

**ORDINANCE NO. 2016-11**

**AN ORDINANCE AMENDING SECTIONS 4.23 AND 8.02 OF THE VILLAGE OF STICKNEY ZONING ORDINANCE – 1980, VILLAGE OF STICKNEY, ILLINOIS REGARDING THE REGULATION OF FIREARMS RETAILERS AND GUN RANGES**

**WHEREAS**, the Village of Stickney (the “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 to review, interpret and amend its ordinances, rules and regulations; and

**WHEREAS**, Section 4 of the Village of Stickney Zoning Ordinance – 1980 (the “Zoning Ordinance”) governs general provisions, and Section 8.02 of the Zoning Ordinance governs special uses in the Village’s Business District; and

**WHEREAS**, pursuant to Section 12.10 of the Zoning Ordinance, which vests any member of the Village of Stickney Zoning Board of Appeals (the “ZBA”) with the authority to initiate amendments to the Zoning Ordinance, the Chairman of the ZBA initiated certain text amendments described herein (the “Amendments”) to Sections 4.23 and 8.02 of the Zoning Ordinance; and

**WHEREAS**, the ZBA held a public hearing, pursuant to proper notice, on the proposed Amendments; and

**WHEREAS**, based on the testimony given at said public hearing, the ZBA made certain findings of fact and conclusions with respect to the Amendments and made a recommendation to the Village’s Board of Trustees (the “Village Board”) that the Amendments be approved (collectively, the “Findings of Fact and Recommendation”); and

**WHEREAS**, a copy of the Findings of Fact and Recommendation is attached hereto as Exhibit A and is incorporated herein; and

**WHEREAS**, the Amendments regulate firearms retailers and gun ranges in the Village; and

**WHEREAS**, in light of the above, the Village President (the “President”) and the Board of Trustees of the Village (the “Village Board” and with the President, the “Corporate Authorities”) have determined that it is in the public interest to adopt the Amendments;

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:**

**ARTICLE I.  
IN GENERAL**

**SECTION 1. INCORPORATION CLAUSE.**

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

**SECTION 2. PURPOSE.**

The purpose of this Ordinance is to amend Sections 4.23 and 8.02 of the Zoning Ordinance to regulate firearms retailers and gun ranges in the Village and to authorize the President or her designee to take all actions necessary to carry out the intent of this Ordinance.

**SECTION 3. APPROVAL OF TEXT AMENDMENTS.**

The Findings of Fact and Recommendation are hereby adopted. The Village Board concurs with the Findings of Fact and Recommendation and, in accordance with the findings and conclusions stated therein, hereby approves the Amendments, as described below.

**ARTICLE II.  
AMENDMENT OF SECTIONS 4.23 AND 8.02 OF THE VILLAGE OF STICKNEY ZONING  
ORDINANCE – 1980**

**SECTION 4.0. AMENDMENT OF SECTION 4.23.**

That the Zoning Ordinance is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by adding Section 4.23, which Section shall be as follows:

**Section 4.23 – Firearms retailer and gun range uses**

(A) Definitions.

*Firearm.* “Firearm” shall be as defined in Section 1.1 of the Firearms Owners Identification Card Act (430 ILCS 65/1.1).

*Firearms Retailer.* A “firearms retailer” is a business that (1) derives its principal income from the purchase, sale or trade of firearms, with or without the sale of ammunition and/or firearms accessories; and (2) either physically delivers firearms to purchasers on the premises or conducts firearms sales from the premises for delivery to offsite purchasers; and (3) is required to possess a firearms dealer license under federal law.

*Gun Range.* A “gun range” is a business that derives income by providing target shooting or any other activities involving the discharge or other use of firearms.

- (B) Purpose. The purpose and intent of this section is to regulate the location of firearms retailers and gun ranges in order to promote the public health, safety, comfort and welfare of the citizens of the Village and to establish reasonable and uniform regulations to prevent any deleterious location concentration of firearms retailers and gun ranges within the Village. It is not the intent of this section to impose any limitation on firearm ownership or firearm sales generally as an activity.
- (C) Special Use Required. No firearm retailer or gun range shall operate without first obtaining a special use permit in accordance with the provisions of this Zoning Ordinance. In addition to any other provisions of this Zoning Ordinance, the following standards shall apply to all firearms retailers and gun ranges:
  - (1) Approval of a site security and safety plan by the Village shall be a condition for approval of a special use permit. This site security and safety plan shall be submitted to the Village for approval at least once every three years after the initial submittal. The Village shall have the authority to require an updated site security and safety plan at any time. Once a site security and safety plan has been approved by the Village, no changes may be made to the site without the prior approval of the Village.
  - (2) Firearms shall not be displayed in windows of the business. Firearms shall only be displayed inside a locked counter or locked wall display within the premises, and may not be visible from the sidewalk or street.
  - (3) Images or depictions of firearms shall not be displayed in windows, nor shall they be advertised by signs or posters viewable from the building exterior.
  - (4) Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m.
  - (5) No individual less than the minimum age to purchase a firearm in the State of Illinois shall be allowed on the premises unless accompanied by a parent or legal guardian.
  - (6) No person less than 21 years of age shall be employed by the business.
  - (7) All employees must possess a valid Firearms Owners Identification Card considered valid in the State of Illinois.

(8) Any gun range must conform to the U.S. Department of Energy's Range Design Criteria or subsequent criteria.

(D) No firearms retailer or gun range shall be located within five hundred (500) feet of the property line of a school, child care center, adult daycare center, park, place of worship, hospital, or another firearms retailer or gun range.

**SECTION 4.1. AMENDMENT OF SECTION 8.02.**

That the Zoning Ordinance is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Section 8.02, which Section shall be amended as follows:

The following special uses may be permitted in a business district:

[.....]

Firearms retailers and gun ranges

**ARTICLE III.  
HEADINGS, SAVINGS CLAUSES, PUBLICATION,  
EFFECTIVE DATE**

**SECTION 5. HEADINGS.**

The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

**SECTION 6. SEVERABILITY.**

The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

**SECTION 7. SUPERSEDER.**

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

**SECTION 8. PUBLICATION.**

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

**SECTION 9. EFFECTIVE DATE.**

This Ordinance shall be effective and in full force immediately after its passage and approval.

**(Remainder of page left intentionally blank)**

Passed this 19<sup>th</sup> day of April, 2016.

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Deborah Morelli, President

ATTEST:

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Audrey McAdams, Village Clerk

Date of Passage: April 19, 2016

Date of Publication: April 20, 2016

**EXHIBIT A**

**Findings of Fact and Recommendation**