ORDINANCE NUMBER: 2019-18

AN ORDINANCE AMENDING CHAPTER 42 OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE III. OFFENSES AGAINST PUBLIC PEACE AND SAFETY, DIVISION 3 POSSESSION OF MARIJUANA AND POSSESSION OR SALE OF DRUG PARAPHERNALIA UNLAWFUL OF THE VILLAGE OF CHERRY VALLEY CODE OF ORDINANCES

WHEREAS, the Village of Cherry Valley, Illinois ("Village") has adopted a Village Code of Ordinances ("Code"); and

WHEREAS, Chapter 42, Article III, Division 3 of the Code governs Possession of Marijuana and Possession or Sale of Drug Paraphernalia Unlawful; and

WHEREAS, the Village wishes to amend the Sections under Chapter 42 to govern cannabis; and

WHEREAS, the Village has determined it is in the best interest of the Village and its citizens to enact such amendment.

NOW THEREFORE, be it ordained by the President and Board of Trustees of the Village of Cherry Valley, Illinois as follows:

1. The above recitals are incorporated herein and made a part hereof.

2. That Chapter 42, Article VIII, Section 42-141 entitled "Definitions" of the Code of Ordinances is hereby amended to read as follows (with additions being underlined and bold and any deletions being stricken):

"Sec. 42-141. - Definitions.

Drug paraphernalia means all equipment, products and materials of any kind, other than methamphetamine manufacturing materials as defined in section 10 of the Methamphetamine Control and Community Protection Act, which are intended to be used unlawfully in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body cannabis or a controlled substance in violation of the Cannabis Control Act (720 ILCS 550/1 et seq.), the Cannabis Regulation and Tax Act (410 ILCS 705/1 et seq.), the Illinois Controlled Substances Act (720 ILCS 570/100 et seq.), or the Methamphetamine Control and Community Protection Act (720 ILCS 646/1 et seq.). It includes, but is not limited to:

(1) Kits intended to be used unlawfully in manufacturing, compounding, converting, producing, processing or preparing cannabis or a controlled substance.
(2) Isomerization devices intended to be used unlawfully in increasing the potency of any species of plant which is cannabis or a controlled substance.
(3) Testing equipment intended to be used unlawfully in a private home for identifying or analyzing the strength, effectiveness or purity of cannabis or controlled substances.
(4) Diluents and adulterants intended to be used unlawfully for cutting cannabis or a controlled substance by private persons.
(5) Objects intended to be used unlawfully in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, or hashish oil into the human body including, where applicable, the following items:
   a. Water pipes;
   b. Carburetion tubes and devices;
   c. Smoking and carburetion masks;
   d. Miniature cocaine spoons, and cocaine vials;
   e. Carburetor pipes;
   f. Electric pipes;
   g. Air-driven pipes;
   h. Chillums;
   i. Bongs;
   j. Ice pipes or chillers.

(6) Any item whose purpose, as announced or described by the seller, is for use in violation of this act.
In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

• Statements by an owner or by anyone in control of the object concerning its use;
• Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;
• The proximity of the object, in time and space, to a direct violation of the Controlled Substances Act;
• The proximity of the object to controlled substances;
• The existence of any residue of controlled substances on the object;
• Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of the Controlled Substances Act; the innocence of an owner, or of anyone in control of the object, as to a direct violation of the Controlled Substances Act shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
• Instructions, oral or written, provided with the object concerning its use;
• Descriptive materials accompanying the object which explain or depict its use;
• National and local advertising concerning its use;
• The manner in which the object is displayed for sale;
• Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
• Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
• The existence and scope of legitimate uses for the object in the community;
• Expert testimony concerning its use.
Marijuana includes cannabis, hashish and other substances which are identified as including any parts of the plant Cannabis sativa, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination. **Cannabis** means marijuana, hashish, and other substances that are identified as including any parts of the plant Cannabis sativa and including derivatives or subspecies, such as indica, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, “cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. “Cannabis” does not include industrial hemp as defined and authorized under the Industrial Hemp Act. “Cannabis” also means concentrate and cannabis-infused products.

*Cannabis concentrate* means a product derived from cannabis that is produced by extracting cannabinoids from the plant through the use of propylene glycol, glycerin, butter, olive oil or other typical cooking fats; water, ice, or dry ice; or butane, propane, CO₂, ethanol, or isopropanol. The use of any other solvent is expressly prohibited unless and until it is approved by the Department of Agriculture.

*Cannabis flower* means marijuana, hashish, and other substances that are identified as including any parts of the plant Cannabis sativa and including derivatives or subspecies, such as indica, of all strains of cannabis; including raw kief, leaves, and buds, but not resin that has been extracted from any part of such plant; nor any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin.

*Cannabis-infused product* means a beverage, food, oil, ointment, tincture, topical formulation, or another product containing cannabis that is not intended to be smoked.

**Person** means a natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.

**Possession limit** means the amount of cannabis that may be possessed at any one time by a person 21 years of age or older under the Cannabis Regulation and Tax Act (410 ILCS 705/10-10) or who is a registered qualifying medical cannabis patient or caregiver under the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.)."
3. That Chapter 42, Article VIII, Section 42-142 entitled “Possession of marijuana” of the Code of Ordinances is hereby amended to read as follows (with additions being underlined and bold and any deletions being stricken):

“Sec. 42-142. - Possession of marijuana.

It is unlawful for any person knowingly to possess marijuana/cannabis. Any person who violates this section with respect to not more than ten grams of any substance containing cannabis is guilty of a civil law violation punishable by a minimum fine of $100.00 and a maximum fine of $750.00. Beginning January 1, 2020, notwithstanding any other provision of law, the following acts shall not be a criminal or civil offense or be the basis for seizure or forfeiture of assets under State law for persons other than natural individuals under 21 years of age:

i. possession, consumption, use, purchase, obtaining, or transporting an amount of cannabis for personal use that does not exceed the possession limit under Section 10-10 of the Cannabis Regulation and Tax Act [410 ILCS 705/10-10],

ii. cultivation of cannabis for personal use in accordance with the requirements of this Division and the Cannabis Regulation and Tax Act, and

iii. controlling property if actions that are authorized by this Division and the Cannabis Regulation and Tax Act occur on the property in accordance with this Division and the Act.

(a) Possession Limit for Residents. Except if otherwise authorized by this Division or the Cannabis Regulation and Tax Act, for a person who is 21 years of age or older and a resident of this State, the possession limit is as follows:

i. 30 grams of cannabis flower;

ii. no more than 500 milligrams of THC contained in cannabis-infused product;

iii. 5 grams of cannabis concentrate; and

iv. for registered qualifying patients, any cannabis produced by cannabis plants grown under subsection (b) of Section 10-5 of the Cannabis Regulation and Tax Act [410 ILCS 705/10-5], provided any amount of cannabis produced in excess of 30 grams of raw cannabis or its equivalent must remain secured within the residence or residential property in which it was grown.

(b) Possession Limit for Non-Residents. For a person who is 21 years of age or older and who is not a resident of this State, the possession limit is:

i. 15 grams of cannabis flower;

ii. 5 grams of cannabis concentrate; and

iii. 250 milligrams of THC contained in a cannabis-infused product.

vi. The possession limits in subsection (a) are to be considered cumulative.
vii. No person shall knowingly obtain, seek to obtain, or possess an amount of cannabis from a dispensing organization or craft grower that would cause him or her to exceed the possession limit under this Section, including cannabis that is cultivated by a person under this Act or obtained under the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130/1 et seq.]

(c) Medicinal Cultivation. Beginning January 1, 2020, notwithstanding any other provision of law, and except as otherwise provided in this Division and the Cannabis Regulation and Tax Act, possessing, consuming, using, purchasing, obtaining, or transporting an amount of cannabis purchased or produced in accordance with this Division that does not exceed the possession limit under subsection (a) of Section 10-10 of the Cannabis Regulation and Tax Act [410 ILCS 705/10-10], shall not be a basis for seizure or forfeiture of assets under State law. Cultivating cannabis for personal use is subject to the following limitations:

i. An Illinois resident 21 years of age or older who is a registered qualifying patient under the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130/1 et seq.] may cultivate cannabis plants, with a limit of 5 plants that are more than 5 inches tall, per household without a cultivation center or craft grower license. In this Section, “resident” means a person who has been domiciled in the State of Illinois for a period of 30 days before cultivation.

ii. Cannabis cultivation must take place in an enclosed locked space.

iii. Adult registered qualifying patients may purchase cannabis seeds from a dispensary for the purpose of home cultivation. Seeds may not be given or sold to any other person.

iv. Cannabis plants shall not be stored or placed in a location where they are subject to ordinary public view, as defined in this Act. A registered qualifying patient who cultivates cannabis under this Section shall take reasonable precautions to ensure the plants are secure from unauthorized access, including unauthorized access by a person under 21 years of age.

v. Cannabis cultivation may occur only on residential property lawfully in possession of the cultivator or with the consent of the person in lawful possession of the property. An owner or lessor of residential property may prohibit the cultivation of cannabis by a lessee.

vi. blank

vii. A dwelling, residence, apartment, condominium unit, enclosed, locked space, or piece of property not divided into multiple dwelling units shall not contain more than 5 plants at any one time.

viii. Cannabis plants may only be tended by registered qualifying patients who reside at the residence, or their authorized agent attending to the residence for brief periods, such as when the qualifying patient is temporarily away from the residence.

ix. A registered qualifying patient who cultivates more than the allowable number of cannabis plants, or who sells or gives away cannabis plants, cannabis, or cannabis-infused products produced under this Section, is liable for penalties as provided by
law, including the Cannabis Control Act [720 ILCS 550/1 et seq.], in addition to loss of home cultivation privileges as established by rule.

(d) Limitations and Penalties. This Division does not permit any person to engage in, and does not prevent the imposition of any civil, criminal, or other penalties for engaging in, any of the following conduct:

(i.) undertaking any task under the influence of cannabis when doing so would constitute negligence, professional malpractice, or professional misconduct;

(ii.) possessing cannabis:

(A) in a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130/1 et seq.];

(B) on the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act;

(C) in any correctional facility;

(D) in a vehicle not open to the public unless the cannabis is in a reasonably secured, sealed container and reasonably inaccessible while the vehicle is moving; or

(E) in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises;

(iii.) using cannabis:

(A) in a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act;

(B) on the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act;

(C) in any correctional facility;

(D) in any motor vehicle;

(E) in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises;

(F) in any public place; or

(G) knowingly in close physical proximity to anyone under 21 years of age who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Pilot Program Act;

(iv.) smoking cannabis in any place where smoking is prohibited under the Smoke Free Illinois Act [410 ILCS 82/1 et seq.];
(v.) operating, navigating, or being in actual physical control of any motor vehicle, aircraft, or motorboat while using or under the influence of cannabis in violation of Section 11-501 or 11-502.1 of the Illinois Vehicle Code;

(vi.) facilitating the use of cannabis by any person who is not allowed to use cannabis under this Chapter or the Compassionate Use of Medical Cannabis Pilot Program Act;

(vii.) transferring cannabis to any person contrary to this Act or the Compassionate Use of Medical Cannabis Pilot Program Act;

(viii.) the use of cannabis by a law enforcement officer, corrections officer, probation officer, or firefighter while on duty; or

(ix.) the use of cannabis by a person who has a school bus permit or a Commercial Driver’s License while on duty.

(x.) establish, own, and/or operate any business, business entity or social club that allows for the on-site consumption of cannabis and/or cannabis infused products, including, but not limited to, “Cannabis Business Establishments” and other entities such as “Cannabis cafes/lounges”, “cannabis hookah lounges”, “cannabis social use spaces”, bars, restaurants, bowling alleys, golf courses, arcade/gaming facilities, video gaming facilities, and cigar bars.

As used in this Section, “public place” means any place where a person could reasonably be expected to be observed by others. “Public place” includes all parts of buildings owned in whole or in part, or leased, by the State or a unit of local government. “Public place” does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises.

(xi.) Nothing in this Division shall be construed to prevent the arrest or prosecution of a person for reckless driving or driving under the influence of cannabis if probable cause exists.

(xii.) Nothing in this Division shall prevent a private business from restricting or prohibiting the use of cannabis on its property, including areas where motor vehicles are parked.

(xiii.) Nothing in this Division shall require an individual or business entity to violate the provisions of federal law, including colleges or universities that must abide by the Drug-Free Schools and Communities Act Amendments of 1989, that require campuses to be drug free.

(e) Identification. To protect personal privacy, this Division shall not require a purchaser to provide a dispensing organization with personal information other than government-issued identification to determine the purchaser’s age, and a dispensing organization shall not obtain and record personal information about a purchaser without the purchaser’s consent. A dispensing organization shall use an electronic reader or electronic scanning device to scan a purchaser’s government-issued identification, if applicable, to determine the purchaser’s age and the validity of the identification. Any identifying or personal
information of a purchaser obtained or received in accordance with this Section shall not be
retained, used, shared or disclosed for any purpose except as authorized by Cannabis
Regulation and Tax Act [410 ILCS 705/1 et seq.].

(i) A person who is under 21 years of age may not present or offer to a cannabis
business establishment or the cannabis business establishment's principal or employee any
written or oral evidence of age that is false, fraudulent, or not actually the person's own, for
the purpose of:

(A.) purchasing, attempting to purchase, or otherwise obtaining or
attempting to obtain cannabis or any cannabis product; or

(B.) gaining access to a cannabis business establishment.

(ii) No agent or employee of the licensee shall be disciplined or discharged for selling or
furnishing cannabis or cannabis products to a person under 21 years of age if the agent or
employee demanded and was shown, before furnishing cannabis or cannabis products to a
person under 21 years of age, adequate written evidence of age and identity of the person.
This subsection (ii) does not apply if the agent or employee accepted the written evidence
knowing it to be false or fraudulent. Adequate written evidence of age and identity of the
person is a document issued by a federal, State, county, or municipal government, or
subdivision of agency thereof, including, but not limited to, a motor vehicle operator's
license, a registration certificate issued under the Military Selective Service Act, or an
identification card issued to a member of the Armed Forces. Proof that the licensee or his or
her employee or agent was shown and reasonably relied upon such written evidence in any
transaction forbidden by this Section is an affirmative defense in any criminal prosecution
therefor or to any proceedings for the suspension or revocation of any license based
thereon.”

4. That Chapter 42, Article VIII, Section 42-143 entitled “Possession and/or sale of drug
 paraphernalia” of the Code of Ordinances is hereby amended to read as follows (with
additions being underlined and bold and any deletions being stricken):

“Sec. 42-143. - Possession and/or sale of drug paraphernalia.

(a) It is unlawful for any person or business to use, or to possess with intent to use or sell,
drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound,
convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal,
inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in
violation of the Controlled Substances Act. Any person who violates this section upon
conviction shall be fined not less than $100.00 nor more than $750.00.

(b) Notwithstanding anything in this section to the contrary, beginning January 1,
2020, the use or possession of drug paraphernalia, in relation with the adult use,
planting, propagating, cultivating, growing, harvesting, manufacturing, processing,
testing, or packaging of cannabis in accordance and compliance with the Cannabis
Regulation and Tax Act (410 ILCS 705/1 et seq.) shall not be a civil or criminal
offense.”
5. That Chapter 42, Article VIII, Section 42-144 entitled "Manufacture or delivery of drug paraphernalia" of the Code of Ordinances is hereby amended to read as follows (with additions being underlined and bold and any deletions being stricken):

"Sec. 42-144. - Manufacture or delivery of drug paraphernalia.

(a) It is unlawful for any person or business to deliver, sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Controlled Substances Act as amended. Any person who violates this section upon conviction shall be fined not less than $100.00 nor more than $750.00.

(b) Notwithstanding anything in this section to the contrary, beginning January 1, 2020, the use or possession of any drug paraphernalia, in relation with the adult use, planting, propagating, cultivating, growing, harvesting, manufacturing, processing, testing, or packaging of cannabis in accordance and compliance with the Cannabis Regulation and Tax Act (410 ILCS 705/1 et seq.) shall not be a civil or criminal offense."

6. That Chapter 42, Article VIII, Section 42-145 entitled "Advertisement of drug paraphernalia" of the Code of Ordinances is hereby amended to read as follows (with additions being underlined and bold and any deletions being stricken):

"Sec. 42-145. - Advertisement of drug paraphernalia.

(a) It is unlawful for any person or business to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person or business who violates this section upon conviction shall be fined not less than $100.00 nor more than $750.00.

(b) Advertising and promotions. No cannabis business establishment nor any other person or entity shall engage in advertising that contains any statement or illustration that:

1. is false or misleading;
2. promotes overconsumption of cannabis or cannabis products;
3. depicts the actual consumption of cannabis or cannabis products;
4. depicts a person under 21 years of age consuming cannabis;
5. makes any health, medicinal, or therapeutic claims about cannabis or
cannabis-infused products;

6. includes the image of a cannabis leaf or bud; or

7. includes any image designed or likely to appeal to minors, including cartoons, toys, animals, or children, or any other likeness to images, characters, or phrases that is designed in any manner to be appealing to or encourage consumption of persons under 21 years of age.

(c) No cannabis business establishment nor any other person or entity shall place or maintain, or cause to be placed or maintained, an advertisement of cannabis or a cannabis-infused product in any form or through any medium:

1. within 1,000 feet of the perimeter of school grounds, a playground, a recreation center or facility, a child care center, a public park or public library, or a game arcade to which admission is not restricted to persons 21 years of age or older;

2. on or in a public transit vehicle or public transit shelter;

3. on or in publicly owned or publicly operated property or

4. that contains information that:

   i. is false or misleading;

   ii. promotes excessive consumption;

   iii. depicts a person under 21 years of age consuming cannabis;

   iv. includes the image of a cannabis leaf; or

   v. includes any image designed or likely to appeal to minors,

including cartoons, toys, animals, or children, or any other likeness to images, characters, or phrases that are popularly used to advertise to children, or any imitation of candy packaging or labeling, or that promotes consumption of cannabis.

(d) Subsections (a) and (b) do not apply to an educational message.

(e) Sales promotions. No cannabis business establishment nor any other person or entity may encourage the sale of cannabis or cannabis products by giving away cannabis or cannabis products, by conducting games or competitions related to the consumption of cannabis or cannabis products, or by providing promotional materials or activities of a manner or type that would be appealing to children.”

7. That Chapter 42, Article VIII, Section 42-146 entitled “Seizure of drug paraphernalia” of the Code of Ordinances is hereby amended to read as follows (with additions being underlined and bold and any deletions being stricken):

“Sec. 42-146. - Seizure of drug paraphernalia.
(a) Every device of drug paraphernalia, as defined by subsection 42-141(a), found in this village is contraband, and shall be subject to seizure, confiscation and destruction by the village.

(b) Every device of drug paraphernalia located in the village shall be subject to seizure and forfeited as contraband to the village.

(c) If, within 60 days after any seizure pursuant to this section, a person having any property interest in the seized property is charged with an offense, the court which renders judgment upon such charge shall, within 30 days after such judgment, conduct a forfeiture hearing to determine whether such property was contraband at the time of seizure. Such hearing shall be commenced by the written petition of the village, including material allegations of the fact, the name and address of every person determined by the village to have any property interest in the seized property, a representation that written notice of the date, time and place of such hearing has been mailed to every such person by certified mail at least ten days before such date, and a request for forfeiture. Every such person may appear as a party and present evidence at such hearing. The quantum of proof required shall be a preponderance of the evidence, and the burden of proof shall be on the village. If the court determines that the seized property was contraband at the time of seizure, an order of forfeiture and disposition of the seized property shall be entered: a paraphernalia device shall be received by the chief of police, who shall effect its destruction, except that valuable parts thereof may be liquidated and the resultant money shall be deposited in the general fund of the village wherein such seizure occurred; money and other things of value shall be received by the chief of police and, upon liquidation, shall be deposited in the general fund of the village. Such order of forfeiture and disposition shall for the purposes of appeal, be a final order and judgment in a civil proceeding.

(d) If a seizure pursuant to this section is not followed by a charge pursuant to subsection (3) of this section, or if the prosecution of such charge is permanently terminated or indefinitely discontinued without any judgment of conviction or acquittal:

1. The village attorney may cause to be commenced an in rem proceeding for the forfeiture and destruction of a paraphernalia device, or for the forfeiture and deposit in the general fund of the village of any seized money or other thing of value, or both, in the circuit court; and
2. Any person having any property interest in such seized paraphernalia device, money or other thing of value may commence separate civil proceedings in the manner provided by law.

(e) Notwithstanding anything in this section to the contrary, beginning January 1, 2020, the use or possession of drug paraphernalia, in relation with the adult use, planting, propagating, cultivating, growing, harvesting, manufacturing, processing, testing, or packaging of cannabis in accordance and compliance with the Cannabis Regulation and Tax Act (410 ILCS 705/1 et seq.) shall not be a civil or criminal offense and will not be subject to seizure.”

8. That Chapter 42, Article VIII, Section 42-147 entitled “Limited exception” of the Code of Ordinances is hereby amended to read as follows (with additions being underlined and bold and any deletions being stricken):
“Sec. 42-147. - Limited exception. - Reserved.

(a) Any person or business in possession and/or engaging in the sale of cannabis or drug paraphernalia as authorized under the Illinois Compassionate Use of Medical Cannabis Pilot Program Act is exempted from the provisions of this article only if they are in strict compliance with all requirements of the act and are properly authorized by the state department of public health to use the cannabis and drug paraphernalia.
(b) The person or business in possession of cannabis or paraphernalia or selling cannabis must at all times have proper proof of compliance with the Illinois Compassionate Use of Medical Cannabis Pilot Program Act in order to be exempt under this section.

9. All other provisions of Chapter 42 of the Code of Ordinances shall remain in effect as previously enacted except that those ordinances or parts thereof in conflict are hereby repealed.

10. This Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form as provided by law.

PASSED UPON MOTION BY: NANCY BELT
SECONDED BY: SALLY HOLLEMBEAK
BY ROLL CALL VOTE THIS 4TH DAY OF NOVEMBER, 2019 AS FOLLOWS:
VOTING “AYE”: JEFF FUSTIN, SALLY HOLLEMBEAK, JEFF O’HARA, DAVID SCHROEDER
VOTING “NAY”: NANCY BELT
ABSENT, ABSTAIN, OTHER: NONE

APPROVED: NOVEMBER 4, 2019

ATTEST:

KATHY TRIMBLE, VILLAGE CLERK

JIM E. CLAEYSSEN, VILLAGE PRESIDENT