

Sec 29-49 Transfer Or Possession Of Assault Ammunition Or Assault Weapons

- (a) No person shall sell, offer or display for sale, give, lend, transfer ownership of, acquire or possess any assault weapon or large capacity ammunition feeding device.
- (b) This section shall not apply to:
 - (1) Any law enforcement officer of this or any other municipality or state of the United States, members of the armed forces of the United States, or the organized militia of this or any other state to the extent that any such person is otherwise authorized to possess an assault weapon or large capacity ammunition feeding device and is acting within the scope of his or her duties;
 - (2) Persons licensed as private security contractors, private detectives, private alarm contractors or employed by an agency certified by the department of professional regulation if their duties include the carrying of a weapon under the provisions of the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 (225 ILCS 447/1) et seq.). while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment, provided that such commuting is accomplished within one (1) hour from departure from home or place of employment, as the case may be. Persons exempted under this paragraph shall be required to have completed a course of study in firearms handling and training approved and supervised by the department of professional regulation as prescribed by section 35-40 of the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 (225 ILCS 447/35-40) prior to becoming eligible for this exemption. The department of professional regulation provides suitable documentation demonstrating the successful completion of the prescribed firearms training in the form of a firearm authorization card. Such firearm authorization card shall be carried at all times when such persons are in possession of a weapon, and further, persons exempted under this paragraph shall be in possession of only the weapon(s) specifically authorized and specified on the firearm authorization card.
 - (3) The transportation of assault weapons or large capacity ammunition feeding devices to persons exempt from this section, as set forth above, by federally licensed manufacturers and dealers, if the weapons or devices are broken down in a nonfunctioning state and not immediately accessible during transportation; or
 - (4) The government of the United States or the government of any municipality, county, or state.

- (5) Any person who, while in their home and in an act of self-defense, uses either an assault weapon owned by a person mentioned in paragraph (b)(1) above or such a weapon for which a certificate of ownership has been issued but for which they are not the certificate holder.
- (6) Any assault weapon or large capacity ammunition feeding device possessed, sold or transferred in violation of subsection (a) above is hereby declared to be contraband and shall be seized and appropriately disposed of by the police department.
- (7) Any person found in violation of this section shall be guilty of a Misdemeanor IV.
- (8) Any person who, prior to the effective date of this section, was legally in possession of an assault weapon or large capacity ammunition feeding device prohibited by this section, shall have ninety (90) days from the effective date of this section to do any of the following without being subject to prosecution hereunder:
 - a. Remove the assault weapon or large capacity ammunition feeding device from within the limits of the city;
 - b. Modify the assault weapon either to render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon;
 - c. Surrender the assault weapon or large capacity ammunition feeding device to the police chief or his designee for appropriate disposal; or
 - d. Obtain a certificate of ownership from the Aurora Police Department in accordance with subsection (g) below.

(c) Reserved.

(d) Reserved.

(e) Reserved.

(f) This section shall not apply to:

- (1) An antique firearm as defined below;
- (2) Any semiautomatic rifle with a fixed stock that cannot accept a detachable magazine or clip that holds more than eight (8) rounds of ammunition;
- (3) Any semiautomatic shotgun that cannot hold more than five (5) rounds of ammunition in a fixed or detachable magazine;
- (4) Any firearm that can only be operated manually by bolt, pump, lever or slide action.
- (5) Any magazine, belt, drum, feed strip or similar device originally manufactured to accept more than fifteen (15) rounds of ammunition but which has been fitted with a permanent block so as to hold no more than fifteen (15) rounds of ammunition.

- (g) (1) Persons who, prior to the effective date of this section, lawfully possess assault weapons as defined herein may, within ninety (90) days of the effective date of this section, apply to the Aurora Police Department for a certificate of ownership for said assault weapons.
- a. No certificate of ownership shall, however, be granted for the following weapons:
- Avtomat Kalashnikov AK-47 type (including all models of the Norinco, Mitchell and Poly Tech)
Beretta AR-70
Franchi SPAS-12 and LAW-12
MAC-11 carbine type
Street Sweeper and Striker 12 revolving cylinder shotguns
USAS-12
Uzi carbine and mini-carbine
Any assault weapon with a folding or telescoping stock which is not designed to be fired from the shoulder
Any pistol which meets the definition of an assault weapon except as set forth in paragraph b. below
- b. A certificate of ownership may be granted for any pistol originally manufactured to accept, in the pistol grip, a magazine designed to contain 16—17 rounds of ammunition but which does not extend below the pistol grip and does not otherwise meet the definition of an assault weapon.
- (2) The Aurora Police Department shall issue a certificate of ownership for each applicable weapon owned by the applicant if the applicant has a currently valid State of Illinois Firearm Owners Identification card. Said certificate shall not be transferable, except upon the death of the certificate holder and then only to his heir or legatee.
- (3) The Aurora Police Department shall not issue a certificate of ownership, and shall revoke any existing certificate of ownership, if the applicant or certificate holder is prohibited, under state or federal law, from possessing the assault weapon for which the certificate of ownership has been applied or issued.
- (4) All assault weapons for which a certificate of ownership has been issued shall be kept unloaded and stored in a locked environment when being transported or kept within the City of Aurora.

(5) The City of Aurora shall not enact any ordinance imposing greater regulations upon assault weapons for which a certificate of ownership has been issued.

(h) For the purpose of this section:

(1) Antique firearm means:

- a. Any firearm, including any firearm with a matchlock, flintlock, percussion cap or similar type of ignition system, manufactured in or before 1898; and
- b. Any replica of any firearm described in subparagraph (a) if the replica:
 1. Is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or
 2. Uses rimfire or conventional centerfire fixed ammunition which is not readily available in the ordinary channels of commercial trade.

(2) Assault weapon means:

- a. Any of the firearms (or types, replicas, or duplicates in any caliber of the firearms regardless of manufacturer) known as:

A.A. Arms AP-9
Algimec Agmi
Armalite AR-180
Australian Automatic Arms SAP Pistol
Australian Automatic Arms SAR
Auto-Ordnance Thompson type
Avtomat Kalashnikov AK-47 type (including all models of the Norinco, Mitchell, and Poly Tech)
Barrett Light-Fifty model 82A1
Beretta AR-70 (SC-70)
Beretta BM-59
Bushmaster Auto Rifle and Auto Pistol
Calico models M-900, M-950 and 100-P
Chartered Industries of Singapore SR-88
Claridge High Tech
Colt AR-15 and Sporter
Daewoo K-1, K-2, Max-1 and Max-2
Encom MK-IV, MP-9 and MP-45

Fabrique Nationale FN/FAL, FN/LAR or FN/FNC
FAMAS MAS 223
Feather AT-9 and Mini-AT
Federal XC-900 and XC-450
Franchi SPAS-12 and LAW-12
Galil AR and ARM
Heckler & Koch HK-91, HK-93, HK-94, PSG-1, SP-89
Holmes Mp-83
Intratec TEC-9, TEC-DC-9, TEC-22 and Scorpion
Iver Johnson Enforce Model 3000
Iver Johnson PM30 Paratrooper
M14S type
MAC 10, M-10, MAC-11 and MAC-11 Carbine type
Ruger Mini-14/5F (folding stock only) and Mini-14/5RF
Scarab Skorpion
SIG 57 AMT, SIG 550SP, SIG 551SP, SIG PE-57 types and 500 series
Spectre Auto Carbine and Auto Pistol
Springfield Armory BM59, SAR-48 and G-3
Sterling MK-6 and MK-7 and SAR types
Steyr AUG
Street Sweeper and Striker 12 revolving cylinder shotguns
SWD M-10, M-11, M-11/9, M-12
Valmet M63, M71S, M76 or M78
USAS-12
UZI Carbine, Mini-Carbine and Pistol
Weaver Arms Nighthawk
Wilkinson "Linda" Pistol

- b. Any semiautomatic rifle that has a fixed magazine that can hold more than eight (8) rounds or an ability to accept a detachable magazine and has at least two (2) of the following:
 - 1. A folding or telescoping stock;
 - 2. A pistol grip that protrudes beneath the action of the weapon and which is separate and apart from the stock;
 - 3. A bayonet mount;
 - 4. A flash suppressor;
 - 5. A barrel with a threaded muzzle;
 - 6. A grenade launcher.
- c. Any semiautomatic pistol that has an ability to accept a detachable magazine and has at least two (2) of the following:
 - 1. An ammunition magazine that attaches to the pistol outside of the pistol grip;
 - 2. A barrel having a threaded muzzle;
 - 3. A shroud that is attached to, or partially or completely encircles, the barrel and which permits the shooter to hold the firearm with the nontrigger hand without being burned;
 - 4. A manufactured weight of fifty (50) ounces or more when the pistol is unloaded;
 - 5. A semiautomatic version of an automatic firearm
- d. Any semiautomatic shotgun that has either a fixed magazine with a capacity in excess of five (5) rounds or an ability to accept a detachable magazine and, in addition, has at least one (1) of the following:
 - 1. A folding or telescoping stock;
 - 2. A pistol grip that protrudes beneath the action of the firearm and which is separate and apart from the stock;

- (3) Firearm 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:
- a. Any pneumatic gun, spring gun, paint ball gun or BB gun which either expels a single globular projectile not exceeding .18 inch in diameter and which has a maximum muzzle velocity of less than seven hundred (700) feet per second or breakable paint balls containing washable marking colors;
 - b. Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or
 - c. Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition.

(4) Large capacity ammunition feeding device means:

- a. Any magazine, belt, drum, feed strip or similar device that has a capacity of, or can be readily restored or converted to accept, more than fifteen (15) rounds of ammunition; or
- b. Any combination of parts from which a device described in the above clause can be assembled;

The term does not include an attached tubular device designed to accept and capable of operating with only .22 caliber rimfire ammunition.

- (5) Pistol means any firearm designed to be fired by the use of a single hand, as well as any combination of parts from which a pistol can be assembled.
- (6) Rifle means a firearm designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.
- (7) Semiautomatic means a firearm that utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

- (8) Shotgun means a firearm designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth or rifled bore either a number of ball shot or a single projectile for each single pull of the trigger.

(Ord. No. O94-47, § 1, 5-17-94; Ord. No. O09-79, § 2, 9-22-09; Ord. No. O19-023, § 1(Exh. A), 4-23-19)