ORDINANCE 13-19

Passed: April 8, 2013

AMENDING THE MUNICIPAL CODE OF THE
CITY OF DEKalB, ILLINOIS, CHAPTER 52,
“OFFENSES AGAINST PUBLIC PEACE-SAFETY
AND MORALS,” SECTION 52.02,
“DISORDERLY CONDUCT,” AND SECTION
52.10 FIRE ARMS AND AIR GUNS.”

WHEREAS, the City of DeKalb, DeKalb County, Illinois is a home rule community with those powers granted under the provisions of the Illinois Constitution and the Illinois Municipal Code, 65 ILCS 5/1-1-1, et. seq.; and,

WHEREAS, the Corporate Authorities of the City have heretofore created a set of ordinances regulating the use and discharge of firearms, air guns, projectile weapons, and similar items within the City; and,

WHEREAS, the Corporate Authorities have determined that the public health, welfare, safety and morals are protected by the utilization of such policies, and in particular that the public interest is served through the adoption of certain updates to the policies, as provided below; and,

WHEREAS, in order to effectuate such policies, the Council has determined that it is appropriate to amend the City Code as outlined below; and,

WHEREAS, the City Council has reviewed the regulations contemplated herein and finds that they are reasonable and appropriate, and have been drafted to properly reflect the City and community interests at stake; and,

WHEREAS, the City Council determines that there is an urgent public safety threat that will be mitigated by the passage of this ordinance, and hereby includes a statement of urgency and direction that the ordinance take effect immediately upon passage and approval, having made all required findings for such immediate effect;

THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, as follows:

Section 1. That the Municipal Code of the City of DeKalb, Chapter 52 be amended as follows:

52.02 Disorderly Conduct shall be amended with the addition of subsection (a)(8) as follows:

(a)(8) carries, displays, brandishes or implies the possession or use, in a threatening or menacing manner, without authority of law, any: i) firearm, rifle, shotgun, machine gun, pistol, revolver, dagger, razor, dangerous knife, stiletto, knuckles, slingshot, billy, stun gun or taser, crossbow, common or compound bows, underwater speargun, black-jack, sand-club, sand-bag, throwing star, nunchakus, or any broken bottle
or other piece of glass; ii) any air gun, air pistol, spring gun, spring pistol, BB gun, paint ball gun, pellet gun or any implement that is not a firearm which impels a breakable paint ball containing washable marking colors, or a pellet constructed of hard plastic, steel, lead or other hard materials with a force that reasonably is expected to cause bodily harm; or iii) any look-alike weapon which by its appearance, including shape, color, size, markings or lack thereof, or any other identifying physical characteristics, would lead a reasonable person to believe that the object is a weapon which could cause bodily harm, an object containing noxious or deleterious liquid, gas or substance or other dangerous weapon. A person also commits disorderly conduct when he is in possession of any item described in (ii) or (iii) of the preceding sentence while committing any other violation of City Code or federal or state law.

52.10 shall be deleted in its entirety, and replaced with the following:

52.10 FIRE ARMS AND AIR GUNS.

a) Discharge. No person shall discharge any rifle, shot gun, pistol, revolver or similar firearm, instrument or weapon, or any prohibited projectile weapon, within the City. No person shall carry any prohibited projectile weapon, except unloaded and within a case, when on any public street, sidewalk or other public property, or when upon any private property not owned by such person.

b) Selling to Minors. No person shall sell, give, loan, or furnish to any minor within the City, any pistol, revolver, air gun, derringer, bowie knife, switch blade knife, dirk or other weapon of like character (shotguns and rifles excepted.)

c) Unlawful Carrying. No person shall carry concealed upon or about his person within the City, any pistol, revolver, derringer, bowie knife, switch blade knife, razor, slingshot, metallic knuckles or any other weapon.

d) Exception. This section shall not apply to any peace officer in the City in the discharge of his duties.

e) Confiscation of Weapons. Any weapon adjudged by any court to have been worn or carried by any person in violation of the provisions of this Section shall be forfeited or confiscated to the City of DeKalb and shall be thereafter destroyed by Order of the Court.

f) Penalty. Any person, firm or corporation violating this Section shall be fined as follows: 1) for discharge of a Prohibited Projectile Weapon with no accompanying injury to person or property, not less than One Hundred Fifty Dollars and not more than One Thousand Dollars; 2) for the discharge of any other weapon or for the discharge of a Prohibited Projectile Weapon with personal injury or property damage, not less than Three Hundred Dollars nor more than One Thousand Dollars for each offense. In addition, any person causing property damage with any such device shall be responsible for restitution for any damage caused.

g) Definition: For purposes of this Section 52.10, a Prohibited Projectile Weapon shall
include any air gun, bb gun, pellet gun, or other air, compressed air or spring-powered weapon that discharges hard projectiles made of plastic, metal, or other similar hard materials, regardless of caliber or muzzle velocity. It shall expressly include any bb gun, slingshot, pellet gun (whether powered by a spring, pump-air system, compressed air or another mechanical device), any Airsoft gun, and any gun defined as an Air Rifle under 720 ILCS 535/0.01. Additionally, a Prohibited Projectile Weapon shall include: a) any paintball gun, slingshot or other device that uses a spring, battery, compressed air or other mechanism to lob or discharge a paint, soap, or other liquid or powder filled capsule/bullet/projectile; and, b) any device that uses an explosive charge to launch, fire or discharge a projectile of any kind. It shall not include any toy that does not use any explosive charge and that only discharges a projectile made of soft foam or another soft substance at a low velocity.

h) Notices: The Chief of Police shall be authorized to approve signs or notices to be proposed for placement at local retail establishments that may stock or carry Prohibited Projectile Weapons, for public educational purposes, to advise the public of the requirements of this Ordinance.

Section 2. All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

Section 3. Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

Section 4. This Ordinance shall be in full force and effect immediately after passage, based upon the statement of urgency included in the preamble above (incorporated by reference herein). Publication date: April 9, 2013. Effective date: April 9, 2013.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a regular meeting thereof held on the 8th day of April, 2013 and approved by me as Mayor on the same day. Passed on the Consent Agenda by roll call vote 7-0-1. Aye: Jacobson, Teresinski, Lash, Naylor, Baker, O’Leary, Povlsen. Absent: Gallagher.

ATTEST:

DIANE K. WRIGHT, City Clerk

KRIS POVLSEN, Mayor