

**ORDINANCE NO.**

**AN ORDINANCE AMENDING THE MUNICIPAL CODE**

**OF THE VILLAGE OF WOODRIDGE**

**BY THE ADDITION OF CHAPTER \_\_\_\_\_**

[WHEREAS, the Village of Woodridge (the "Village) is a home rule municipality in accordance with the Constitution of the State of Illinois of 1970; and

WHEREAS, Section 11-1-1 of the Illinois Municipal Code authorizes the corporate authorities of municipalities to pass and enforce all necessary police ordinances; now, therefore,

*BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Woodridge as follows:*

**Section 1. Short title.** This Chapter may be cited as the Assault Weapons Ban Ordinance.

**Section 5. Definitions.**

As used in this Chapter:

(a) "Ammunition" means cartridge cases, shells, projectiles (including shot), primers, bullets, propellant powder, or other devices or materials designed, or intended for use in a firearm or destructive device.

(b) "Department" means the Police Department [or other appropriate agency]

(c) "Firearm" means any weapon which will, or is designed to or restored to, expel a projectile or projectiles by the action of any explosive; the frame or receiver of any such device; or any firearm muffler or silencer; provided that such term shall not include:

(1) antique firearms;

(2) any device used exclusively for line-throwing, signaling, or safety and required or recommended by the United States Coast Guard or Interstate Commerce Commission; or

(3) any device used exclusively for firing explosives, rivets, stud cartridges, or any similar industrial ammunition incapable of use as a weapon.

(d) "Assault weapon" means:

(1) any of the firearms or types, replicas, or duplicates in any caliber of the firearms, known as:

- (i) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (all models);
- (ii) Action Arms Israeli Military Industries UZI and Galil;
- (iii) Beretta AR-70 (SC-70);
- (iv) Colt AR-15;
- (v) Fabrique Nationale FN/FAL, FN/LAR, and FNC;
- (vi) SWD M-10, M-11, M-11/9, and M-12;
- (vii) Steyr AUG;
- (viii) INTRATEC TEC-9, TEC-DC9 and TEC-22; and
- (ix) any shotgun which contains its ammunition in a revolving cylinder, such as (but not limited to) the Street Sweeper and Striker 12;

(2) any semiautomatic or pump-action rifle that has an ability to accept a detachable magazine and has:

- (i) a folding, telescoping or thumbhole stock;
- (ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;
- (iii) a bayonet mount;
- (iv) a flash suppressor or barrel having a threaded muzzle;
- (v) a grenade launcher;
- (vi) a shroud that is attached to, or partially or completely encircles the barrel, and that permits the shooter to hold the firearm with the non-trigger hand without being burned, or
- (vii) a muzzle break or muzzle compensator;

(3) any handgun or rifle having a caliber of .50 or greater;

(4) any semiautomatic pistol, or any semiautomatic, center-fire rifle with a fixed magazine that has the capacity to accept more than 10 rounds of ammunition;

(5) any pistol that is capable of accepting a detachable magazine at any location outside of the pistol grip;

(6) any semi-automatic pistol that has an ability to accept a detachable magazine and has:

- (i) an ammunition magazine that attaches to the pistol outside of the pistol grip;
- (ii) a barrel having a threaded muzzle;
- (iii) a shroud that is attached to, or partially or completely encircles the

- barrel, and that permits the shooter to hold the firearm with the non-trigger hand without being burned;
- (iv) a manufactured weight of 50 ounces or more when the pistol is unloaded; or
- (v) a muzzle break or muzzle compensator;

- (7) a semiautomatic shotgun that has:
  - (i) a folding, telescoping or thumbhole stock;
  - (ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;
  - (iii) a fixed magazine capacity in excess of 5 rounds; or
  - (iv) an ability to accept a detachable magazine;

(8) any shotgun capable of accepting a detachable magazine;

(9) any conversion kit or other combination of parts from which an assault weapon, as defined herein, can be assembled if the parts are in the possession or under the control of any person.

(e) "Assault weapon" does not include any firearm that has been made permanently inoperable.

(f) "Large capacity ammunition feeding device" means:

(1) a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition; and

(2) any combination of parts from which a device described in subparagraph (1) can be assembled.

(g) "Large capacity ammunition feeding device" does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition or any device that has been made permanently inoperable.

(h) "Assault weapon attachment" means any device capable of being attached to a firearm that is specifically designed for making or converting a firearm into any of the firearms listed in subsection (d) of this Section.

(i) "Antique firearm" means:

(1) any firearm, including any firearm with a matchlock, flintlock, percussion cap or similar type of ignition system, manufactured in or before 1898, and

- (2) any replica of any firearm described in subparagraph (d) if the replica:
  - (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or
  - (ii) uses rimfire or conventional centerfire ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade; or
  
- (3) any firearm (other than a machine gun), which, although designed as a weapon, the Department of State Police finds by reason of the date of its manufacture, value, design and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

(j) "Detachable magazine" means a magazine, the function of which is to deliver one or more ammunition cartridges into the firing chamber, which can be removed from the firearm without the use of any tool, including a bullet or ammunition cartridge.

(k) "Barrel shroud" means a covering, other than a slide, that is attached to, or that substantially or completely encircles, the barrel of a firearm and that allows the bearer of the firearm to hold the barrel with the non-shooting hand while firing the firearm, without burning that hand, except that the term shall not include an extension of the stock along the bottom of the barrel that does not substantially or completely encircle the barrel.

(l) "Muzzle brake" means a device attached to the muzzle of a weapon that utilizes escaping gas to reduce recoil.

(m) "Muzzle compensator" means a device attached to the muzzle of a weapon that utilizes escaping gas to control muzzle movement.

(n) "Conversion kit" means any part or combination of parts designed and intended for use in converting a firearm into an assault weapon.

(o) "Peace officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses.

#### **Section 10. Assault weapons, etc.--Sale prohibited-- Exceptions.**

(a) No person shall sell, offer or display for sale, give, lend, transfer ownership of, acquire or possess any assault weapon, large capacity ammunition feeding device, or an assault weapon attachment. This section shall not apply to any officer, agent, or employee of this or any other municipality or state or of the United States, members of the armed forces of the United States, or the organized militia of this or any other state, and peace officers as defined in this Code to the extent that any such person is otherwise authorized to acquire or possess an assault weapon, large capacity ammunition feeding device, or an assault weapon attachment and is acting within the scope of his or her duties.

(b) Any assault weapon, large capacity ammunition feeding device, or an assault weapon attachment possessed, sold or transferred in violation of subsection (a) is hereby declared to be contraband and shall be seized and disposed of in accordance with the provisions of Section 15.

(c) Any person who, prior to the effective date of the ordinance codified in this section, was legally in possession of an assault weapon, large capacity ammunition feeding device, or an assault weapon attachment prohibited by this section shall have 14 days from the effective date of the ordinance codified in this section to do any of the following without being subject to prosecution hereunder:

- (1) To remove the assault weapon, large capacity ammunition feeding device, or an assault weapon attachment from within the limits of the Village [City]; or
- (2) To modify the assault weapon either to render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon; or
- (3) To surrender the assault weapon, large capacity ammunition feeding device, or an assault weapon attachment to the Department for disposal in accordance with Section 15.

#### **Section 15. Destruction of weapons confiscated or surrendered.**

Whenever any assault weapon, large capacity ammunition feeding device, or an assault weapon attachment is surrendered or confiscated pursuant to this Article [Chapter], the Department shall ascertain whether such item is needed as evidence in any matter. If such item is not required for evidence it shall be destroyed at the direction of the Department. A record of the date and method of destruction and an inventory of the assault weapon, large capacity ammunition feeding device, or an assault weapon attachment so destroyed shall be maintained.

#### **Section 20. Rules and Regulations.**

The Department shall have the authority to promulgate rules and regulations for the implementation of this Article [Chapter] and to prescribe all forms and the information required thereon.

#### **Section 25. Acquisition or possession prohibited by law.**

Nothing in this Article [Chapter] shall make lawful the acquisition or possession of firearms or firearm accessories or ammunition which is otherwise prohibited by law.

**Section 30. Violation--Penalty.**

Any person who violates any provision of this Article [Chapter], where no other penalty is specifically provided, shall upon conviction for the first time, be fined not less than \$300, nor more than \$500; or be incarcerated for not less than 10 days nor more than 90 days, or both. Any subsequent conviction for a violation of this Article [Chapter] shall be punishable by a fine of \$500 and by incarceration for a term of not less than 90 days, nor more than six months.

**Section 35. Severability.**

If any provision or term of this Article [Chapter], or any application thereof, is held invalid, the invalidity shall not affect other applications of the provisions or terms of this Article [Chapter] which reasonably can be given effect without the invalid provision or term for the application thereof.