

## ORDINANCE

### **AN ORDINANCE AMENDING CHAPTER 27 (“WEAPONS”), ARTICLE 1 (“FIREARM SALE OR RENTAL”), ARTICLE 2 (“POSSESSION AND CARRYING OF WEAPONS”), ARTICLE 4 (“PENALTIES”) AND SECTION 27-4-2 (“VOLUNTARY DELIVERY TO POLICE DEPARTMENT”) OF THE OAK PARK VILLAGE CODE TO ALLOW FOR THE VILLAGE TO BUYBACK WEAPONS AND REGULATE THE SAFE STORAGE OF FIREARMS**

**WHEREAS**, the Village of Oak Park (“Village”) as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970 has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

**WHEREAS**, pursuant to its Constitutional home rule powers, the Village has the authority “to regulate for the protection of the public health, safety, morals, and welfare,” Ill. Const art. 7 § 6; and

**WHEREAS**, the “powers and functions of home rule units shall be construed liberally,” and written “with the intention that home rule units be given the broadest powers possible,” *Scadron v. City of Des Plaines*, 153 Ill.2d 164 (1992); and

**WHEREAS**, according to United States Centers for Disease Control and Prevention, over 43,000 lives are ended by gun violence each year, with the number of those injured and affected by gun violence far exceeding this number; and

**WHEREAS**, according to a 2018 study of gun-owning households published in the American Journal of Public Health, nearly a quarter of all firearm owners keep their firearms unlocked; and

**WHEREAS**, unsecured guns are susceptible to theft and pose a significant public health and safety hazard, with a 2017 study in the journal *Injury Epidemiology* finding that representative survey data suggests that approximately 380,000 guns are stolen from individual firearm owners each year; and

**WHEREAS**, according to the Giffords Law Center, unsecured guns in homes and vehicles are fueling a national epidemic of gun theft; and

**WHEREAS**, the presence of an unsecured, easily accessible loaded weapon in the home increases the likelihood of death or injury from accidents and impulsive acts; and

**WHEREAS**, firearms left unattended in the home should be kept locked or stored securely to prevent access by children and others who should not have access to them; and

**WHEREAS**, data from the Centers for Disease Control and Prevention shows that in the 15 years following the implementation of Massachusetts’ safe storage law, the rate of firearm suicide for children and teens age 10 through 19 fell 49% faster than the national average; and

**WHEREAS**, firearm owners are responsible for keeping their firearms from falling into the hands of children and other unauthorized individuals; and

**WHEREAS**, Illinois law currently provides that is unlawful for a person to not properly secure a firearm “if the person knows or has reason to believe that a minor under the age of 14 years who does not have a Firearm Owners Identification Card is likely to gain access to the firearm without the lawful permission of the minor’s parent, guardian, or person having charge of the minor, and the minor causes death or great bodily harm with the firearm,” 720 ILCS 5/24-9(a); and

**WHEREAS**, pursuant to the Village’s home rule authority above and the court’s holding in the case of *Easterday v. Village of Deerfield*, 2020 IL App (2d) 190879, the Village is authorized to regulate the safe storage of firearms as set forth herein; and

**WHEREAS**, the Village Board supports safe gun storage as a way to save lives from multiple sources of violent firearms discharge, unintentional shootings, crime-related firearm violence facilitated by stolen firearms, suicide and mass shootings beyond what is required by state law; and

**WHEREAS**, the Village Board has determined to amend the Oak Park Village Code as set forth herein to reinforce responsible gun ownership practices through safe gun storage to prevent individuals not otherwise authorized by law from gaining access to firearms.

**NOW THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

**Section 1. Recitals Incorporated.** The above recitals are incorporated herein as though fully set forth.

**Section 2. Village Code Amended.** Chapter 27 (“Motor Vehicles and Traffic”), Article 1 (“Firearm Sale or Rental”), Section 27-1-1 (“Definitions”) of the Oak Park Village Code is amended to add the underlined language to read as follows:

**27-1-1: DEFINITIONS:**

For the purposes set forth in Chapter 27 of the Village Code, the following words and phrases shall have the meanings, and are hereby defined, as follows:

\* \* \* \*

AUTHORIZED USER: The owner of a firearm or a person who possess a firearm with permission from the owner who is not otherwise prohibited by Illinois law.

\* \* \* \*

LOCKING DEVICE: A feature of a firearm or an external device that renders the firearm inaccessible, inoperable or both. A locking device includes but is not limited to the following: a biometric lock, a trigger lock, a barrel lock, a cylinder lock, a gun vault, a locked cabinet, a locked box, or any other appropriate locked container where a key is kept separately or otherwise is not readily available to any other person.

\* \* \* \*

PERSON: An individual, corporation, organization, partnership, business or other entity.

\* \* \* \*

**Section 3. Village Code Amended.** Chapter 27 (“Weapons”), Article 2 (“Possession and Carrying of Weapons”) of the Oak Park Village Code is amended to add a new Section 27-2-2 (“Safe Storage”) to read as follows:

**27-2-2: SAFE STORAGE OF FIREARMS:**

- A. It is unlawful for any person to keep or possess any firearm in a person’s home unless such firearm is secured by a locking device.
- B. A firearm is not secured if a key or combination to the locking device is readily available to a person who is not an authorized user to carry or control the firearm, or the firearm is left unattended in a vehicle and within view of persons outside the vehicle.
- C. Subsection A above shall not apply if a person gains access to a firearm and uses it in a lawful act of self-defense or defense of another.
- D. An injured person may bring a civil action against the owner of a firearm in a court of competent jurisdiction for a violation of this section.

**Section 4. Village Code Amended.** Chapter 27 (“Weapons”), Article 4 (“Penalties”), Section 27-4-2 (“Voluntary Delivery to Police Department”) of the Oak Park Village Code is amended to delete the overstricken language and add the underlined language to read as follows:

**27-4-2: VOLUNTARY DELIVERY TO POLICE DEPARTMENT:**

If a person voluntarily and peaceably delivers and abandons to the Oak Park Police Department any weapon, such delivery shall preclude the arrest and prosecution of such person on a charge of violating any provision of this chapter with respect to the weapon voluntarily delivered.

Delivery under this section may be made at the headquarters of the Police Department or by summoning a police officer to the person's residence or place of business. Every weapon to be delivered and abandoned to the Police Department under this paragraph shall be unloaded and securely wrapped in a package and in the case of delivery to the police headquarters, the package shall be carried in open view. No person who delivers and abandons a weapon under this section shall be required to furnish identification, photographs or fingerprints. ~~No amount of money shall be paid for any weapon delivered or abandoned under this paragraph.~~ Whenever any weapon is surrendered under this section, the Police Department shall inquire of all law enforcement agencies whether such weapon is needed as evidence and if the same is not needed as evidence, it shall be destroyed in accordance with section 27-4-3 of this article.

**Section 5. Severability and Repeal of Inconsistent Ordinances.** 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. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 6. Effective Date.** This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

**ADOPTED** this 5<sup>th</sup> day of July, 2023, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman				
Trustee Buchanan				
Trustee Enyia				
Trustee Parakkat				
Trustee Robinson				
Trustee Straw				
Trustee Wesley				

**APPROVED** this 5<sup>th</sup> day of July, 2023.

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Vicki Scaman, Village President

**ATTEST**

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Christina M. Waters, Village Clerk

Published in pamphlet form this 5<sup>th</sup> day of July, 2023.

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Christina M. Waters, Village Clerk