

## **REQUEST FOR BOARD ACTION**

**Agenda Item: 18-24**

**Subject**                    Report and Recommendation of Staff and the Village Attorney re: Assault Weapons Ban

**Action Requested:**    Acceptance of Report

**Originated By:**        Mayor Rosenthal

**Referred To:**          Village Staff and the Village Attorney

### **Summary of Background and Reason for Request**

At the Village Board meeting on February 20, 2018, Mayor Rosenthal directed that Staff and the Village Attorney present a report concerning the implementation of a ban on assault weapons as was done previously by the City of Highland Park, Illinois. Following a legal challenge, the Highland Park ordinance was upheld by the Federal Courts. As was noted at the February 20<sup>th</sup> meeting, the Village adopted Ordinance O-13-24 on July 1, 2013 providing definitions of assault weapons and large capacity magazines, and requiring the safe storage and safe transportation of assault weapons in the Village. In the opinion of the Village Attorney, the adoption of ordinance O-13-24 on July 1, 2013 met the time window requirement included in the State of Illinois' Firearm Concealed Carry Act. As a result, the Village preserved the right to amend the ordinance in the future.

The proposed ordinance would ban the possession, sale and manufacture of assault weapons and large capacity magazines in the Village and is based on the City of Highland Park ordinance. It provides for an effective date 60 days after the ordinance goes into effect.

The Village Staff, Village Attorney and Police Chief will be available to review the ordinance and respond to questions from the Mayor and Board of Trustees.

### **Reports and Documents Attached:**

Copy of Proposed Ordinance  
Copy of Ordinance O-13-24  
Correspondence received on this topic

**Date Referred to Board:** March 5, 2018

**Action Taken:** \_\_\_\_\_

**VILLAGE OF DEERFIELD  
LAKE AND COOK COUNTIES, ILLINOIS**

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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 15 (MORALS AND CONDUCT),  
ARTICLE 11 (ASSAULT WEAPONS), SECTION 15-87 (SAFE STORAGE OF  
ASSAULT WEAPONS) AND SECTION 15-88 (TRANSPORTATION OF ASSAULT  
WEAPONS) OF THE MUNICIPAL CODE OF THE VILLAGE OF DEERFIELD  
TO REGULATE THE POSSESSION, MANUFACTURE AND SALE OF ASSAULT  
WEAPONS IN THE VILLAGE OF DEERFIELD**

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**WHEREAS**, Chapter 15 (Morals and Conduct), Article 11 (Assault Weapons), Section 15-87 (Safe Storage of Assault Weapons; Exceptions) and Section 15-88 (Transportation of Assault Weapons; Exceptions) of the Municipal Code of the Village of Deerfield, as enacted by Village of Deerfield Ordinance No. 0-13-24 (July 1, 2013), regulate the possession, storage and transportation of assault weapons in the Village of Deerfield; and

**WHEREAS**, the Firearm Concealed Carry Act, 430 ILCS 65/13.1(c), as amended by Public Act 98-63, § 150 (eff. July 9, 2013), provides that the Village of Deerfield, as a home rule unit of local government under the provisions of Article VII, Section 6 of the Illinois Constitution of 1970, may amend Village of Deerfield Ordinance No. 0-13-24, which was enacted on, before or within ten (10) days after the effective date of Public Act 98-63, § 150, pursuant to the Village's home rule exercise of any power and performance of any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

**WHEREAS**, the corporate authorities of the Village of Deerfield find that, since the enactment of Village of Deerfield Ordinance No. 0-13-24 (July 1, 2013), assault weapons have been increasingly used in an alarming number of notorious mass shooting incidents at public

schools, public venues, places of worship and places of public accommodation including, but not limited to, the recent mass shooting incidents in Parkland, Florida (Margery Stoneman Douglas High School; 17 people killed), Sutherland Springs, Texas (First Baptist Church; 26 people killed), Las Vegas, Nevada (Music Festival; 58 people killed), and Orlando, Florida (Pulse Nightclub; 49 people killed); and

**WHEREAS**, the corporate authorities of the Village of Deerfield find that assault weapons are dangerous and unusual weapons which are commonly associated with military or antipersonnel use, capable of a rapid rate of fire, have the capacity to fire a large number of rounds due to large capacity fixed magazines or the ability to use detachable magazines, present unique dangers to law enforcement, and are easily customizable to become even more dangerous weapons of mass casualties and destruction; and

**WHEREAS**, the corporate authorities of the Village of Deerfield find that amending Village of Deerfield Ordinance No. 0-13-24 (July 1, 2013) to prohibit the possession, manufacture and sale of assault weapons in the Village of Deerfield may increase the public's sense of safety at the public schools, public venues, places of worship and places of public accommodation located in the Village of Deerfield; and

**WHEREAS**, the corporate authorities of the Village of Deerfield find that amending Village of Deerfield Ordinance No. 0-13-24 (July 1, 2013) to prohibit the possession, manufacture and sale of assault weapons in the Village of Deerfield may increase the public's sense of safety by deterring and preventing a mass shooting incident in the Village of Deerfield, notwithstanding potential objections regarding the availability of alternative weaponry or the enforceability of such a ban; and

**WHEREAS**, the corporate authorities of the Village of Deerfield find that amending Village of Deerfield Ordinance No. 0-13-24 (July 1, 2013) to prohibit the possession, manufacture

and sale of assault weapons in the Village of Deerfield may increase the public's sense of safety by effecting a cultural change which communicates the normative value that assault weapons should have no role or purpose in civil society in the Village of Deerfield; and

**WHEREAS**, the corporate authorities of the Village of Deerfield find that, since the enactment of Village of Deerfield Ordinance No. 0-13-24 (July 1, 2013), the possession, manufacture and sale of assault weapons in the Village of Deerfield is not reasonably necessary to protect an individual's right of self-defense or the preservation or efficiency of a well-regulated militia; and

**WHEREAS**, the corporate authorities of the Village of Deerfield find that, since the enactment of Village of Deerfield Ordinance No. 0-13-24 (July 1, 2013), courts throughout our State and Nation have uniformly upheld the constitutionality of local ordinances and legislation prohibiting the possession, manufacture and sale of assault weapons including, but not limited to, an ordinance enacted by the City of Highland Park, Illinois; and

**WHEREAS**, the corporate authorities of the Village of Deerfield find that, since the enactment of Village of Deerfield Ordinance No. 0-13-24 (July 1, 2013), State and Federal authorities have failed to regulate the possession, manufacture and sale of assault weapons in the best interests for the protection of the public health, safety, morals and welfare of the Village of Deerfield; and

**WHEREAS**, the corporate authorities of the Village of Deerfield request that State and Federal authorities enact Statewide or Nationwide regulations to prohibit the possession, manufacture or sale of assault weapons; and

**WHEREAS**, the corporate authorities of the Village of Deerfield find that amending Village of Deerfield Ordinance No. 0-13-24 (July 1, 2013) to prohibit the possession, manufacture

and sale of assault weapons in the Village of Deerfield is in the Village's best interests for the protection of the public health, safety, morals and welfare of the Village of Deerfield;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF DEERFIELD, LAKE AND COOK COUNTIES, ILLINOIS, in the exercise of its home rule powers, as follows:

**SECTION 1:** The recitals to this Ordinance are incorporated into and made a part of this Ordinance as if fully set forth herein.

**SECTION 2:** Chapter 15 (Morals and Conduct), Article 11 (Assault Weapons), Section 15-87 (Safe Storage of Assault Weapons; Exceptions) and Section 15-88 (Transportation of Assault Weapons; Exceptions) of the Municipal Code of the Village of Deerfield, as enacted by Village of Deerfield Ordinance No. 0-13-24 (July 1, 2013), shall be amended to read as follows (additions are indicated by underlining and deletions are indicated by ~~strikeout~~ markings):

**Sec. 15-87. Safe Storage of Assault Weapons; Exceptions.**

(a) ~~Safe Storage.~~ It shall be unlawful to possess, bear, manufacture, sell, transfer, store or keep any assault weapon in the Village, ~~unless such weapon is secured in a locked container or equipped with a tamper resistant mechanical lock or other safety device, properly engaged so as to render such weapon inoperable by any person other than the owner or other lawfully authorized user. For purposes of this section, such weapon shall not be deemed stored or kept when being carried by or under the control of the owner or other lawfully authorized user.~~

(b) ~~Self defense exception.~~ ~~No person shall be punished for a violation of this section if an assault weapon is used in a lawful act of self defense or in defense of another.~~

(~~e~~) The provisions of this section do not apply to (i) any law enforcement officer, agent or employee of any municipality of the State of Illinois (ii) any law enforcement officer, agent or employee of the State of Illinois, of the United States, or of any other state (iii) any member of the military or other service of any state or the United States, including national guard and reserves, if the persons described are authorized by a competent authority to so carry an assault weapon loaded on a public way and such person is acting within the scope of his duties or training, except that any such assault weapon shall be secured in a locked container or equipped with a tamper-resistant mechanical lock or other safety device, properly engaged so as to render such weapon inoperable by any person other than the owner or other lawfully authorized user unless otherwise provided by the

rules, regulations, general orders, ordinances or legislation regulating such conduct of said law enforcement officer or service member.

### **Section 15-88. Transportation of Assault Weapons; Exceptions.**

(a) It is unlawful and a violation of this section for any person to carry, keep, bear, manufacture, sell, transfer or possess an assault weapon in the Village, ~~except when on his land or in his own abode, legal dwelling or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, except that this section does not apply to or affect transportation of assault weapons that meet one of the following conditions:~~

- ~~(i) are broken down in a non-functioning state; or~~
- ~~(ii) are not immediately accessible; or~~
- ~~(iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card; or~~

(b) The provisions of this section do not apply to (i) any law enforcement officer, agent or employee of any municipality of the State of Illinois (ii) any law enforcement officer, agent or employee of the State of Illinois, of the United States, or of any other state (iii) any member of the military or other service of any state or the United States, including national guard and reserves officer, agent or employee of any municipality of the commonwealth, if the persons described are authorized by a competent authority to so carry an assault weapon loaded on a public way and such person is acting within the scope of his duties or training.

### **Section 15-89. Penalty.**

Any person who is found to have violated this Article shall be fined not less than \$250 and not more than \$1,000 for each offense.

### **Section 15-90. Disposition of Assault Weapon and Large Capacity Magazine.**

Any person who, prior to the effective date of Ordinance No. \_\_\_\_\_, was legally in possession of an Assault Weapon or Large Capacity Magazine prohibited by this Article, shall have 60 days from the effective date of Ordinance No. \_\_\_\_\_, to do any of the following without being subject to prosecution hereunder:

(a) Remove, sell or transfer the Assault Weapon or Large Capacity Magazine from within the limits of the Village;

(b) Modify the Assault Weapon or Large Capacity Magazine either to render it permanently inoperable or to permanently make it a device no longer defined as an Assault Weapon or Large Capacity Magazine;

(c) Surrender the Assault Weapon or Large Capacity Magazine to the Chief of Police or his or her designee for disposal as provided in Section 15-91 of this Article; or

(d) Take the steps necessary to cause the Assault Weapon or Large Capacity Magazine to be broken down, in a nonfunctioning state, not immediately accessible to any person, and unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card.

**Section 15-91. Destruction of Assault Weapons and Large Capacity Magazines.**

The Chief of Police shall cause to be destroyed each Assault Weapon or Large Capacity Magazine surrendered or confiscated pursuant to this Article; provided, however, that no Assault Weapon or Large Capacity Magazine shall be destroyed until such time as the Chief of Police determines that the Assault Weapon or Large Capacity Magazine is not needed as evidence in any matter. The Chief of Police shall cause to be kept a record of the date and method of destruction of each Assault Weapon or Large Capacity Magazine destroyed pursuant to this Article.

**SECTION 3:** The Village Manager, or his designee, is authorized and directed to submit to the Illinois Department of State Police a copy of this Ordinance, 30 days after its adoption, and any such other measures as may be necessary to effect the requirements of 430 ILCS 65/13.3.

**SECTION 4:** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

**SECTION 5:** This Ordinance, and each of its terms, shall be the effective legislative act of a home rule municipality without regard to whether such Ordinance should: (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law; or, (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the Village of Deerfield that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, this Ordinance shall supersede state law in that regard within its jurisdiction.

**SECTION 6:** This Ordinance shall be in full force and effect upon its passage and approval and shall subsequently be published in pamphlet form as provided by law.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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Village President

ATTEST:

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Village Clerk



**VILLAGE OF DEERFIELD  
LAKE AND COOK COUNTIES, ILLINOIS**

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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 15 (MORALS AND CONDUCT),  
ARTICLE 11 (ASSAULT WEAPONS), SECTION 15-87 (SAFE STORAGE OF  
ASSAULT WEAPONS) AND SECTION 15-88 (TRANSPORTATION OF ASSAULT  
WEAPONS) OF THE MUNICIPAL CODE OF THE VILLAGE OF DEERFIELD  
TO REGULATE THE POSSESSION, MANUFACTURE AND SALE OF ASSAULT  
WEAPONS IN THE VILLAGE OF DEERFIELD**

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**PASSED AND APPROVED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF DEERFIELD, LAKE  
AND COOK COUNTIES, ILLINOIS, this**

**\_\_\_\_\_ day of \_\_\_\_\_, 2018.**

**Published in pamphlet form  
by authority of the President  
and Board of Trustees of the  
Village of Deerfield, Lake and  
Cook Counties, Illinois, this  
\_\_\_\_\_ day of \_\_\_\_\_, 2018.**

**VILLAGE OF DEERFIELD  
LAKE AND COOK COUNTIES, ILLINOIS**

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**ORDINANCE NO. 0-13-24**

**AN ORDINANCE REGULATING THE OWNERSHIP  
AND POSSESSION OF ASSAULT WEAPONS  
IN THE VILLAGE OF DEERFIELD**

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**PASSED AND APPROVED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF DEERFIELD, LAKE  
AND COOK COUNTIES, ILLINOIS, this**

**1st day of July, 2013.**

**Published in pamphlet form  
by authority of the President  
and Board of Trustees of the  
Village of Deerfield, Lake and  
Cook Counties, Illinois, this  
1st day of July, 2013.**

**VILLAGE OF DEERFIELD  
LAKE AND COOK COUNTIES, ILLINOIS**

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**ORDINANCE NO. 0-13-24**

**AN ORDINANCE REGULATING THE OWNERSHIP  
AND POSSESSION OF ASSAULT WEAPONS  
IN THE VILLAGE OF DEERFIELD**

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**WHEREAS**, the Illinois General Assembly has adopted House Bill 183, the “Firearm Concealed Carry Act,” which will become effective upon signature by the Governor of the State of Illinois; and

**WHEREAS**, the Firearm Concealed Carry Act will preempt the authority of home rule units of government in the State of Illinois, including the Village of Deerfield, to regulate assault weapons unless such a home rule ordinance or regulation is enacted on, before or within ten (10) days after the effective date of the Firearm Concealed Carry Act; and

**WHEREAS**, the corporate authorities of the Village of Deerfield are of the opinion that assault weapons, as defined in this Ordinance, are subject to regulation as provided herein, and should be regulated as provided herein within the corporate limits of the Village of Deerfield; and

**WHEREAS**, the corporate authorities of the Village of Deerfield find that assault weapons are capable of a rapid rate of fire and have the capacity to fire a large number of rounds due to large capacity fixed magazines or the ability to use detachable magazines; and,

**WHEREAS**, the corporate authorities of the Village of Deerfield find that assault weapons have been used in a number of notorious mass shooting incidents in venues such as public schools, including recent shooting incidents in Newtown, Connecticut, and Santa Monica, California, and are commonly associated with military or antipersonnel use; and

**WHEREAS**, the corporate authorities of the Village of Deerfield find that assault weapons should be subject to safe storage and security requirements as provided herein to limit the opportunity for access and use of these firearms by untrained or unauthorized users;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF DEERFIELD, LAKE AND COOK COUNTIES, ILLINOIS, in the exercise of its home rule powers, as follows:

**SECTION 1:** That Chapter 15 (“Morals and Conduct”) of the Municipal Code of the Village of Deerfield be and the same is hereby amended to add the following as Article 11 thereof entitled “Assault Weapons”:

**Article 11. Assault Weapons.**

**Sec. 15-86. Definitions.**

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Assault weapon means:*

- (1) A semiautomatic rifle that has the capacity to accept a large capacity magazine detachable or otherwise and one or more of the following:
  - (A) Only a pistol grip without a stock attached;
  - (B) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
  - (C) A folding, telescoping or thumbhole stock;
  - (D) A shroud attached to the barrel, or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the non-trigger hand without being burned, but excluding a slide that encloses the barrel; or
  - (E) A muzzle brake or muzzle compensator.
- (2) A semiautomatic rifle that has a fixed magazine that has the capacity to accept more than ten rounds of ammunition.
- (3) A semiautomatic pistol that has the capacity to accept a detachable magazine and has one or more of the following:

- (A) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
  - (B) A folding, telescoping or thumbhole stock;
  - (C) A shroud attached to the barrel, or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the non-trigger hand without being burned, but excluding a slide that encloses the barrel;
  - (D) The capacity to accept a detachable magazine at some location outside of the pistol grip.
- (4) A semiautomatic shotgun that has one or more of the following:
- (A) Only a pistol grip without a stock attached;
  - (B) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
  - (C) A folding, telescoping or thumbhole stock;
  - (D) A fixed magazine capacity in excess of five rounds; or
  - (E) An ability to accept a detachable magazine.
- (5) Any shotgun with a revolving cylinder.
- (6) Conversion kit, part or combination of parts, from which an assault weapon can be assembled if those parts are in the possession or under the control of the same person.
- (7) Shall include, but not be limited to, the assault weapons models identified as follows:
- (A) The following rifles or copies or duplicates thereof:
    - (i) AK, AKM, AKS, AK-47, AK-74, ARM, MAK90, Misr, NHM 90, NHM 91, SA 85, SA 93, VEPR;
    - (ii) AR-10;
    - (iii) AR-15, Bushmaster XM15, Armalite M15, or Olympic Arms PCR;
    - (iv) AR70;
    - (v) Calico Liberty;
    - (vi) Dragunov SVD Sniper Rifle or Dragunov SVU;
    - (viii) Fabrique National FN/FAL, FN/LAR, or FNC;
    - (viii) Hi-Point Carbine;
    - (ix) HK-91, HK-93, HK-94, or HK-PSG-1;
    - (x) Kel-Tec Sub Rifle;
    - (xi) Saiga;
    - (xii) SAR-8, SAR-4800;
    - (xiii) SKS with detachable magazine;
    - (xiv) SLG 95;
    - (xv) SLR 95 or 96;
    - (xvi) Steyr AUG;
    - (xvii) Sturm, Ruger Mini-14;
    - (xviii) Tavor;

- (xix) Thompson 1927, Thompson M1, or Thompson 1927 Commando; or
- (xx) Uzi, Galil and Uzi Sporter, Galil Sporter, or Galil Sniper Rifle (Galatz).

(B) The following pistols or copies or duplicates thereof, when not designed to be held and fired by the use of a single hand:

- (i) Calico M-110;
- (ii) MAC-10, MAC-11, or MPA3;
- (iii) Olympic Arms OA;
- (iv) TEC-9, TEC-DC9, TEC-22 Scorpion, or AB-10; or
- (v) Uzi.

(C) The following shotguns or copies or duplicates thereof:

- (i) Armscor 30 BG;
- (ii) SPAS 12 or LAW 12;
- (iii) Striker 12; or
- (iv) Streetsweeper.

“Assault weapon” does not include any firearm that has been made permanently inoperable, or satisfies the definition of “antique firearm,” stated in this section, or weapons designed for Olympic target shooting events.

*Detachable magazine* means any ammunition feeding device, 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.

*Large capacity magazine* means any ammunition feeding device with the capacity to accept more than ten rounds, but shall not be construed to include the following:

- (1) A feeding device that has been permanently altered so that it cannot accommodate more than ten rounds.
- (2) A 22 caliber tube ammunition feeding device.
- (3) A tubular magazine that is contained in a lever-action firearm.

*Muzzle brake* means a device attached to the muzzle of a weapon that utilizes escaping gas to reduce recoil.

*Muzzle compensator* means a device attached to the muzzle of a weapon that utilizes escaping gas to control muzzle movement.

**Sec. 15-87. Safe Storage of Assault Weapons; Exceptions.**

(a) *Safe Storage.* It shall be unlawful to store or keep any assault weapon in the Village unless such weapon is secured in a locked container or equipped with a tamper-resistant mechanical lock or other safety device, properly engaged so as to render such

weapon inoperable by any person other than the owner or other lawfully authorized user. For purposes of this section, such weapon shall not be deemed stored or kept when being carried by or under the control of the owner or other lawfully authorized user.

(b) Self defense exception. No person shall be punished for a violation of this section if an assault weapon is used in a lawful act of self-defense or in defense of another.

(c) The provisions of this section do not apply to (i) any law enforcement officer, agent or employee of any municipality of the State of Illinois (ii) any law enforcement officer, agent or employee of the State of Illinois, of the United States, or of any other state (iii) any member of the military or other service of any state or the United States, including national guard and reserves, if the persons described are authorized by a competent authority to so carry an assault weapon loaded on a public way and such person is acting within the scope of his duties or training.

**Section 15-88. Transportation of Assault Weapons; Exceptions.**

(a) It is unlawful and a violation of this section for any person to carry or possess an assault weapon in the Village, except when on his land or in his own abode, legal dwelling or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, except that this section does not apply to or affect transportation of assault weapons that meet one of the following conditions:

- (i) are broken down in a non-functioning state; or
- (ii) are not immediately accessible; or
- (iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card; or

(b) The provisions of this section do not apply to (i) any law enforcement officer, agent or employee of any municipality of the State of Illinois (ii) any law enforcement officer, agent or employee of the State of Illinois, of the United States, or of any other state (iii) any member of the military or other service of any state or the United States, including national guard and reserves officer, agent or employee of any municipality of the commonwealth, if the persons described are authorized by a competent authority to so carry an assault weapon loaded on a public way and such person is acting within the scope of his duties or training.

**Section 15-89. Penalty.** Any person who is found to have violated this Article shall be fined not less than \$250 and not more than \$1,000 for each offense.

**SECTION 2:** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

**SECTION 3:** That this Ordinance, and each of its terms, shall be the effective legislative act of a home rule municipality without regard to whether such Ordinance should: (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law; or, (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the Village of Deerfield that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, this Ordinance shall supersede state law in that regard within its jurisdiction.

**SECTION 4:** This Ordinance shall be in full force and effect upon its passage and approval and shall subsequently be published in pamphlet form as provided by law.

PASSED this 1st day of July, 2013.

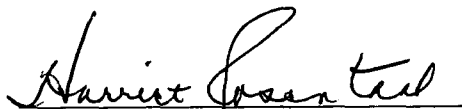
AYES: Benton, Jester, Seiden, Struthers

NAYS: None

ABSENT: Farkas, Nadler

ABSTAIN:

APPROVED this 1st day of July, 2013.

  
Village President

ATTEST:

  
Village Clerk



## David E. Fitzgerald

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**From:** Harriet Rosenthal <harrietrose1@comcast.net>  
**Sent:** Wednesday, February 28, 2018 9:30 PM  
**To:** Mayor Harriet Rosenthal  
**Cc:** Kent Street; Andrew Lichterman; David E. Fitzgerald  
**Subject:** Fwd: Automatic Weapons Ban

Sent from my iPad

Begin forwarded message:

**From:** Brian <[skelskey@ameritech.net](mailto:skelskey@ameritech.net)>  
**Date:** February 28, 2018 at 6:31:01 PM CST  
**To:** [harrietrose@comcast.net](mailto:harrietrose@comcast.net)  
**Subject:** Automatic Weapons Ban

I SUPPORT your position on the ban on ownership of automatic weapons within the Village of Deerfield.

Brian Skelskey  
861 Waukegan Rd  
Deerfield, IL 60015  
847-977-5355  
[skelskey@ameritech.net](mailto:skelskey@ameritech.net)

**David E. Fitzgerald**

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**From:** Kent Street  
**Sent:** Wednesday, February 28, 2018 5:43 PM  
**To:** brendan egan  
**Cc:** David E. Fitzgerald  
**Subject:** Re: I support your Ban on assault weapons

Thank you Brendan-

Your viewpoint will be provided to the Mayor and Board of Trustees.

Kent

*Sent from my Verizon Wireless 4G LTE DROID*

brendan egan <brendanegan7@yahoo.com> wrote:

Hello,

I support your ban on assault weapons

Brendan Egan  
Sent from my iPhone

**David E. Fitzgerald**

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**From:** Kent Street  
**Sent:** Wednesday, February 28, 2018 5:41 PM  
**To:** Kelsey Egan  
**Cc:** David E. Fitzgerald  
**Subject:** Re: Ban on Assault Weapons

Thank you Kelsey-

Your viewpoint will be provided to the Mayor and Board of Trustees.

Kent

*Sent from my Verizon Wireless 4G LTE DROID*

Kelsey Egan <kelseyegan326@gmail.com> wrote:

To whom this may concern,

I would like you to know that as resident of Deerfield, I support the ban on assault weapons. Please feel free to contact me with any questions.

Best,

Kelsey Egan  
847-732-0373  
1320 West Canton Court  
Deerfield, IL 60015

Sent from my iPhone

## David E. Fitzgerald

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**From:** Kent Street  
**Sent:** Wednesday, February 28, 2018 3:19 PM  
**To:** Catherine Kuhl  
**Cc:** Mayor Harriet Rosenthal; David E. Fitzgerald  
**Subject:** RE: Ban on assault weapons

Thanks Cathy-

This will be forwarded on to the Mayor and Board of Trustees.

Kent

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Kent Street  
Village Manager  
Village of Deerfield  
847.719.7401

-----Original Message-----

From: Catherine Kuhl [mailto:ckuhl@aol.com]  
Sent: Wednesday, February 28, 2018 1:27 PM  
To: Kent Street <kstreet@deerfield.il.us>  
Subject: Ban on assault weapons

Dear Mayor and Village Trustees,

As a resident of Deerfield I support a ban on assault weapons.

Catherine Kuhl  
847-875-1829  
56 Mulberry Road, Deerfield

Sent from my iPhone

## David E. Fitzgerald

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**From:** Kent Street  
**Sent:** Wednesday, February 28, 2018 3:18 PM  
**To:** Gigi Ramos  
**Cc:** Mayor Harriet Rosenthal; David E. Fitzgerald  
**Subject:** RE: From gigi Ramis

Thanks Gigi-

This will be forwarded on to the Mayor and Board of Trustees.

Kent

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Kent Street  
Village Manager  
Village of Deerfield  
847.719.7401

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**From:** Gigi Ramos [mailto:[gr161@aol.com](mailto:gr161@aol.com)]  
**Sent:** Wednesday, February 28, 2018 12:38 PM  
**To:** Kent Street <[kstreet@deerfield.il.us](mailto:kstreet@deerfield.il.us)>  
**Subject:** Fwd: From gigi Ramis

My address is  
1025 Deerfield road, apt. 3c  
Deerfield 60025

Sent from my iPhone

Begin forwarded message:

**From:** Gigi Ramos <[gr161@aol.com](mailto:gr161@aol.com)>  
**Date:** February 28, 2018 at 12:37:12 PM CST  
**To:** [kstreet@deerfield.il.us](mailto:kstreet@deerfield.il.us)  
**Subject:** From gigi Ramis

Mr. Street.

As a resident of Deerfield, I support the ban on assault weapons.

Sincerely,

Gigi Ramis

Sent from my iPhone

## David E. Fitzgerald

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**From:** Harriet Rosenthal <harrietrose1@comcast.net>  
**Sent:** Tuesday, February 27, 2018 11:16 AM  
**To:** Alan Kaufman  
**Cc:** Kent Street; Andrew Lichterman; David E. Fitzgerald  
**Subject:** Re: Assault weapon ban

Thank you for your email. I respect your right to your position, as I hope you respect mine.

Best,

Harriet

Sent from my iPad

On Feb 27, 2018, at 6:30 AM, Alan Kaufman <[nakppi@gmail.com](mailto:nakppi@gmail.com)> wrote:

Good morning,

I'm writing in response to the Village's decision to reconsider the municipal ban on assault weapons.

First, let me say that like all parents I too am deeply moved by the children speaking out and expressing their emotions in response to the recent tragedy in Florida. I know exactly what these children are going through-- I myself was in highschool during the Columbine school shooting. I had the same emotions as the children who are now speaking out so emotionally. I know that their emotions are genuine.

Unfortunately, we as adults cannot make decisions and pass laws based on the emotions of children. Of course they have a right to express their concerns, but mature adults have to make these sorts of decisions based on facts and reality and the consequences of those decisions. The facts simply don't support banning rifles, no matter how emotional people get about the issue. The truth is that rifles, all rifles not just "assault weapons" are used in about 2% of murders. I suspect that number is closer to 0% in Deerfield. You have a better chance of being killed with a hammer than a rifle---any rifle according to the FBI.

[https://ucr.fbi.gov/crime-in-the-u.s/2014/crime-in-the-u.s.-2014/tables/expanded-homicide-data/expanded\\_homicide\\_data\\_table\\_8\\_murder\\_victims\\_by\\_weapon\\_2010-2014.xls](https://ucr.fbi.gov/crime-in-the-u.s/2014/crime-in-the-u.s.-2014/tables/expanded-homicide-data/expanded_homicide_data_table_8_murder_victims_by_weapon_2010-2014.xls)

The truth of the Parkland shooting is that there was a massive failure of law enforcement both at the local and Federal level. The school shooter was literally reported to the FBI hotline as a school shooter and they did nothing in response. The truth of the Newtown shooting is that the state of Connecticut already had an assault weapon ban during that tragedy. The Virginia tech shooter used handguns and killed 32 people-- not assault weapons. And most importantly--- Columbine happened during a Federal ban on assault weapons. These bans do not work because they apply to things. Things do not commit these heinous acts, crazy people do.

The discussion on guns and safety is surely a legitimate conversation to have. However, I do not feel that a municipal ban is the answer. I would much rather that the village support funding

school security and training. As loathed as the NRA is, they offer free school security training and consultation, which would at least be a step in the right direction. We cannot put no gun stickers on the windows of our schools and lock the doors and call our kids "safe." We protect our judges and courthouses with better security. The sheriff finds the money to do it with retired police officers and I would much rather hear the opinion of Mark Curran than the emotions of highschool kids before the village passes an ordinance that turns residents into criminals overnight. Respectfully, your constituents did not elect you or the village trustees so that you could turn your electorate into criminals.

I understand that emotions are running high right now, but a gun ban is not the answer. It will not stop the next tragedy and the longer we focus on banning guns the longer we will continue to fail to protect our children.

Thank you for your time, I would be happy to answer any questions that you have.

Best regards,

Alan Kaufman

## David E. Fitzgerald

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**From:** joni reed <joni.reed@comcast.net>  
**Sent:** Thursday, March 1, 2018 10:02 AM  
**To:** David E. Fitzgerald  
**Cc:** Harriet Rosenthal  
**Subject:** Assault Weapons Ban

Hi David,

I understand this issue will be coming before the Board at their March 5 meeting. As a resident, I am a proponent of such a ban and would hope that the trustees unanimously and without hesitation vote in favor of an ordinance similar to that which Highland Park and Cook County have already enacted.

I appreciate that Village staff, the mayor and trustees are taking a more proactive stance on this important issue.

Thank you,

Joan

Joan Reed  
847-958-7333 (h)  
847-558-5826 (c)  
[joni.reed@comcast.net](mailto:joni.reed@comcast.net)



## David E. Fitzgerald

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**From:** Susie Kessler <susiekkessler@gmail.com>  
**Sent:** Thursday, March 1, 2018 10:37 AM  
**To:** David E. Fitzgerald  
**Subject:** Hi and Assault Weapon Ban Question

Hi David,

I support Deerfield's assault weapon ban. Joni Reed said to have Deerfield residents contact you regarding this. Is this the best course of action for those in favor of this? I don't want to inundate you with emails unnecessarily.

Susie

## David E. Fitzgerald

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**From:** Rick Cervarich <rickcervarich@yahoo.com>  
**Sent:** Thursday, March 1, 2018 11:38 AM  
**To:** David E. Fitzgerald  
**Subject:** Assault weapons

Per proposed village ordinance :

We don't need high caliber , high volume weapons in Deerfield

Thanks,

Rick Cervarich  
847-867-2158  
1145 Gordon Terrace  
Deerfield , IL 60015

## David E. Fitzgerald

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**From:** Lisbeth McDowell <mcdowellii@aol.com>  
**Sent:** Thursday, March 1, 2018 12:11 PM  
**To:** David E. Fitzgerald  
**Subject:** Assault weapons

Hi, my name is Beth McDowell. I live on Wilmot Road. I support the ban on assault weapons. Please do all you can to keep our village safe.

Thanks.

Sent from my iPhone

## David E. Fitzgerald

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**From:** Caiti Case <caiti.case@yahoo.com>  
**Sent:** Thursday, March 1, 2018 12:50 PM  
**To:** David E. Fitzgerald  
**Subject:** Support of the Assault Weapons Ban

Dear Mayor and Board of Trustees,

As a resident of Deerfield, I support the ban on assault weapons in Deerfield.

Thank you,

Caitlin Case  
838 Warrington Rd  
Deerfield, IL 60015

**David E. Fitzgerald**

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**From:** Victoria Street <victoriajstreet@gmail.com>  
**Sent:** Wednesday, February 28, 2018 9:30 PM  
**To:** David E. Fitzgerald  
**Subject:** Ban on Assault Weapons

Dear Mayor and Board of Trustees,  
As a resident and employee in the Village of Deerfield I fully support a ban on assault weapons.

I truly believe that one by one our communities can make a difference by changing these laws.

Victoria Street  
838 Warrington Road  
Deerfield, IL

## David E. Fitzgerald

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**From:** Lisa Zebovitz <lzebovitz@comcast.net>  
**Sent:** Thursday, March 1, 2018 1:38 PM  
**To:** David E. Fitzgerald  
**Subject:** Assault weapon ban

4 Deerfield voters in favor of the ban.

Address 10 Edgewood  
Court.

Lisa Zebovitz  
Jackson Zebovitz  
Steven Zebovitz  
Lily Seglin

Do you want us to attend the board meeting or is it closed door?

Sent from my iPhone

## David E. Fitzgerald

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**From:** Sharel Shindler <hisharel@yahoo.com>  
**Sent:** Thursday, March 1, 2018 3:31 PM  
**To:** David E. Fitzgerald  
**Subject:** Ban

We are in favor of a ban on assault weapons

Sharel and Keith shindler  
899 Bristol drive  
Deerfield

### Sharel Shindler

☐ P•[847-331-3304](tel:847-331-3304)  
☐ F•[847-914-9235](tel:847-914-9235)

**David E. Fitzgerald**

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**From:** Judy Feinberg <judyfeinberg18@gmail.com>  
**Sent:** Thursday, March 1, 2018 3:32 PM  
**To:** David E. Fitzgerald  
**Subject:** Ban Assault Weapons

Mr. Fitzgerald,

We have been a resident of Deerfield for over 25 years. We raised our two children without this current fear of sending them off to school and having the unthinkable happen.

I am pleading with you and all who are on the Village Board to BAN ASSAULT WEAPONS.

There is NO place in our society for these weapons.

I look forward to hearing that Deerfield did the RIGHT thing to protect our children, adults and all who live work here.

Thank you

Judy & Steve Feinberg  
1118 Terrace Court  
Deerfield, IL 60015



## David E. Fitzgerald

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**From:** Kent Street  
**Sent:** Wednesday, February 28, 2018 4:27 PM  
**To:** jsr13092@aol.com  
**Cc:** David E. Fitzgerald  
**Subject:** RE: Assault Weapons Ban

Thanks Jared-

Your input will be forwarded to the Mayor and Board of Trustees.

Kent

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Kent Street  
Village Manager  
Village of Deerfield  
847.719.7401

**From:** jsr13092@aol.com [mailto:jsr13092@aol.com]  
**Sent:** Wednesday, February 28, 2018 4:25 PM  
**To:** Kent Street <kstreet@deerfield.il.us>  
**Subject:** Assault Weapons Ban

Hi Ken,

I was told to email you stating that I support a ban on assault weapons throughout Deerfield. I hope all is well.

Regards,

Jared Ramis  
1025 Deerfield Rd #3C

## David E. Fitzgerald

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**From:** Lauren Fischhoff <lfischhoff@comcast.net>  
**Sent:** Thursday, March 1, 2018 3:50 PM  
**To:** David E. Fitzgerald  
**Subject:** Ban on Assault Weapons

We are in support of the ban on assault weapons in Deerfield.

Lauren Fischhoff  
Ross Fischhoff  
25 Taylor Court  
DF

## David E. Fitzgerald

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**From:** Meaghan Case <case9@illinois.edu>  
**Sent:** Thursday, March 1, 2018 4:01 PM  
**To:** David E. Fitzgerald  
**Subject:** Ban on assault weapons

Dear mayor and board of trustees,

As a resident of Deerfield, I support the ban on assault weapons in Deerfield.

Meaghan Case  
838 Warrington Road  
Deerfield, IL, 60015

Sent from my iPhone