

CITY OF LE ROY
COUNTY OF McLEAN, STATE OF ILLINOIS

ORDINANCE NO. 14-03-01-70

AN ORDINANCE REGARDING THE UNLAWFUL USE OF WEAPONS

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS

3rd Day of March, 2014

PRESENTED: **March 3, 2014**

PASSED: **March 3, 2014**

APPROVED: **March 3, 2014**

RECORDED: **March 3, 2014**

PUBLISHED: **March 3, 2014**

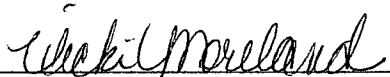
In Pamphlet Form

Voting "Aye" 8

Voting "Nay" 0

The undersigned being the duly qualified and Acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned **ordinance** and that such **ordinance** was presented, passed, approved, recorded and published as above stated.

(SEAL)



Vicki Moreland, City Clerk of City
of Le Roy, McLean County, Illinois

Dated: March 3, 2014

**CITY OF Le ROY
McLEAN COUNTY, ILLINOIS**

ORDINANCE NO. 14-03-01-70

AN ORDINANCE REGARDING THE UNLAWFUL USE OF WEAPONS

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

WHEREAS, the City 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, prohibitions on the discharge of firearms in town predates the founding of our nation, but were likely unenforced in the cases of self-defense, *D.C. v. Heller*, 554 U.S. 570, 633 (2008); and

WHEREAS, the City presently prohibits the discharge of firearms within its limits (Code § 5-5-2(A); 1-4-3), and the Mayor and City Council desire to provide appropriate exceptions, including for the defense of persons and property; and

WHEREAS, the Firearm Concealed Carry Act (the “Act”) preempts City regulation of handgun possession by concealed carry licensees, and thereby invalidates City regulations that are inconsistent with the Act (430 ILCS 66/90); and

WHEREAS, the Act prohibits the possession of firearms by concealed carry licensees in any public park under City control, provided this prohibition does not apply to a concealed carry licensee carrying a concealed handgun while on certain trails, bikeways, or public ways crossing the public park (430 ILCS 66/65(a)(13)); and

WHEREAS, the City Code presently prohibits firearms possession in parks, without exception, in conflict with the Act (Code §§ 7-4-1(J); 1-4-3(B)); and

WHEREAS, the City Code presently prohibits the possession of “concealed weapons,” in conflict with the Act (Code § 5-2-2(B); 1-4-3(B)); and

WHEREAS, the Mayor and City Council desire to amend the City Code to be consistent with the Act.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of LeRoy, McLean County, 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. Amendment to Section 1-4-3(B). Section 1-4-3, entitled "Settlement of Certain Ordinance Violation Charges", of the City of LeRoy Code of Ordinances is hereby amended as follows:

"B. Resolving Citation Charges: To settle charges in this manner, each alleged violator must make payment in person or by mail in the amount(s) shown on the citation to the city of LeRoy within fifteen (15) calendar days of the date the citation was issued. Payment may be made in person by cash, money order, or check; by mail it may be made by money order or check. Making a settlement payment as provided in this section shall operate as a release of the city, its employees and agents, from any and all claims of any variety associated with the violation or the events surrounding the issuance of the citation against the person. The information associated with the case may be used in administrative or judicial litigation against other parties. Violations which may be charged and the penalties for the same, all of which may be resolved in the manner previously set forth herein, are as follows:

<u>Offenses</u>		<u>Code Section</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third and Subsequent Offenses</u>
1.	Disorderly Conduct				
	[...]				
	Illegal discharge of firearm or hunting	5-2-2A	\$750.00	\$750.00	\$750.00
	Carrying a concealed weapon as defined in state statute <u>Unlawful Use of</u>	5-2-2B	\$750.00	\$750.00	\$750.00

	<u>Weapons</u>				
	[...]				
3.	Parks And Recreation Areas				
	[...]				
	Using Possession or use of firearms, BB guns, slingshots, bows and arrows, weapons or missiles of any nature prohibited in City parks or recreation area	7-4-1J	\$200.00	\$200.00	\$200.00

Section 3. Amendment to Section 5-2-2. Section 5-2-2, entitled “Weapons”, of the City of

LeRoy Code of Ordinances is hereby amended as follows:

- “A. Discharging Firearms: No person shall discharge any firearms, including BB guns and air guns, or do any hunting in the city. Nothing in this subsection shall:
1. limit the right to discharge a firearm in the lawful defense of persons or property, or in the course of making a lawful arrest, when such use of force is justified under Article 7 of the Criminal Code of 2012, as amended;
 2. apply to discharge of a gun, pistol or other firearm at any legally operated shooting gallery, pistol range, or gun club approved by the Chief of Police in writing; and
 3. apply to the discharge of a gun, pistol or other firearm by an honor guard, composed of members of the armed forces, law enforcement officers or members of veterans service organizations listed in Part I of the most recent edition of the Directory of Veterans Service Organizations issued by the Department of Veterans Affairs, to discharge firearms with blank ammunition only in a ‘salute’ or ‘honor’ to an individual, in conjunction with a funeral or other ‘honor’ ceremony, provided that the Chief of Police must approve the discharge of firearms by the honor guard, to include the type of firearm, ammunition to be used, and the location and time of the discharge. This information must be provided to the Chief of Police at least twenty-four hours prior to the proposed date of the firearms discharge provided the Chief of Police may approve the discharge on an emergency basis, as he or she deems appropriate.”

B. ~~Concealed Weapons: A person who is not a police officer shall not carry about his person any 'concealed weapon' as defined in state statute.~~ Unlawful Use of Weapons: No person shall engage in the unlawful use of weapons, as set forth in Section 24-1 of the Criminal Code of 2012, as amended.

Section 4. Amendment to Section 7-4-1. Section 7-4-1, entitled "Rules and Regulations", of the City of LeRoy Code of Ordinances is hereby amended as follows:

"Regulations and rules regarding use of parks and recreation areas owned or administered by the city, including Howard virgin timber park and any additions thereto, are as follows:

[...]

J. Weapons: No firearms, BB guns, other air guns, paint guns, slingshots, bows and arrows, weapons or missiles of any nature or kind are permitted in or may be used in any park. This subsection does not apply to or affect the holder of a currently valid license under the Firearm Concealed Carry Act (430 ILCS 66/1, et seq., as amended) carrying a concealed pistol, revolver, or handgun a) outside of a prohibited area under Section 65 of the Act, including on a trail or bikeway if only a portion of the trail or bikeway includes a public park; b) on or about his or her person within a vehicle in the parking area of a prohibited area, other than a school or where prohibited by law; or 3) along a public right of way that touches or crosses a prohibited area while traveling. This subsection also does not apply to or affect said licensees while storing a firearm or ammunition concealed in a case within a locked vehicle or locked container out of plain view within the vehicle in the parking area of a prohibited area, other than a school or where prohibited by law, in accordance with the Act. To the extent that there is any conflict between this subsection and the Firearm Concealed Carry Act, the provisions of the Act shall control."

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

SECTION 2. This ordinance shall be in full force and effect from and after its passage and approval as required by law.

PASSED by the City Council of the City of Le Roy, Illinois, upon the motion made by Monti Albert, and seconded by Mike Bailey by roll call vote on the 3rd day of March, 2014 as follows

Aldermen Elected 8

Aldermen Present 8

Voting Aye: Greg Steffen, Monti Albert, Mike Bailey, James Bratcher, Rae Ann Ahlers, Anne Anderson, Judy Marshall, James Bratcher

Voting Nay: None

Absent:


None

Abstain:

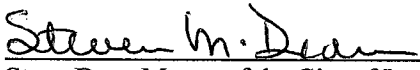
None

Other:

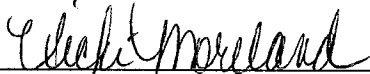
And deposited and filed in the office of the City Clerk in said municipality on the 3rd day of March, 2014.


Vicki Moreland, City Clerk of the City of
Le Roy, Mc Lean County, Illinois

APPROVED BY the Mayor of the City of Le Roy, Illinois, this 3rd day of March, 2014


Steve Dean Mayor of the City of Le Roy,
Mc Lean County, Illinois

ATTEST: (SEAL)


Vicki Moreland, City Clerk of the City of Le Roy
Mc Lean County, Illinois

CERTIFICATE

I, Vicki Moreland, certify that I am the duly appointed and acting municipal clerk of the City of Le Roy, of McLean County, Illinois.

I further certify that on July 9, 2012 the Corporate Authorities of such municipality passed and approved **Ordinance No. 14-03-01-70** entitled:


AN ORDINANCE REGARDING THE UNLAWFUL USE OF WEAPONS

Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Resolution No. **14-03-01-70**, including the Resolution and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on March 3, 2014 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at Le Roy, Illinois this 3rd day of March, 2014.

(SEAL)



Vicki Moreland, City Clerk of the City of
Le Roy, McLean County, Illinois

STATE OF ILLINOIS)
) SS:
COUNTY OF MCLEAN)

I, Vicki Moreland, do hereby certify that I am the duly qualified and acting City Clerk of the City of Le Roy, McLean County, Illinois, and as such City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

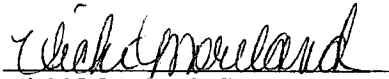
I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

AN ORDINANCE REGARDING THE UNLAWFUL USE OF WEAPONS

I do further certify said *Ordinance* was adopted by the City Council of the City of Le Roy at a regular meeting on the 3rd day of March 2014 and prior to the making of this certificate the said resolution was on file with the permanent records of said City where it now appears and remains as a permanent record of said Ordinance in the record books.

Dated this 3rd day of March, 2014.

(SEAL)


Vicki Moreland, City Clerk
of the City of Le Roy,
McLean County, Illinois