

75-O-10

AN ORDINANCE

**Amending Various Sections of Title 9 "Public Safety", Chapter 8,
"Weapons" of the City Code**

WHEREAS, the City of Evanston regulates possession and transportation of handguns in the City;

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF EVANSTON, COOK COUNTY, ILLINOIS:**

SECTION 1: That Title 9 "General Offenses", Chapter 8 "Weapons", Section 2 "Possession", of the Evanston City Code of 1979, as amended, is hereby further amended to read as follows:

9-8-2: POSSESSION:

- (A) No person shall possess, in the city of Evanston any handgun, except when said handgun is kept at the residence of said person for self-protection, provided that said person possesses a current and valid firearm owner's identification card issued by the state of Illinois.
- (B) No person shall possess any handgun in the City of Evanston if:
 - (1) He or she is under eighteen (18) years of age and said handgun is of a size which may be concealed upon the person; or
 - (2) He or she is under twenty-one (21) years of age and has been convicted of a felony or a misdemeanor other than a minor traffic offense or adjudged delinquent for a misdemeanor or felony; or
 - (3) He or she is addicted to, or habitually uses, a controlled substance; or
 - (4) He or she has been a voluntary or involuntary patient in a psychiatric facility within the past five (5) years; or

- (5) He or she has been diagnosed with a mental illness or condition and, as a result of that illness or condition, may be prone to display aggressive, dangerous, or threatening behavior, or as a result of that illness or condition is unable to appreciate the responsibility inherent in handgun possession.

SECTION 2: That Title 9 "General Offenses", Chapter 8 "Weapons", Section 5 "General Exemptions", of the Evanston City Code of 1979, as amended, is hereby further amended to read as follows:

9-8-5: GENERAL EXEMPTIONS:

- (A) Section 9-8-2 (A) of this Chapter shall not apply to or affect the following:
1. Peace officers.
 2. Persons, who in the performance of their official duties as defined by Illinois or federal law or Evanston ordinance are required to carry handguns.
 3. Retired peace officers in compliance with the requirements of the "Law Enforcement Officers Safety Act" of 2004, 18 USC 926(c), as amended.
 4. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.
 5. Members of the armed services or reserve forces of the United States or the Illinois National Guard, while in the performance of their official duties.
 6. Any person summoned by any peace officer to assist in making arrests or preserving the peace while that person is actually engaged in assisting such officer and if such handgun was provided by the peace officer or was otherwise legally possessed under this Chapter.
 7. Special agents employed by a railroad or a public utility to perform police functions; guards of armored car companies, watchmen while actually engaged in the performance of their duties of employment and security guards actually and regularly employed in

commercial or industrial operation for the protection of persons employed and private property related to such commercial or industrial operation, provided said security guards are in compliance with 720 Illinois Compiled Statutes 5/24-2(a)(6), as amended, relating to registration, training, and other requirements imposed by the Illinois department of professional regulation, while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment.

8. Agents and investigators of the Illinois Legislative Investigating Commission authorized by the Commission to carry handguns.
9. Gun collectors, licensed by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, within the confines of their permanent residence.
10. A person who possesses an antique handgun within the confines of their permanent residence.
11. Transportation of handguns that:
 - i. are broken down in a non-functioning state; or
 - ii. are not immediately accessible; or
 - iii. 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.
12. An established theater, provided it maintains possession and control of handguns in a safe place, under control of the designated armorer, at all times when they are not being used for rehearsals, performances, or class purposes on the theater premises; and members of theatrical casts and crews while such persons are using said handgun on the theater premises.
13. An established film production organization, provided it has prior written approval from the city manager or his or her designee to conduct its activities in the city, and provided that the use of the handgun was disclosed in the request for approval, and is used in accordance with any requirements imposed in the approval including, but not limited to, maintaining possession and control in a safe place under control of the designated armorer at all times when not in use for rehearsals or filming.
14. Persons utilizing a "starter" handgun solely capable of firing blank

ammunition during an athletic event sponsored by a publicly- or privately-owned educational institution located in Evanston.

SECTION 3: That if any provision of this Ordinance 75-O-10 or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that do not depend upon the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: That this Ordinance 75-O-10 shall be in full force and effect from and after its passage, approval, and publication as provided by law.

Introduced: December 13, 2010

Approved:

Adopted: January 10, 2011

January 13, 2011

Elizabeth B Tisdahl
Elizabeth Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene
Rodney Greene, City Clerk

W. Grant Farrar
W. Grant Farrar, Corporation Counsel