

Revised

ORDINANCE NO. 10-2017

**AN ORDINANCE AMENDING CHAPTER 11, LICENSES,
TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS,
BY ADDING ARTICLE XVII, DEADLY WEAPONS DEALERS, TO
THE EVERGREEN PARK MUNICIPAL CODE**

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THE EVERGREEN PARK MUNICIPAL CODE

BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Evergreen Park, Cook Village, Illinois, as follows:

Section 1

That Chapter 11, Licenses, Taxation and Miscellaneous Business Regulations, of the Evergreen Park Municipal Code be amended by adding Article XVII, Deadly Weapons Dealers, to read as follows:

CHAPTER 11

LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE XVII. DEADLY WEAPONS DEALERS

SECTION:

- 11-500: Definitions
- 11-501: Applicability
- 11-502: Gun Shop Employee Background Checks
- 11-503: License and Permit Required
- 11-504: Application Process
- 11-505: Dealer License and Gun Show Permit Fee
- 11-506: Limitation on Concentration
- 11-507: Nontransferability
- 11-508: Revocation of License
- 11-509: Appeal of Revocation or Denial

Sec. 11-500. Definitions. The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) "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 Subsection (1) of this definition if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(b) "Engaged in the business" means a person who devotes time, attention and labor to selling or otherwise dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms, but such term shall not include a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of such personal collection of firearms.

(c) "Firearm" means any pistol, revolver, rifle, shotgun, machine gun, assault weapon or other device that fits within the definition of "firearm" contained in the Illinois Firearm Owners Identification Card Act (430 ILCS 65/1.1 et seq.).

(d) "Gun shop" means the premises where any Federally licensed firearms dealer, excluding any person licensed solely as a collector pursuant to 18 U.S.C. § 923(b), engages in the business of selling, bartering or otherwise transferring firearms.

(e) "Gun show" means any bona fide showing, display or exhibition of firearms conducted for a temporary time period at a temporary location and sponsored by a national, State, or local organization, or any affiliate of any such organization, devoted to the collection, competitive use, or other sporting use of firearms.

(f) "Handgun" means any pistol, revolver, or any other firearm capable of being concealed upon an individual.

(g) "Relative" means a son, daughter, mother, father, sister or brother.

(h) "School" means any public or private elementary or secondary school, community college, college or university; and does not include any pre-nursery school, nursery school or other school for children before attending elementary school.

Sec. 11-501. Applicability. This Article shall control the licensing of all firearm dealers within the Village. The provisions of the Cook Village Deadly Weapons Dealer Control Ordinance shall not apply in the Village except to the extent incorporated or referenced herein.

Sec. 11-502. Gun Shop Employee Background Checks. Before any person may be hired as an employee at a gun shop licensed under this Article, the holder of that license shall perform a background check to determine whether the potential employee possesses the requisite character and fitness to deal in firearms. No deadly weapons dealer licensee with fewer than 25 employees may employ a person to work in the gun shop licensed under this Article if the

licensee knows or reasonably should know that person could not qualify to obtain legally an Illinois firearm owner's identification card, or if the licensee is otherwise in possession of information that would lead a reasonable person to conclude that the potential employee does not possess the requisite character and fitness to deal in firearms.

Sec. 11-503. License and Permit Required.

(a) It shall be unlawful for any person required to be licensed under Federal law to engage in the business of dealing in firearms, to engage in the business of dealing, selling, bartering, trading, or to give away or otherwise transfer, any firearm, without securing a Village deadly weapons dealer license. A Village deadly weapons dealer license shall be required in addition to any other license required by law.

(b) A Village deadly weapons dealer license shall not be required by any person licensed solely as a collector pursuant to 18 U.S.C. § 923(b) and possessing only a Federal "collector's" license as defined in 27 CFR 478.

(c) A Village deadly weapons dealer license shall not be required for a person conducting a bona fide gun show if the person obtains a Village gun show permit prior to the commencement of the show.

Sec. 11-504. Application Process.

(a) The Mayor may promulgate reasonable rules and regulations necessary to carry out the duties, responsibilities and requirements imposed by this Article; including, but not limited to, developing reasonable procedures consistent with existing practices of regulating persons conducting gun shows or engaged in the business of dealing in firearms.

(1) Any rules or regulations promulgated under this Article shall be filed in the Village Clerk's office and shall be made available for public inspection.

(2) In addition to any other rights provided by law, the Chief of Police may, with the assistance of any Federal, State or local law enforcement agency, enter the premises of any gun shop licensed under this Article during business hours (including any places used by the gun shop for storage) for the purpose of inspecting or examining the inventory of ammunition or firearms, or the records or documents relating to the sale, acquisition, storage or transfer of ammunition or firearms at the gun shop, if such inspection is performed in the course of a reasonable inquiry relating to any civil, criminal or administrative action relating to this Article brought by or against the licensee or persons other than the licensee; or to ensure or compel compliance with the provisions of this Article.

- (3) Any inspections or examinations performed pursuant to this section shall be done in a reasonable manner designed to minimize, to the extent reasonably possible, any interference with the licensee's ability to conduct business.

(b) All applications for a deadly weapons dealer license or gun show permit under this Article shall be made in writing to the Village Clerk's Office on a form provided for that purpose. In addition to any other information required by this Article, each application for a license or permit shall include:

- (1) The applicant's full name, any aliases by which the applicant has been known, a copy of the applicant's Federal firearms dealer's license, driver's license or State identification card and State of Illinois firearms owner's identification card, the applicant's social security number and the address and telephone number where the applicant resides and proposes to conduct the gun show or engage in the business of dealing in firearms. The applicant shall be fingerprinted by the Police Department;
- (2) If the applicant is a corporation, the corporate name, business, and principal place of business of the applicant; the date and state of incorporation; and the names and residence addresses of the corporate officers and directors, the names and addresses of all individuals that own stock in the corporation, its registered agent and a list of all affiliated corporations noting whether any are engaged in the business of dealing in firearms;
- (3) If the applicant is a partnership, the name, business address and telephone number of the principal office or place of business; the partnership agreement; the names, addresses and telephone numbers of all partners, noting whether any are engaged in the business of dealing in firearms; and the name, address and telephone number of a person authorized to receive notices issued pursuant to this Article;
- (4) If the applicant is a limited liability company, the name, business address and telephone number of the principal office or place of business; operating agreement; the names, addresses and telephone numbers of all members, noting whether any are engaged in the business of dealing in firearms; and the name, address and telephone number of a person authorized to receive notices issued pursuant to this Article;
- (5) Every person applying for a deadly weapons dealer license must submit documentation demonstrating that, at the time the application is submitted, the applicant possesses a valid Federal firearms dealer's license issued to an address within the Village along with a written statement stating, under oath, whether or not the applicant, or, to the best of the applicant's knowledge and belief, the applicant's spouse or relative, has ever owned ten percent or more in, been a

partner in, been a member of, or served as an officer of, any entity that has had a Federal, State or local firearms dealer license suspended or revoked at any time for any reason; and

- (6) In the case of a corporation, partnership, or limited liability company, a separate response shall be submitted by all individuals owning any stock, partnership interest, or membership interest in the applicant. Such individuals must supply the same information as required in subparagraph (1) above.

(c) The Mayor shall deny an application for a Village deadly weapons dealer license to any person who, at the time the application is made, does not possess a valid Federal firearm dealer license and an Illinois firearms owner's identification card for a gun shop located at the same location for which the license is sought.

(d) The Mayor shall deny an application for a deadly weapons dealer license or gun show permit to any person who has been convicted of any felony in any jurisdiction and may deny an application for a deadly weapons dealer license or gun show permit to any person who has been found in violation of any Federal, State or local law or ordinance relating to the sale, transfer or use of firearms or any other deadly weapon described in Section 24-1 of the Illinois Criminal Code of 1961, 720 ILCS 5/24-1 (unlawful use of weapons) or if the applicant, or the applicant's spouse or relative, or a shareholder, partner, or member of the applicant has ever had a Federal, State or local firearms dealer license suspended or revoked at any time for any reason.

(e) The Mayor shall deny an application for a deadly weapons dealer license or gun show permit to any person who fails to provide the information required by, or is otherwise not in compliance with any provisions of, this Article or any other applicable law or regulation relating to the sale or transfer of firearms.

Sec. 11-505. Dealer License and Gun Show Permit.

(a) The annual fee for a deadly weapons dealer license shall be \$1,000 which shall be paid each year on or before the anniversary of the issuance of the license.

(b) The fee for a gun show permit shall be \$1,000.

(c) Any person licensed under this Article who purchases electronic equipment, such as Livescan or similar equipment, that is used by the licensee to verify, electronically, the identity of every person seeking to purchase a firearm from that licensee either through the submission of digital fingerprints, digital photographs or other digital or electronic means, shall be entitled to deduct the original cost of such equipment (up to a maximum of \$500.00) during each year that such equipment is in use.

Sec. 11-506. Limitation on Concentration.

(a) No deadly weapons dealer licenses shall be issued in the Village except upon approval of ordinance authorizing the same.

(b) Gun shows shall be prohibited in the Village except upon approval of ordinance authorizing the same.

(c) No deadly weapons dealer license may be issued for a gun shop which will be located within two miles of any other gun shop within or outside of the Village as measured from the property lines of the respective properties.

(d) No deadly weapons dealer license may be issued to any person seeking a license to operate a gun shop in the Village which will be located within 500 feet of any school as measured from the building entrance to the building entrance on the respective properties.

Sec. 11-507. Nontransferability.

(a) No license issued under this Article may be transferred or assigned to any other person or to any other location.

(b) It shall be considered a transfer or assignment in the event that more than 50% of the shares of a corporation, 50% of a partnership interest or 50% of a membership interest changes ownership.

Sec. 11-508. Revocation of License.

(a) The Mayor may revoke the deadly weapons dealer license or not renew the deadly weapons dealer license if:

- (1) The licensee or any related person is found to be in violation of any Federal, State or local law or regulation relating to the sale, transfer or use of firearms or any other deadly weapon described in 720 ILCS 5/24-1 (unlawful use of weapons);
- (2) The licensee fails to comply with any provision of this Article;
- (3) The licensee submits any fraudulent or untrue information to the Village;
- (4) The licensee transfers a firearm to any person whom the licensee knows, or reasonably should know, is acquiring the firearm, not for the person's own use, but for the purpose of transferring it to another who could not legally obtain the firearm (commonly known as a straw purchaser);
- (5) The licensee is convicted of any felony in this or any other jurisdiction; or

(6) The licensee's Federal firearms dealer's license or State firearm owner's identification card is revoked or expires.

A hearing shall be held by the Mayor after notice to the licensee. The Mayor may temporarily suspend a deadly weapon dealers license for a period of not to exceed ten days pending charges for revocation thereof.

Sec. 11-509. Appeal of Revocation or Denial. Any person wishing to appeal the denial or revocation of any deadly weapons dealer license shall file for judicial review in the Circuit Court of Cook County as allowed by State law and the rules of the Supreme Court of Illinois.

Section 2

This ordinance was passed pursuant to the home rule powers of the Village of Evergreen Park.

Section 3

If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.

Section 4

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict herewith.

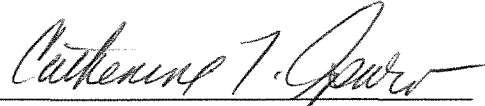
Section 5

All statutes of the State of Illinois or any parts thereof which are in conflict with the provisions of this ordinance are hereby superseded by this ordinance enacted under the home rule power of the Village.

Section 6

This ordinance shall be immediately in full force and effect after passage, approval and publication. This ordinance is authorized to be published in pamphlet form.

This ordinance was passed and deposited in the office of the Village Clerk of the Village of Evergreen Park this 17th day of April, 2017.

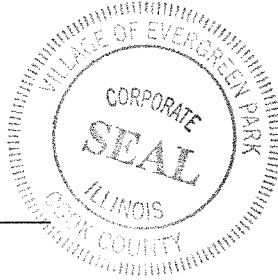


CATHERINE T. APARO, Village Clerk

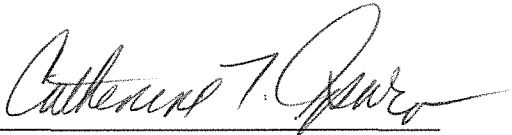
APPROVED by me this 17th
day of April, 2017.



JAMES J. SEXTON, Mayor



I DO HEREBY CERTIFY that this ordinance was, after its passage and approval, published in pamphlet form by authority of the Village of Evergreen Park, in accordance with law, this 17th day of April, 2017.



CATHERINE T. APARO, Village Clerk