



ST. CHARLES  
SINCE 1834

### AGENDA ITEM EXECUTIVE SUMMARY

Title:	Recommendation to approve an Ordinance Amending Title 9 “Public Peace, Morals and Welfare,” Chapter 9.60 Weapons,” Sections 9.60.010 and 9.60.040 of the St. Charles Municipal Code
Presenter:	Chief Lamkin

*Please check appropriate box:*

X	Government Operations 9.3.13		Government Services
	Planning & Development		City Council
	Public Hearing		

Estimated Cost:	\$N/A	Budgeted:	YES		NO	
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If NO, please explain how item will be funded:

**Executive Summary:**

The State of Illinois has passed a concealed carry law for handguns. Within the law there is a provision that any local ordinances on record that are affected and are contrary to what is allowed in the concealed carry law become invalid.

In review, there are two revisions prepared by City Attorney John McGuirk being presented for City Council approval in order to be in compliance with the Concealed Carry legislation.

**Attachments:** *(please list)*

Ordinance

**Recommendation / Suggested Action** *(briefly explain):*

Recommendation to approve an Ordinance Amending Title 9 “Public Peace, Morals and Welfare,” Chapter 9.60 Weapons,” Sections 9.60.010 and 9.60.040 of the St. Charles Municipal Code.

<i>For office use only:</i>	<i>Agenda Item Number: 4b</i>
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**City of St. Charles, Illinois**  
**Ordinance No. 2013-M-\_\_\_\_\_**

**An Ordinance Amending Title 9 "Public Peace, Morals and Welfare," Chapter 9.60  
"Weapons," Sections 9.60.010 and 9.60.040 of the  
St. Charles Municipal Code**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE  
AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:**

SECTION ONE: That Title 9 "Public Peace, Morals and Welfare," Chapter 9.60 "Weapons," Section 9.60.010 and Section 9.60.040 of the St. Charles Municipal Code, be and is hereby amended as follows:

**"9.60.010 Prohibited uses.**

It is unlawful to, and a person commits the offense of unlawful use of weapons when he knowingly;

- A. Sells, Manufactures, purchases, possess or carries any bludgeon, blackjack, slingshot, sandclub, sandbag, metal knuckles, or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife; or
- B. Carries or possesses with intent to use the same unlawfully against another, a dagger, dirk, billy, dangerous knife, razor, stiletto, broken bottle or other piece of glass, or any other dangerous or deadly weapon or instrument of like character; or
- C. Carries concealed in any vehicle or concealed on or about his person except when on his land or in his own abode or fixed place of business any pistol, revolver or other firearm; or
- D. Carries on or about his person or in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid gas or substance; or
- E. Sets a spring gun; or
- F. Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or
- G. Sells, manufactures, purchases, possesses or carries any weapon from which more than eight shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches in length, or any bomb, bombshell, grenade, bottle or other container or explosive substance, such as but not limited to black powder bombs and Molotov cocktails; or
- H. Carries or possesses any firearm or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to license issued by any governmental body or any public gathering at which an admission is charged, excluding a place where a showing, demonstration or lecture involving the exhibition of unloaded firearms is conducted.

The above prohibited acts do not apply to or affect any person who is engaging in conduct otherwise exempt therefrom pursuant to the Criminal Code of 1961, as amended from time to time or to any person who possesses a license to carry a concealed firearm pursuant to the Firearm Concealed Carry Act (43 ILCS 66/1 *et seq.*) or as provided by Federal law, as amended from time to time. (Ord. 2011-M-3 § 1; Ord. 1969-M-3 § (part): prior code § 28.039)

**9.60.040 Prohibited locations.**

Unless otherwise provided for by law, it is unlawful for any person to have in his possession, or on or about his person, concealed or otherwise, any firearm, including, without limitation, a handgun, rifle, shotgun, paintball gun, or any other device capable of discharging a projectile by air upon any public supported land except at those areas designated for use as a firing range. Nothing herein shall be construed to prevent sworn peace officers from carrying such weapons as may be authorized and necessary in the discharge of their duties, nor shall it apply to any person summoned by such officer to assist in making arrests or preserving the peace while such person is so engaged or assisting. (Ord. 2007-M-34 § 1.)

The above prohibited acts do not apply to or affect any person who is engaging in conduct otherwise exempt therefrom pursuant to the Criminal Code of 1961, as amended from time to time or to any person who possesses a license to carry a concealed firearm pursuant to the Firearm Concealed Carry Act (43 ILCS 66/1 *et seq.*) or as provided by Federal law, as amended from time to time. (Ord. 2011-M-3 § 1; Ord. 1969-M-3 § (part): prior code § 28.039)”

SECTION TWO: That, after the adoption and approval hereof, this Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the City Council of the City of St. Charles, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

SECTION THREE: This Ordinance shall be in full force and effect ten (10) days from and after its passage by a vote of the majority of the corporate authorities now holding office, approval and publication in the manner provided by law.

PRESENTED to the City Council of the City of St. Charles, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 2013.

PASSED by the City Council of the City of St. Charles, Illinois this \_\_\_\_ day of \_\_\_\_\_, 2013.

APPROVED by the Mayor of the City of St. Charles, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Raymond P. Rogina, Mayor

ATTEST:

\_\_\_\_\_  
Nancy Garrison, City Clerk

COUNCIL VOTE:

Ayes : \_\_\_\_\_

Nays : \_\_\_\_\_

Absent : \_\_\_\_\_