AN ORDINANCE AMENDING CHAPTER 9.12 OF THE
WINNETKA VILLAGE CODE CONCERNING FIREARM REGULATIONS

WHEREAS, the Village of Winnetka (“Village”) is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs; and

WHEREAS, Chapter 9.12 of the Winnetka Village Code, as amended (“Village Code”), regulates firearms in the Village (“Firearm Regulations”); and

WHEREAS, the Village Council has reviewed the existing Firearms Regulations in light of the July 4, 2022 mass shooting in Highland Park and other similar tragedies around the County as well as existing Illinois statutes and recent court decisions from the United States Supreme Court and other federal and state courts relating to the nature and extent of Illinois local government authority over firearms; and

WHEREAS, the Village Council has determined that it will serve and be in the best interests of the Village to amend the existing Firearm Regulations as set forth in this Ordinance;

NOW, THEREFORE, the Council of the Village of Winnetka does ordain as follows:

SECTION 1: RECITALS. The recitals are incorporated into this Section as the findings of the Village Council, as if fully set forth in this Section.

SECTION 2: SAFE STORAGE AND TRANSPORTATION. Section 9.12.025, titled “Safe Storage and Transportation of Assault Weapons,” of Chapter 9.12, titled “Weapons,” of Title 9, titled “Public Peace, Morals and Welfare,” of the Village Code shall be amended to read as follows:


A. Safe Storage of Assault Weapons. It is unlawful and a violation of this subsection A 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. Transportation of Assault Weapons. It is unlawful and a violation of this subsection B for any person to carry or possess an assault weapon in the Village, except when on his own 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:

1. Are broken down in a non-functioning state; or and
2. Are not immediately accessible; or and
3. 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.

C. Exceptions.
1. Self-defense. 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.
2. The provisions of this section do not apply (i) to any law enforcement officer, agent or employee of any municipality of the State of Illinois, (ii) to any law enforcement officer, agent or employee of the State of Illinois, of the United States, or of any other state, or (iii) to any member of the military or other service of any state or the United States, including national guard and reserves; provided, that 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 3: HANDGUN AND AMMUNITION SURRENDER. Section 9.12.030, titled “Surrender of Handguns and Ammunition,” of Chapter 9.12, titled “Weapons,” of Title 9, titled “Public Peace, Morals and Welfare,” of the Village Code Shall be amended to read as follows:

“Section 9.12.030 Surrender of handguns and ammunition.

A. Voluntary Surrender. Subject to the provisions of the following subsection (B), any person within the Village may voluntarily and peaceably deliver and abandon to the Chief of Police any handgun or ammunition. Except as provided in the following subsection (B), no person shall be asked for identification nor will such person be subject to prosecution for the possession of any handgun or ammunition voluntarily surrendered.

B. Conditions. The voluntary surrender of any handgun or ammunition shall be subject to the following conditions: shall not moot or in any manner invalidate any pending or future investigation, arrest, charge, or prosecution for a violation of any provision of this Chapter 9.12 or any other law or regulation concerning the use or possession of firearms or ammunition.
a. The voluntary delivery or abandonment of any handgun or ammunition after an arrest or charge for violation of any provision of this section shall not moot or in any manner invalidate such arrest or charge.

b. The voluntary delivery or abandonment of any handgun or ammunition shall not moot or in any manner invalidate the investigation, arrest, charge or prosecution for any offenses other than possession.

C. Destruction of Surrendered Handguns and Ammunition. Whenever any handgun or ammunition is surrendered pursuant to the terms of this section, the Chief of Police shall ascertain whether such handgun or ammunition is needed as evidence in any matter. If such handgun or ammunition is not required for evidence it shall be destroyed at the direction of the Chief of Police. A record of the date and method of destruction and an inventory of the handgun or ammunition so destroyed shall be maintained.”

SECTION 4: PENALTIES. Section 9.12.050, titled “Penalties,” of Chapter 9.12, titled “Weapons,” of Title 9, titled “Public Peace, Morals and Welfare,” of the Village Code shall be amended to read as follows:

“Section 9.12.050 Penalties

A. Any person found in violation of Section 9.12.010 of this chapter shall be subject to a fine of not less than one hundred fifty dollars ($150.00) three hundred dollars ($300.00) nor more than one thousand dollars ($1,000.00) two thousand dollars ($2,000.00).

B. Any person found in violation of Section 9.12.025 or Section 9.12.040 of this chapter shall be subject to a fine of not less than five hundred dollars ($500.00) one thousand dollars ($1,000.00) nor more than one thousand dollars ($1,000.00) two thousand dollars ($2,000.00) for each offense.”

SECTION 6: SEVERABILITY. If any provision of this Ordinance or any part of this Ordinance is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.
SECTION 7: EFFECTIVE DATE. This Ordinance will be in full force and effect upon its passage and approval in the manner provided by law.

PASSED this 7 day of March, 2023, pursuant to the following roll call vote:

AYES: ________________________________________________________

NAYS: ________________________________________________________

ABSENT: ________________________________________________________

APPROVED this ____ day of ____________, 2023.

Signed:

__________________________________

Village President

Countersigned:

__________________________________

Village Clerk

Published by authority of the President and Board of Trustees of the Village of Winnetka, Illinois, this _____ day of ________, 2023.

Introduced: March 7, 2023
Passed and Approved:___________, 2023