

Firearms and Residential Area Shooting Ordinance Draft

WHEREAS, the Kendall County Board has the authority pursuant to 55 ILCS 5/5-1113 to pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to counties; and

WHEREAS, the Kendall County Board has the authority pursuant to 55 ILCS 5/5-1117 to regulate within the unincorporated areas of Kendall County the discharge of firearms in residential areas where such discharge is likely to subject residents or passersby to the risk of injury; and

WHEREAS, the Kendall County Board finds that adopting such regulation will promote the public health, safety, and general welfare of the inhabitants of Kendall County; and

WHEREAS, the Kendall County Board finds that regulating the discharge of firearms in residential areas will serve to avoid the risk or injury to residents or passersby.

NOW, THEREFORE, BE IT ORDAINED by the Kendall County Board that Chapter XXXXX, Article XXXX of the Kendall County Code is hereby created to read as follows:

1. DEFINITIONS

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- a) "Firearm" as defined by the Illinois Firearm Owners Identification Card Act means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:
 - (1) any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter or which has a maximum muzzle velocity of less than 700 feet per second;
 - (1.1) any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels breakable paint balls containing washable marking colors;
 - (2) any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;
 - (3) any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition; and
 - (4) an antique firearm (other than a machine-gun) which, although designed as a weapon, the Illinois State Police finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

- b) "Residential Area" is defined as any area within 300 yards of at least three single- or multi-family residential structures.
- c) "Unincorporated Area" is defined as the area within Kendall County boundaries not within the boundaries of any municipality.

2. REGULATION

It shall be a violation of this article for any person to discharge a firearm in any Residential Area of the Unincorporated Area, unless such discharge of a firearm is:

- 1) For the lawful defense of persons or property, or in the course of making a lawful arrest, when such force is justified under Article 7 of the Criminal Code of 2012;
- 2) For legal hunting in compliance with the Illinois Wildlife Code (520 ILCS 5/1.1 et. seq.);
- 3) Shooting on property zoned and approved for the operation of commercial shooting ranges, hunting clubs, shooting clubs, recreational clubs, and similar organizations when such discharge occurs within the parameters specified for such approved use;
- 4) Law enforcement activities, including, but not limited to, law enforcement training ranges;
- 5) Personal recreational shooting, but only (1) with a berm, backstop, natural terrain changes, or other sufficient manner that prevents any projectiles from leaving the boundary of the property where the shooting is taking place; and (2) with permission of neighboring properties as set forth below. Any such personal recreational shooting may only take place between sunrise and sunset; or
- 6) Otherwise exempt from this article by State law.

A person may seek permission from the owner or tenant of the residential structures within 300 yards of the location where firearms will be discharged to allow for personal recreational shooting. If multiple residences exist within 300 yards of the location where firearms will be discharged, authorization from the owner or tenant of each residence shall be required. For a multi-family structure, authorization from the owner or tenant of each unit shall be required. Failure to obtain appropriate authorization from the affected residences will result in a prohibition in discharging firearms in accordance with this article.

The Kendall County Sheriff's Office shall provide a sample authorization form on their website or in person at the Kendall County Sheriff's Office

3. ENFORCEMENT AND PENALTIES

- a) This chapter shall be enforced by the Kendall County Sheriff. For purposes of determining the 300 yards from single or multi-family residential structures, a measurement shall be

taken from the location where a firearm was discharged to the closest exterior wall of the residential structure.

- b) Any person who violates any provision of this article shall be guilty of an ordinance violation and shall be fined as set forth below. A separate offense shall be deemed committed each and every time a violation of this article occurs.
- c) Fines for violation of this article shall be as follows:
 - 1) The first violation of this article shall be punishable by a fine of no less than \$500.
 - 2) A second violation of this article by the same person, within a 12-month period shall be punishable by a fine of no less than \$750.
 - 3) A third or subsequent violation of this article by the same person, within a 12-month period shall be punishable by a fine of no less than \$1000.
- d) Nothing herein shall prohibit the State's Attorney from taking any other lawful action, including seeking injunctive relief, to prevent or remedy any violations of this article.