
THE VILLAGE OF COAL CITY
GRUNDY & WILL COUNTIES, ILLINOIS

ORDINANCE
NUMBER *14-20*

AN ORDINANCE REGARDING THE UNLAWFUL USE OF WEAPONS

NEAL E. NELSON, President
PAMELA M. NOFFSINGER, Village Clerk

GEORGETTE VOTA
ROSS BRADLEY
TIMOTHY BRADLEY
TERRY HALLIDAY
DAVID TOGLIATTI
JUSTIN WREN
Village Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Coal City
on *June 23*, 2014

**VILLAGE OF COAL CITY
GRUNDY AND WILL COUNTIES, ILLINOIS**

ORDINANCE NO. 14-20

AN ORDINANCE REGARDING THE UNLAWFUL USE OF WEAPONS

WHEREAS, the Village of Coal City (“Village”) is an Illinois non-home rule municipality organized and operating under the Illinois Municipal Code (the “Code”); and

WHEREAS, the Village has the authority to pass and enforce all necessary police ordinances (65 ILCS 5/11-1-1), and to define, prevent, and abate nuisances, (65 ILCS 5/11-60-2); and

WHEREAS, the regulation, licensing, possession, registration, and transportation of handguns and ammunition for handguns by licensees are exclusive powers and functions of the State, and the Firearm Concealed Carry Act (the “Act”) preempts Village regulation of handgun possession by concealed carry licensees, invalidating Village regulations that are inconsistent with the Act (430 ILCS 66/90); and

WHEREAS, concealed carry licensees are exempt from the State’s general prohibition of concealed weapons set forth in the Illinois Unlawful Use of Weapons statutes (“UW statutes”) (720 ILCS 24-2(a-5)); and

WHEREAS, the Village Code generally restates the UW statutes, but does not contain the recently adopted exemption for concealed carry licensees; and

WHEREAS, the Village’s weapons regulations will continue to be inconsistent with any amendments to the UW statutes, unless the Village Code adopts and incorporates the statutes by reference; and

WHEREAS, the Mayor and Village Board desire to amend the Village Code to be consistent with State law.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Village Board of the Village of Coal City, Grundy and Will Counties, Illinois, as follows:

Section 1. Recitals. The Board hereby finds that all of the recitals contained in the preambles to this Ordinance are full, true and correct and does incorporate them into this Ordinance by this reference.

Section 2. Repeal and Reenactment. Chapter 137 of the Village of Coal City Code of Ordinances is hereby repealed, and Chapter 137 shall be reenacted in its place as follows:

“Article I. Deadly Weapons

§ 137-1. Unlawful use of weapons. Article 24 of the Illinois Criminal Code of 2012, as amended, entitled “Deadly Weapons” is hereby adopted and by reference made a part of this Village Code with the same force and effect as though set out in full herein. (720 ILCS 5/24-1, *et seq.*)

§ 137-2. Prohibited Sales. It shall be unlawful for any person to sell, give, loan, hire, barter, furnish, or offer to sell, give, loan, hire, barter, or furnish to any person under 21 years of age within the Village any gun, pistol, revolver, fowling piece, or other toy firearm in which any explosive substance can be used, or any bowie knife, dirk, dagger, or other deadly weapon of a like character. (Penalty, see § 130-99).

Article II. Air Rifles

§ 137-3. Definitions.

For the purposes of §§ 137-3 *et seq.*, the following words and phrases shall have the following meanings ascribed to them respectively.

AIR RIFLE

Any air gun, air pistol, spring gun, spring pistol, B.B. gun, pellet gun, or any implement that is not a firearm, which impels a pellet constructed of hard plastic, steel, lead, or other hard materials with a force that reasonably is expected to cause bodily harm.

DEALER

Any person, copartnership, association, or corporation engaged in the business of selling at retail or renting any of the articles included in the definition of AIR RIFLE. (720 ILCS 5/24.8-0.1)

§ 137-4. Selling, renting, or transferring to children; prohibition.

A. It is unlawful for any dealer to sell, lend, rent, give, or otherwise transfer an air rifle to any person under the age of 13 years where the dealer knows or has cause to believe the person to be under 13 years of age or where the dealer has failed to make reasonable inquiry relative to the age of the person and the person is under 13 years of age.

B. It is unlawful for any person to sell, give, lend, or otherwise transfer any air rifle to any person under 13 years of age except where the relationship of parent and child, guardian and ward, or adult instructor and pupil exists between the person and the person

under 13 years of age, or where the person stands in loco parentis to the person under 13 years of age.

(720 ILCS 5/24.8-1) Penalty, see § 130-99

§ 137-5. Carrying or discharging on public streets.

A. It is unlawful for any person under 13 years of age to carry any air rifle on the public streets, roads, highways, or public lands within this Village, unless the person under 13 years of age carries the rifle unloaded.

B. It is unlawful for any person to discharge any air rifle from or across any street, sidewalk, road, highway, or public land or any public place except on a safely constructed target range. (720 ILCS 5/24.8-2)

C. Any person convicted of violating this section shall pay a fine not to exceed \$50. (720 ILCS 5/24.8-6)

§ 137-6. Permissive possession.

Notwithstanding any provision of this chapter, it is lawful for any person under 13 years of age to have in his possession any air rifle if it is:

A. Kept within his house of residence or other private enclosure;

B. Used by the person under 13 years of age and he is a duly enrolled member of any club, team, or society organized for educational purposes and maintaining as part of its facilities or having written permission to use an indoor or outdoor rifle range under the supervision, guidance and instruction of a responsible adult, and then only if the air rifle is actually being used in connection with the activities of the club, team, or society under the supervision of a responsible adult; or

C. Used in or on any private grounds or residence under circumstances when the air rifle is fired, discharged, or operated in a manner as not to endanger persons or property and then only if it is used in a manner as to prevent the projectile from passing over any grounds or space outside the limits of such grounds or residence.

(720 ILCS 5/24.8-3)

§ 137-7. Permissive sales.

The provisions of §§ 137-3 through 137-5 do not prohibit sales of air rifles:

A. By wholesale dealers or jobbers;

B. To be shipped out of the state;

C. To be used at a target range operated in accordance with 720 ILCS 5/24.8-2 or by members of the Armed Services of the United States or veterans' organizations.

(720 ILCS 5/24.8-4)

§ 137-8. Seizure and removal.

Any police officer shall seize, take, remove, or cause to be removed at the expense of the owner, any air rifle sold or used in any manner in violation of this chapter. (720 ILCS 5/24.8-5)

Section 5. Conflict. All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 6. Effective Date. This Ordinance shall be in full force and effect following its passage and approval as required by law.

SO ORDAINED this 23 day of June, 2014, at Coal City, Grundy and Will Counties, Illinois.

AYES: 6

NAYS: 0

ABSENT: 0

ABSTAIN: 0

VILLAGE OF COAL CITY

Neal E. Nelson
Neal E. Nelson, President

Attest:

Pamela M. Noffsinger
Pamela M. Noffsinger, Clerk

(SEAL)