

ORDINANCE NO: 18- 596

AN ORDINANCE OF THE VILLAGE OF ST. JACOB, ILLINOIS AMENDING TITLE XXVII (OFFENSES), ARTICLE XIV (DRUG PARAPHERNALIA) BY ADDING SECTION 27-14-1 (POSSESSION, USE AND/OR DELIVERY OF CANNABIS OR OTHER ILLEGAL SUBSTANCES) AND SECTION 27-14-2 (DRUG PARAPHERNALIA) TO THE CODE OF ORDINANCES OF THE VILLAGE OF ST. JACOB, ILLINOIS

WHEREAS, Governor Bruce Rauner recently signed into law the Illinois Marijuana Decriminalization Bill which removed criminal penalties and incarceration for possession of up to ten (10) grams of Marijuana and replaced those penalties with a civil violation fine; and

WHEREAS, while a criminal misdemeanor is no longer proper for possession of up to ten (10) grams of marijuana, cannabis, hashish, and other similar substances, which are identified as including any parts of the Cannabis sativa plant, are still illegal substances; and

WHEREAS, the corporate authorities for the Village of St. Jacob believe it is appropriate and necessary to protect the health, safety, and welfare of the citizens of the Village of St. Jacob by prohibiting the use, possession, distribution, or delivery of certain amounts of non-medicinal marijuana, cannabis, hashish, and other similar substances; and

WHEREAS, the corporate authorities for the Village of St. Jacob, Illinois believe that non-medicinal marijuana, cannabis, hashish, or other similar substances remain a risk to the lives and health of the citizens of the Village of St. Jacob; and

WHEREAS, the corporate authorities for the Village of St. Jacob, Illinois, desire to amend the General Offenses Code by adding additional sections relating to possession, use and/or delivery of marijuana, cannabis, hashish or other illegal substances and drug paraphernalia to the Code of Ordinances of the Village of St. Jacob, Illinois.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of St. Jacob, County of Madison, and State of Illinois, as follows:

SECTION 1: Title XXVII and Article XIV of the ST. JACOB Code of Ordinances is

hereby repealed and replaced with the following:

**ARTICLE XIV
OFFENSES PERTAINING TO DRUGS**

**27-14-1 POSSESSION, USE AND/OR DELIVERY OF MARIJUANA,
CANNABIS, HASHISH AND/OR OTHER SIMILAR ILLEGAL SUBSTANCES.**

(A) Definitions:

CANNABIS: Includes marijuana, 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 all other cannabinol derivatives, including the naturally occurring or synthetically produced ingredients, whether produced directly or indirectly or by extraction, or independently by means of chemical syntheses; 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.

DELIVER OR DELIVERY: The actual, constructive or attempted transfer of possession of cannabis, with or without consideration, whether or not there is an agency relationship.

(B) Prohibitions:

1. It shall be unlawful for any person to knowingly possess, use or deliver any cannabis, any substance containing cannabis, any controlled substance, or any other substance the use and/or possession of which is illegal under any Illinois statute or this code ("the illegal substance"). This section shall only apply to possession, use and delivery of such substance in an amount not exceeding ten grams (10g).

2. It is unlawful for any person to knowingly use, suffer, permit, or allow the violation of the provisions of this section in any motor vehicle, vessel, house, apartment, room, shed, yard, premises, or other area of which such person is the owner, lessee, permittee, bailee, legal possessor or occupier thereof.

3. It is unlawful for any parent or guardian to permit his or her residence to be used by an invitee of the parent's child or the guardian's ward in a manner that constitutes a violation of this section. A parent or guardian is deemed to have permitted his or her residence to be used in violation of this section if he or she knowingly authorizes, enables, or permits such use to occur by failing to control access to the residence.

4. It is unlawful for any person to remain in any motor vehicle, vessel, house, apartment,

room, shed, yard, premises, or other area when said person knows, or reasonably should know,

that one or more other persons located in such motor vehicle, vessel, house, apartment, room, shed, yard, premises, or other area are in possession of any cannabis, substance containing cannabis, controlled substance prohibited by Illinois statute, or other illegal substance.

(C) *Prima Facie Proof:* Whenever a person is present within any motor vehicle, vessel, house, apartment, room, shed, yard, premises, or other area of which such person is the owner, lessee, permittee, bailee, legal possessor or occupier at the time that a violation of the provisions of this section occurs therein, said presence shall be prima facie evidence that such person had knowledge of such violation.

(D) *Medical Use Of Cannabis:* Notwithstanding anything contained in this Code to the contrary, pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act, as it may be amended from time to time ("the act"), the immunities and presumptions set forth in the act related to the medical use of cannabis are hereby incorporated herein by reference to the extent applicable.

(E) *Violation; Penalty:* Whoever violates this section of the village Code shall be fined not more than \$750 for each and every violation thereof.

SECTION 2: Title XXVII and Article XIV of the ST. JACOB Code of Ordinances is hereby amended to read as follows:

27-14-2 DRUG PARAPHERNALIA.

(A) *Definitions:* As used in this section, unless the context otherwise requires, the following words and terms shall have the meanings ascribed to them in this subsection as follows:

CANNABIS: Shall have the meaning ascribed to it in Section 3 of the Illinois Cannabis Control Act, as amended from time to time, as if that definition were incorporated herein.

CONTROLLED SUBSTANCE: Shall have the meaning ascribed to it in the Illinois Controlled Substances Act, as amended from time to time, as if that definition were incorporated herein.

DELIVER OR DELIVERY: The actual, constructive or attempted transfer of possession, with or without consideration, whether or not there is an agency relationship.

DRUG PARAPHERNALIA: 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 Illinois Cannabis Control Act, as amended from time to time, the Illinois Controlled Substances Act, as amended from time to time, or the Methamphetamine Control and Community Protection Act, as amended from time to time. 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 in 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 section.
7. Any other item defined as "drug paraphernalia" by the Drug Paraphernalia Control Act, as it may be amended from time to time.

(B) Possession of Drug Paraphernalia:

1. A person who knowingly possesses an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing a controlled substance into the human body, or in preparing a controlled substance for that use, is guilty of a violation of this section for which the court shall impose a maximum fine of seven hundred fifty dollars (\$750.00) for each

such violation. This subsection does not apply to a person who is legally authorized to possess hypodermic syringes or needles under the Hypodermic Syringes and Needles Act.

2. A person who knowingly possesses an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing cannabis into the human body, or in preparing cannabis for that use, is guilty of a violation of this section for which the court shall impose a fine of not more than seven hundred fifty dollars (\$750.00) for each such violation.

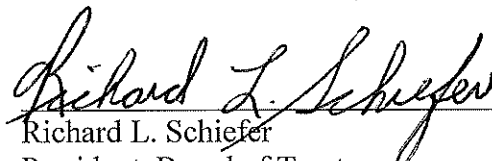
SECTION 3: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as required by law.

SECTION 4: Any and all Ordinances, sections, or subsections of Ordinances in conflict herewith are hereby repealed.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF ST. JACOB, ILLINOIS, THIS 4th DAY OF April, 2018.

| Board of Trustees | Aye | Nay | Absent |
|-------------------|-----|-----|--------|
| BOBBY ROSS | X | | |
| TIM ELLIOTT | | | X |
| MARK EILERS | X | | |
| CHRIS TOLBERT | | | X |
| GUIDEON RICHESON | X | | |
| GEORGE GAVLICK | X | | |

APPROVED BY THE PRESIDENT OF THE VILLAGE OF ST. JACOB, ILLINOIS, THIS 4 DAY OF April, 2018.


Richard L. Schiefer
President, Board of Trustees
Village of St. Jacob, Illinois

ATTEST:


Kathy Becker, Village Clerk

(SEAL)