the theft or loss to the appropriate local law enforcement official; or
4) a person returning a handgun purchased within the previous thirty days because the handgun is defective or damaged and the person is seeking a replacement handgun.

(i) sell, possess, or otherwise transfer any assault weapon.

(j) sell or otherwise transfer a firearm to any person who the licensee, store manager or authorized employee knows or reasonably should have known:
1) is not Qualified, either under state or federal law, to possess a firearm; or
2) is a straw purchaser.

(k) sell or otherwise transfer any ammunition unless:
1) the person has a valid FOID card, unless otherwise exempt by state or federal law; and
2) the person has presented a valid government-issued photo identification card.

(l) permit any alcoholic liquor to be consumed at the licensed premises.

4-144-800 Sale of certain ammunition prohibited.

It shall be unlawful for any licensee, store manager or authorized employee to possess, sell, offer for sale, expose for sale, barter or give away to any person within the city, any metal piercing bullet or 50BMG ammunition. For purposes of this section "metal piercing bullet" means any bullet that is manufactured with other than a lead or lead alloy core, or ammunition of which the bullet itself is wholly composed of, or machined from, a metal or metal alloy other than lead, or any other bullet that is manufactured to defeat or penetrate bullet-resistant properties of soft body armor or any other type of bullet-resistant clothing which meets the minimum reguirements of the current National Institute for Justice Standards for "Ballistic Resistance of Police Body Armor." A "metal piercing bullet" shall not include shot shells containing pellets of less than .22 inches in diameter or frangible ammunition composed of powdered metal designed to completely disintegrate upon impact with an object.

4-144-810 Safety Plan-fa) At the same time an applicant submits an application for a license, the applicant

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must submit a safety plan to the superintendent in a form and manner prescribed by the superintendent. After review of the proposed safety plan, the superintendent, in consultation with the executive director of emergency management and communications, the fire commissioner, and any other appropriate department, shall either approve or deny the safety plan within 30 days of its submission. During the 30-dav review period, the superintendent may consult with the applicant to recommend amendments to the proposed plan. If the superintendent denies a safety plan, he shall state, in writing, the basis for such denial. The superintendent shall notify the commissioner of such approval or denial.

(b) Every safety plan shall include a floor plan ofthe proposed site and provisions that address: (i) the installation and maintenance of adeguate exterior lighting; (ii) the installation and maintenance of interior and exterior surveillance cameras installed at the licensed location; (iii)

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the installation of an alarm system; (iv) protocols for the safe display and storage of ammunition and firearms; (v) the employment of adeguatelv trained personnel; (vi) procedures for inventory audits: and (vii) procedures for the detection and deterrence of straw purchasing: all in accordance with rules prescribed by the superintendent. Recordings from the surveillance cameras reguired by clause (ii) shall be maintained for not less than 30 days and shall be made available upon reguest to members of the police department.

The licensee shall obtain all necessary permits, including a public way use permit if applicable; provided that notwithstanding any other provision of the code to the contrary, no fee for a public way use permit will be imposed when the permit is for any surveillance camera installed pursuant to this subsection solely because the camera or its wiring is in any portion of the public way.

c) Any proposed change to the approved safety plan shall be submitted to the superintendent, in a form and manner prescribed by the superintendent, prior to the implementation of such change. The superintendent shall approve or deny the proposed change within 30 days.

d) The licensee shall keep a copy of the approved safety plan at the licensed premises and make it available upon reguest for inspection by members of the department or the police department.

e) No license may be issued or renewed unless the superintendent approves the applicant's or licensee's safety plan.

f) Every licensee shall comply with the safety plan, as approved by the superintendent.

g) The failure to adeguatelv implement, maintain, or adhere to the provisions of the approved safety plan under this section shall be grounds for suspension or revocation of the license and shall be grounds for the city to recover its costs resulting from such failure under Chapter 1-20.

4-144-820 Records.

(a) In addition to any other applicable state and federal law reguiring records and record retention, the licensee shall maintain the following records:

(1) for the purchase of a firearm , a copy of the purchaser's FOID card and photo identification for a period of not less than 10 years from the date of purchase of the firearm;

2) for the purchase of ammunition, a copy of the purchaser's FOID card, if reguired to have one, and photo identification, as provided in rules and regulations promulgated by the superintendent;

3) a copy ofthe fingerprints and FOID card of every authorized employee for a period of not less than 5 years after an authorized employee is no longer designated as an authorized

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employee;

4) a copy of a police report for every firearm reported lost or stolen by the licensee for a period of not less than 20 years after the report was made:

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5) a copy ofthe quarterly inventory required pursuant to section 4-144-790(e) for a period of not less than 10 years after the completion ofthe inventory; and

6) a recovered firearm log. For purposes of this subsection a "recovered firearm log" is a record of all requests received from the Bureau of Alcohol, Tobacco, Firearms and Explosives for a Firearms Transaction Record form.

(b) Unless otherwise preempted by state or federal law, such records shall at all times during the licensee's business hours be open to inspection by any member ofthe police department or the department.

4-144-830 Operating without a license.

Any person who engages in the business of selling or otherwise transferring any firearm or ammunition without first having obtained the reguired license shall be subject to a fine of not less than $3,000.00 nor more than $5,000.00, or incarceration for a period not to exceed six months, or both. Each day that a violation continues shall constitute a separate and distinct offense.

4-144-840 Penalty.

a) Any person who violates section 4-144-795(e): 4-144-795(f): 4-144-795(0): 4-144-795(h): 4-144-795(i): 4-144-795H): or 4-144-800 shall be fined not less than $3.000.00 nor more than $5,000.00, or incarcerated for a period not to exceed six months, or both. Any person who violates section 4-144-820 shall be fined not less than $1,500.00 nor more than $5,000.00, or incarcerated for a period not to exceed six months, or both. For all other violations, unless another fine or penalty 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.

b) Every act or omission constituting a violation of this Article by any officer, director, manager, employee or agent of the licensee shall be deemed to be the act or omission of such licensee and such licensee shall be liable for all penalties and sanctions provided by this Article in the same manner as if such act or omission had been done or omitted by the licensee personally.

SECTION 5. Chapter 4-151 of the Municipal Code ("Shooting Range Facility License") is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

4-151-010 Definitions.

As used in this Chapter, unless the context requires otherwise:

(Omitted text is unaffected by this ordinance)

~~Applicant" means any person applying for a~~ license ~~issued under this chapter and any person who: (1) is an officer, director, manager, managing member, partner, general partner or limited partner of an entity see king a license issued under this chapter; or (2) owns directly, or indirectly through one or more independent ownership entities, 5% or more of tho interest or voting shares in an entity seeking a license issued under this chapter; or (3) is among the top~~

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three persons holding the highest percentage of ownership in an entity seeking a license issued under this chapter.

(Omitted text is unaffected by this ordinance) 4-151-030

License - Application and issuance procedures.

(Omitted text is unaffected by this ordinance)

(e) At the time an application is originally filed for a shooting range facility license, the applicant shall pay the license fee required by Section 4 5 010 and, no later than 30 days after payment of the license fee, shall submit to the department all required documentation, as prescribed by the rules and regulations of the department, necessary to complete the license application.

If the applicant submits all required documentation in a timely manner, the commissioner shall review the application materials and shall approve or deny the application within 60 days after all required documentation has been submitted.

If the applicant fails to submit all required documentation within 30 days after payment of the license fee, the application shall be deemed incomplete and no further action shall be taken on the application, unless the applicant reactivates the application within six months after the original application is filed by: (i) submitting all required documentation necessary to complete the application process: and (ii) paying a $100.00 application reactivation fee. If the applicant reactivates the license application in accordance with the requirements of this subsection, the commissioner shall review the application materials and shall approve or deny the application within 60 days after all required documentation has been submitted and the application reactivation is fee paid.

If the commissioner deems the license application to be incomplete and the applicant fails to reactivate the application in accordance with the requirements of this subsection, or, if the applicant withdraws the application, the application shall expire and the applicant shall forfeit the license fee and, if applicable, the license application reactivation fee. If the license application expires or is withdrawn, a new application for a license, accompanied by the license fee and all required documentation prescribed by the rules and regulations of the department, shall be required to obtain a license under this chapter.

(f) The commissioner may deny an application for a shooting range facility license if the issuance or renewal of such license would have a deleterious impact on the health, safety or welfare ofthe community in which the shooting range facility is or will be located. Adeleterious impact is presumed to exist whenever there have been a substantial number of arrests within 500 feet ofthe applicant's premises (measured from the nearest exterior wall ofthe premises) within the previous two years, unless the applicant has adopted a plan of operation that will provide reasonable assurance that the issuance ofthe license will not have a deleterious impact.

If the applicant is seeking a shooting range facility license for a premises and the commissioner finds that, for the subject premises identified in the application within the previous two years, a license application has been denied under this subsection (f) because the commissioner has determined that issuance ofthe lice

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nse would have a deleterious impact on the health, safety or welfare ofthe community, the application shall be d enied unless the

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applicant can prove to the commissioner by clear and convincing evidence that applicant has devised a plan of operation that will provide reasonable assurance that the issuance ofthe license will not have a deleterious impact-In any case in which the commissioner finds that an application must be denied under this subsection (f), the commissioner shall notify the applicant of that finding and afford the applicant 20 days in which to submit a plan of operation, and the time for a final ruling on the application shall be stayed until 35 days after the period in which the plan may be submitted has expired. The plan may include conditions upon the applicant's operation of the premises that are useful or necessary to mitigate a deleterious impact, including but not limited to providing security personnel, restricted hours of operation, providing outdoor lighting, the displ ay of signs, or any other reasonable restrictions. An applicant's failure to adhere to a written plan of operation approved by the commissioner pursuant to this subsection shall constitute a basis to impose a fine and to suspend or revoke any shooting range facility license subsequently issued, as appropriate.

For purpose of this subsection (f), "deleterious impact" has the same meaning ascribed to that term in Section 4-60-010.

(§ §) At the time an application for a license is originally filed or subsequently renewed, the applicant or licensee shall provide proof to the department that the applicant or licensee has obtained the insurance required pursuant to Section 4-151-070.

(h) No original or renewal license shall be issued to any applicant or licensee if any person owning, eithe r directly or indirectly, more than five percent ofthe interest in the applicant or licensee owes a debt within the m eaning of Section 4 4 150(a) of this Code.

(t f) Within five days of the payment of the license fees pursuant to this chapter, the commissioner shall notify the alderman of the ward in which the premises described in such license is located.

(j) Except as otherwise provided in this section, if a change in any information required in subsection (b) of this section occurs at any time during a license period, the licensee shall file a statement, executed in th e same manner as an application, indicating the nature and effective date of the change. The supplemental s tatement shall be filed within 30 days after the change takes effect.

(k) Whenever any changes occur in the officers of the licensee, the licensee shall notify the department in accordance with the procedures set forth in this subsection. For purposes of this subsection, the term "office r ofthe licensee" or "officers ofthe licensee" means the members of a partnership, the officers, directors, managers or shareholders of a corporation, orthe managers or managing members of a limited liability company or other legal entity licensed pursuant to this chapter.

(1) if any officer ofthe licensee is removed from office in accordance with the bylaws, operating agreement, partnership agreement for the licensee, pursuant to law or court order, by reason of death, or for any other reason, and such officer is not replaced, then the licensee shall notify the department of the change by notarized letter within 30 days of the effective date of the change; provided, however, that if the person re moved from office but not replaced owned five percent or more of the interest in the licensee at the time of his or her removal from office, the licensee shall comply with item (3) of this subsection. The licensee

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shall submit any additional information pertaining to the removal of any officer requested by tho commissione r within 10 days of such request.

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2) ~~if any officer of the licensee is removed from office in accordance with the bylaws, operating agreement or partnership agreement for the licensee, pursuant to law or court order, by reason of death or for any other reason, and the person removed from office is replaced by a person who has no ownership interest i n the licensee or who owns loss than five percent of the ownership interest in the licensee, then the licensee shall notify the department of the change by filing with the department a change of officer form provided by the department within 30 days of the effective date of the change. The person replacing the removed officer shall b e fingerprinted as required by subsection (d), and the licensee shall submit to the department of business affai rs and consumer protection, along with the change of officer form, the following: (i) proof that tho person replaci ng the removed officer has been fingerprinted; (ii) a fee of $100.00 which the commissioner is authorized to assess; and (iii) any other supplementary materials prescribed by the rules and regulations of the department~~.

3) ~~if any officer of the licensee owning directly or beneficially more than five percent of the intere st in the licensee is removed from office in accordance with the bylaws, operating agreement or partnership agreement for the licensee, pursuant to law or court order, by reason of death or for any other reason, and such officer is replaced, or if five percent or more of the ownership interest in the licensee changes hands or is transforrod to a non-licenseo, the licensee shall notify the department by submitting to the department within 30 days of the effective date of the change: (i) a change of officers/shareholders application in conformity with the requirements of this chapter; and (ii) a fee of $250.00 which the commissioner is authorized to assess. All n ew partners, officers, directors, managers, managing members, shareholders or any other person owning dire ctly or beneficially more than five percent of the interest in a licensee shall satisfy all of the eligibility requireme nts for a licenseo as provided in this chapter. Failure to comply with the requirements of this subsection shall be grounds for revocation of any shooting range facility license held by such licensee.~~

4) ~~if a change in the officers ofthe licensee ofthe type described in items (1) or (2) of this subse ction takes place at the same time that a change in the officers of the licensee of the type described in item (3) of subsection occurs, the licensee shall be required to comply with the requirements of item (3) of this subsecti on (k) only.~~

4-151-040 Qualifications for licenses.

No license shall be issued under this chapter if the applicant, the manager, range master, or any employee:

(Omitted text is unaffected by this ordinance)

(d) Does not possess a valid FOID card; provided that if the applicant is not a natural person, no FOID card shall be required ofthe applicant or a controlling person;

(Omitted text is unaffected by this ordinance)

4-151-050 License denial or renewal.

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

(Omitted text is unaffected by this ordinance)

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(f) The applicant or licensee at the time of application or renewal of any license under this Article does not have a safety plan that has been approved by the superintendent.

4-151-100 Standards of operation.

(Omitted text is unaffected by this ordinance)

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(j) No ammunition shall be reloaded at the shooting range facility.

(kj) A manager must be in charge of the shooting range facility at all times other than those times when an individual licensee is in charge.

(l k) Reserved. Every shooting range facility shall be in compliance with the applicable building, environmental and fire code requirements, including any rule or regulations promulgated thereunder.

(m) Every shooting range facility shall be in compliance with the applicable building, environmental and fire code requirements, including any rule or regulations promulgated thereunder.

4-151-110 Safety plan.

a) Every application for a license under this chapter must be accompanied by a safety plan mooting the requirements of this section. The safety plan must be approved by the superintendent; in consultation with the executive director of emergency management and communications and the fire commissioner. At the same time an applicant submits an application for a license, the applicant shall submit a safety plan to the superintendent in a form and manner prescribed by the superintendent. After review ofthe proposed safety plan, the superintendent, in consultation with the executive director of emergency management and communications, the fire commissioner, and any other appropriate department, shall either approve or deny the safety plan within 30 days of its submission. During the 30-day review period, the superintendent may consult with the applicant to recommend amendments to the proposed plan. If the superintendent denies a safety plan, he shall state, in writing, the basis for such denial. The superintendent shall notify the commissioner of such approval or denial.

b) The plan shall provide evidence satisfactory to the superintendent of: Every safety plan shall include a floor plan ofthe proposed site and 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 of and storage of firearms and ammunition; and (v) the employment of adequately trained personnel and qualifications ofthe range masters; 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 ofthe department of police. The failure to submit an approved safety plan as required by this section shall be grounds to deny an application for a license under this chapter or renewal thereof. The failure to adequately implement or maintain an approved safety plan under this section shall be grounds for suspension or revocation ofthe license and shall be grounds for the city to rocovor its costs resulting from such failure under Chapter 1 20. Notwithstanding any othor 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 ofthe public way.

The licensee shall obtain all necessary permits, including a public way use permit if applicable; provided that notwithstanding any other provision of the code to the contrary, no fee for a public way use permit will be imposed when the permit is for any surveillance camera installed pursuant to this subsection solely because the camera or its wiring is in any portion of the public way.

c) Any proposed change to the approved safety plan shall be submitted to the superintendent, in a form and manner prescribed by the superintendent, prior to the implementation of such change. The superintendent shall approve or deny the proposed change within 30 days.

d) The licensee shall keep a copy ofthe approved safety plan at the licensed premises and make it available upon reguest for inspection by members of the department or the police department.

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e) No license may be issued or renewed unless the superintendent approves the applicant's or licensee's safety plan.

(fi Every licensee shall comply with the safety plan, as approved by the superintendent.

(g) The failure to adeguatelv implement, maintain, or adhere to the provisions of the approved safety plan under this section shall be grounds for suspension or revocation of the license and shall be grounds for the city to recover its costs resulting from such failure under Chapter 1-20.

4-151-170 Use and repair of firearms and sale of ammunition and firearms.

(a) Notwithstanding any provision of this code to the contrary, a A licensee, manager, range master or employee may ~~provide~~ supply a firearm ~~for use at a shooting range facility~~ to a shooting range patron for the purpose of practicing shooting at targets ~~patron's use~~ at the shooting range; provided that no firearm shall be provided to a shooting range patron if the shooting range patron does not have a valid FOID card or valid CCL, if required to have one.

(b) (1) ~~A licensee may sell ammunition to a shooting range patron only for use at the shooting range. The licensee shall ensure that no shooting range patron leaves the shooting range facility with any ammunition purchased from the~~ licensee. A licensee may engage in the retail sale of ammunition or firearms when the licensee obtains a firearms dealer license pursuant to chapter 4-144; provided that no more than 20% ofthe total floor area shall be used for the retail sale of firearms and ammunition.

(2) Notwithstanding any provision of this code to the contrary, a licensee is exempt from obtaining a firearms dealer license pursuant to chapter 4-144 when:

(A) supplying a firearm to a shooting range facility patron for the purpose of practicing shooting at targets at the shooting range facility in compliance with subsection (a); or

(B) repairing on-site at the shooting range facility, a firearm owned by the shooting range facility or a shooting range facility patron.

~~(c) A licensee is exempt from obtaining a weapons dealer license under Chapter 4 144 when:-~~

1) ~~providing a firearm or ammunition in compliance with this section; except that the licensee shall be subject to the same provisions that are applicable to a licensee under sections 4 I'M 061, 4 144 062 and 4 144 065; or~~

2) ~~repairing a firearm that is owned by a shooting range patron and tho firearm is repaired on-site at the shooting range facility.~~

4-151-190 Violation - Penalty.

a) Except where otherwise specifically provided, any person violating any of the provisions of this chapter, or any rule or regulation promulgated thereunder, shall be fined not less than $500.00 nor more than

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$5,000.00 for each offense, or may be incarcerated for a term not to exceed 180 days, or both fined and incarcerated. A separate and distinct offense shall be held to have been committed each day any person continues to violate any of the provisions hereof.

b) Every act or omission constituting a violation of this chapter by any officer, director, manager, employee or agent ofthe licensee shall be deemed to be the act or omission of such licensee and such licensee shall be liable for all penalties and sanctions provided by this Article in the same manner as if such act or omission had been done or omitted by the licensee personally.

SECTION 6. Section 4-240-150 ofthe Municipal Code is hereby amended by adding the language underscored, as follows:

4-240-150 Prohibited pledges or purchases.

No such licensee shall take or receive in pawn or pledge, for money loaned, or shall buy any property from a minor, or shall so take, receive or buy any such property, the ownership of which is in, or which is claimed by, any minor, or which may be in the possession or under the control of any minor.

No such licensee shall take any article in pawn or buy from any person appearing to be intoxicated or under the influence of any drug, nor from any person known to be a thief or to have been convicted of theft or burglary, and when any person is found to be the owner of stolen property which has been pawned or bought, such property shall be returned to the owner thereof without the payment of the amount advanced by the pawnbroker thereon or any costs or charges of any kind which the pawnbroker may have placed upon the same.

No such licensee shall take or receive in pawn or pledge, for money loaned, or shall buy or otherwise transfer or receive, any firearm, ammunition, stun gun or taser from any person.

SECTION 7. Section 4-264-100 ofthe Municipal Code is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

4-264-100 Prohibited businesses.

~~No person licensed as a secondhand dealer shall, during the~~ ~~period of his license, receive~~ ~~or hold a lice nse~~ ~~or permit to carry on the~~ ~~business of~~ At any premises for which a license has been issued under this chapter, the secondhand dealer licensee shall not be eligible to receive at that licensed premises a license for, or carry on the business of, the following:

a) a pawnbrokerr-or-;
b) a keeper of a junk facility; or
c) a weapons dealer under chapter 4-144.

SECTION 8. Chapter 8-20 ofthe Municipal Code is hereby amended by adding a new section 8-20-090, by adding the language underscored and by deleting the language struck through, as follows:

8-20-090 ~~Reserved~~- Limitation on purchase of handguns.

a) No person shall purchase more than one handgun within any 30-day period: provided that this section shall not apply to the purchase of a handgun by:

1) a peace officer:
2) a collector issued a federal firearm collector's license who is purchasing an antigue, curio or relic firearm:
3) a person whose handgun was stolen or lost and the person timely reported the theft or loss to the appropriate local law enforcement official: 91
4) a person returning a handgun purchased within the thirty-day period because the handgun is defective or damaged and the person is seeking a replacement handgun.

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b) No person shall sell or transfer any firearm to a person he know to be intoxicated.

8-20-100 Sale or transfer of firearms ~~or ammunition~~ at gun shows prohibited.

(a) No firearm shall be sold or otherwise transferred by any person at a gun show. For purposes of this subsection, "gun show" means a temporary exhibit or gathering where firearms or ammunition are sold, leased, or otherwise transferred. ~~Except as authorized by section 2-84-075, no firearm may be sold, acquired or otherwise transferred within the city, except through inheritance ofthe firearm-No ammunition may be sold or otherwise transferred within the city, except through a licensed weapons dealer or as otherwise allowed by this codo.~~

~~(o) Notwithstanding subsection (a), a peace officer may sell or transfer any lawfully held firearm or ammunition to another peace officer in accordance with the other provisions of this chapter.~~

~~(d) Notwithstanding any other provision of this section:~~

~~1) a licensoo, range master, manager or employee of a licensed shooting range facility may so il ammunition, or provide a firearm to, a shooting range patron in compliance with Section 4-151-170; or~~

~~2) a shooting range patron may provide a firearm to another shooting range patron for us e at the shooting range when both shooting range patrons have FOID cards or CCLs, if re quired.~~

SECTION 9. Chapter 13-96 ofthe Municipal Code is hereby amended by deleting the language struck through, as follows:

13-96-1190 Shooting range facility requirements.

(Omitted text is unaffected by this ordinance)

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~~d) if ammunition or firearms are stored, a magazine or hazardous storage facility appropriate for the type and amount of ammunition or firearms, as provided in rules and regulations promulgated by the police or fire department;~~

(Omitted text is unaffected by this ordinance)

13-96-1200 Shooting range requirements.

(Omitted text is unaffected by this ordinance)

(b) Every shooting range shall comply with the following:

(Omitted text is unaffected by this ordinance)

(2) sound control - the noise emanating from the shooting range to areas outside of the shooting range facility are is subject to Chapter 8-32, Sections 8-32-010 through and including 8-32-170, Noise and Vibration Control. The maximum noise emanating from the shooting range facility shall not be more than 55 dB when measured from a distance of 100 feet or more from the source, or 70 dB when measured from a distance of 10 feet or more from the source. The shooting range shall conform to the requirements of

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The Occupational Noise Exposure Standard Section 1910.95 of 29 C.F.R. Part 1910 and shall be designed and constructed to contain noise generated from the discharge of firearms. ~~The shooting range shall be provided with air-borne and structure borne sound absorbing materials. Surface applied or suspended acoustical materials shall comply with Section 15-8 420. The materials shall be designed to permit easy cleaning and access for periodic replacement~~;

(Omitted text is unaffected by this ordinance)

7) floors, ceilings, and walls- the floors, ceilings, and walls of every shooting range shall be constructed of smooth non-porous materials to facilitate effective maintenance and cleaning and removal of lead particulate. ~~The floors of the shooting range shall be constructed to slope at a minimum of one fourth inch (1/4) per foot from the firing line toward the backstop/bullet trap~~;

8) shooting booths-where shooting booth separations are provided, the shooting booth panels shall be constructed of permanently fixed, cleanable, non- porous materials. The shooting booths shall be constructed to provide an impenetrable protective barrier between people at the shooting booths and to protect against the effects of ejected bullet casings and muzzle blast; and

9) range master booth- where a range master booth is provided, the shooting range shall be limited in size to the area that can be directly visible to the range master at all times. The range master booth shall be constructed to provide:

i) protection from any projectiles straying from the shooting range;
ii) clear visibility of all firing positions at the shooting range;
iii) ready access to the shooting range;
iv) acoustical protection and separation for the range master;
v) protection from exposure to lead particulate from the shooting range, as provided for in rules and regulations promulgated by the department of health; and

(vi) immediate access to and use of the shooting range communication system^;

10) <u>removal of lead particulate-the shooting range facility shall be equipped with a lead particulate removal system, such as HEPA vacuum or other such system approved by the commissioner of public health, or a lead particulate removal system that removes the lead particulate using water; and</u>

11) <u>if the shooting range facility uses a lead particulate removal system that removes the lead particulate using water, the shooting range facility shall have a floor drain at the backstop/bullet trap that collects lead and other hazardous waste material in a separate drainage system to an approved collection device or treatment system that complies with all applicable local, state or federal laws and standards.</u>

13-96-1220 Plumbing requirements.

(Omitted text is unaffected by this ordinance)

b) ~~The shooting range shall have a hose bibb installed with backflow protection that complies with the rules and regulations promulgated by the department of water management.~~ The discharge of any waste from the shooting range shall be in compliance with all applicable local, state or federal laws or standards, and shall comply with the requirements of Articles 7, 8 and 11 of Chapter 18-29 to prevent the discharge of any prohibited waste from entering into any sewer, watercourse, natural outlet or waters.

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c) ~~Floor drains installed at the backstop/bullet trap shall collect lead and other hazardous waste materials in a separate drainage system to an approved collection device or treatment system that is in compliance with all applicable local, state or federal laws or standards~~.

{d c) Interceptors or separators shall be installed to recover solids from metal particles, metal chips, shavings, plaster, stone, clay, sand, cinder, ashes, glass, gravel, oily or greasy residual waste and similar materials in separating lighter than water waste from heavier than water waste or waste from soiled water to prevent such matter from entering the drain line. The size, type, location and construction material of each interceptor and of each separator shall be designed and installed in accordance with the manufacturer's instruction, the rules and regulations promulgated by the departments of water management and health, and the requirements of Section 18-29-1003 based on the anticipated conditions of use. All interceptors and all separators shall be installed in an accessible location to permit the convenient removal of the lid and internal contents and to permit service and maintenance. Unless otherwise approved, all interceptors and separators shall have an inspection manhole located outside on private property to permit observation, measurement and sampling downstream ofthe interceptors or separators.

(e d) Waste that does not require treatment or separation need not be discharged into any interceptor or separator and may be in a separate line until after the interceptor or separator but must connect to the building sewer before the public way. Waste from the shooting range facility which does not have a lead contamination level of more than 0.5 mg/L is not required to discharge into an interceptor or separator. ~~All interceptors and all separators shall be installed in an accessible location to permit the convenient removal of the lid and internal contents and to permit service and maintenance. Unless otherwise approved, all interceptors and separators~~

~~shall have an inspection manhole located outside on private property to permit observation, measurement and sampling downstream ofthe interceptors or separators.~~

(f e) Grease traps approved by the department of buildings shall have the waste retention capacity indicated in Table 18-29-1003.3.6 for the flow-through rated indicated.

SECTION 10. Section 15-4-985 ofthe Municipal Code is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

15-4-985 Storage of ammunition at firearms dealers and shooting range facility licensed premises.

(a) For purpose of this section, the following definitions apply:

1) the terms "ammunition" and "shooting range facility" have the meaning ascribed to those terms in Section 4-151-010.

2) A "firearms dealer premises" means the premises for which a person was issued a weapons dealer-firearms dealer license pursuant to Article VII of chapter 4-144.

(b) (1) No certificate of fitness or license issued under this chapter shall be reguired for the storage of ammunition at a licensed shooting range facility or firearms dealer premises.

2) Ammunition stored by a firearms dealer or shooting range facility licensee at the licensed premises shall comply with rules and regulations promulgated by the fire commissioner.

3) The fire commissioner ~~is authorized to~~ shall promulgate rules and regulations for the storage of ammunition at shooting range facilities and firearms dealers. At a minimum, the rules shall reguire that the storage of ammunition at the licensed premises of firearms dealer or shooting range

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facility shall be stored in a separate enclosed area that is secure and eguipped with an automatic sprinkler system.

(c) Any person who violates a rule and regulation promulgated pursuant to this section shall be fined not less than $~~200.00~~ 1,500.00 nor more than $~~500.00~~ 3.000.00. A separate and distinct offense shall be deemed to have been committed each day any person continues to violate any of the provisions hereof.

SECTION 11. Chapter 17-3 ofthe Municipal Code is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

17-3-0207 Use Table and Standards.

USE GROUP	**Zoning Districts**						**Use Standard**	**Parking Standard**
Use Category	**B1**	**B2**	**B3**	**C1**	**C2**	**C3**		
Specific Use Type								
P= permitted by-right S = special use approval required PD = planned development approval required - =								
RESIDENTIAL								
			30					
A. Household Living								
1. Artist Live/ above the	P	P	P	P	P	-		§ 17-10-02 -C

(Omitted text is unaffected by this ordinance)

OTHER									
XX. Wireless Communication Facilities									
1.	Co-located	P	P	P	P	P	P	§17-9-011	None required
Z	Freestandi	S	S	S	S	S	S	§ 17-9-011	None required
YY. Firearms dealer						S	S	§17-9-0128	§17-10-02 M

(Omitted text is unaffected by this ordinance)

SECTION 12. Chapter 17-4 ofthe Municipal Code is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

17-4-0207 Use Table and Standards.

USE GROUP	**Zoning Districts**	**Use Standard**	**Parking Standard**

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Use Category	**DC**	**DX**	**DR**	**DS**		
Specifi						
P= permitted by-right S = special use approval required PD = planned development approval required - = Not allowed						
RESIDENTIAL						
A. Household Living						
1. Artist Li	**P**	**P**	**P**	**-**		§ 17-10-02
floor						

(Omitted text is unaffected by this ordinance)

OTHER							
XX. Wireless Communication Facilities							
1.	Co-located	P	P	P	P	§ 17-9-0118	None require
2.	Freestanding	S	S	**S** [1]	**S**	§17-9-0118	None require
YY. Firearms Dealer		-	-		**S**	§17-9-0128	§17-10-0207-M

(Omitted text is unaffected by this ordinance)

SECTION 13. Chapter 17-5 ofthe Municipal Code is hereby amended by adding the language underscored, as follows:

17-5-0207 Use Table and Standards.

USE GROUP	**District**			**Use Standard**	**Parking Standard**
Use Category	**M1**	**M2**	**M3**		
Specifi					
P= permitted by-right S = special use approval required PD = planned development approval required - = Not allowed					
RESIDENTIAL					
A. Group Living					
1. Tempor	**S**	**S**		§ 17-9-011	§ 17-10-02Q
2. Transiti	**S**	**S**		§ 17-9-011	§ 17-10-02Q

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(Omitted text is unaffected by this ordinance)

CC. Sports and Recreation, Participant	S			S	S	§ 17-10-0207-M
1. Shoo	S			S	S	§ 17-9-Access firearm ammur exceec floor ar	§ 17-10-0207-M

(Omitted text is unaffected by this ordinance)

SECTION 14. Chapter 17-9 ofthe Municipal Code is hereby amended by adding a new section 17 -9-0128, as follows:

17-9-0100 Use standards.

(Omitted text is unaffected by this ordinance)

17-9-0128 Firearms Dealer. A firearms dealer may not be located within 500 feet of any primary or secondary school or any park owned or leased by any unit of local, state or federal government, measured from property line to property line.

SECTION 15. Section 17-13-0908 ofthe Municipal Code is hereby amended by adding the language underscored, as follows:

17-13-0908 Inaction by Zoning Board of Appeals. If the Zoning Board of Appeals does not render a final decision on a special use application for an adult use, firearms dealer, or religious assembly use within 120 days after a complete application is filed, the application will be

considered approved, provided that this limitation does not apply to periods of time during which consideration of the application has been delayed at the request or cause of the applicant.

SECTION 16. Chapter 17-17 ofthe Municipal Code is hereby amended by adding a new section 17-17-0254.5, as follows:

(Omitted text is unaffected by this ordinance)

17-17-0254 FAR. An abbreviation for "floor area ratio". See "floor area ratio" definition.

17-17-0245.5 Firearms Dealer. A firearms dealer means a person issued a weapons dealer-firearms dealer license pursuant to Article VII of chapter 4-144.

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17-17-0255 Flag. A sign made of fabric or other similar non-rigid material supported or anchored along only one edge or supported or anchored at only two corners. If any dimension of a flag is more than 3 times as. long as any other dimension, it is classified and regulated as a banner regardless of how it is anchored or supported. See also "banner".

(Omitted text is unaffected by this ordinance)

SECTION 17. In light of the urgent need to ensure the proper regulation of the sale of firearms, pursuant to 65 ILCS 5/1-2-4, this ordinance shall take effect immediately upon its passage and approval, if such passage is by a vote of at least two-thirds of the members of this Council. In the event this ordinance passes by a majority vote of less than two-thirds of the members of this Council, it shall take effect ten days after passage and publication.