

**ORDINANCE NO. 4-2019**

**AN ORDINANCE AMENDING CHAPTER 12, MISCELLANEOUS PROVISIONS AND OFFENSES, ARTICLE VI, OFFENSES INVOLVING PUBLIC MORALS, DIVISION 1, GENERALLY, SECTION 12-216, POSSESSION OF CANNABIS, OF THE MUNICIPAL CODE OF THE VILLAGE OF EVERGREEN PARK**

JAMES J. SEXTON  
Mayor

NORMAN ANDERSON  
MARY KEANE  
CAROL E. KYLE  
MARK MARZULLO  
JAMES A. McQUILLAN  
MARK T. PHELAN  
Trustees

CATHERINE T. APARO  
Village Clerk

LOUIS F. CAINKAR, LTD.  
Village Attorney

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BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Evergreen Park, as follows:

**Section 1**

That Chapter 12, Miscellaneous Provisions and Offenses, Article VI, Offenses Involving Public Morals, Division 1, Generally, of the Municipal Code for the Village of Evergreen Park, be amended by changing Section 12-216, Possession of Cannabis, to read as follows:

**Sec. 12-216. Possession of Cannabis.**

(a) It shall be unlawful for any person to knowingly possess 100 grams or less of cannabis as defined by the Cannabis Control Act (720 ILCS 550/1, *et seq.*). Provided, however, those persons possessing more than 30 grams and not more than 100 grams of cannabis involving a second or subsequent offense shall be processed through the courts by criminal complaint or other instrument.

(b) Any person found in violation of the provisions of subsection (a) shall be fined as follows:

(i) The fine for possession of 10 grams of cannabis or less shall be \$100 for a first offense, \$200 for a second offense, and \$400 for a third and each subsequent offense.

(ii) The fine for possession of more than 10 grams but not more than 30 grams of cannabis shall be \$200 for a first offense, \$400 for a second offense, and \$800 for a third and each subsequent offense.

(iii) The fine for possession of more than 30 grams but not more than 1,000 grams of cannabis shall be not less than \$300 and not more than \$1,500.

(c) Citations issued for a violation of this section may be processed through administrative adjudication in accordance with Chapter 12, Article X of the Evergreen Park Municipal Code.

**Section 2**

This Ordinance is enacted pursuant to the home rule powers of the Village of Evergreen Park.

**Section 3**

If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.

**Section 4**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict herewith.

**Section 5**

This ordinance shall be immediately in full force and effect after passage, approval and publication. This ordinance is authorized to be published in pamphlet form.

This ordinance was passed and deposited in my office the 4<sup>th</sup> day of February 2019.

*Catherine T. Aparo*

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CATHERINE T. APARO, Village Clerk

APPROVED by me this 4<sup>th</sup>  
day of February 2019.

*James J. Sexton*  
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JAMES J. SEXTON, Mayor



I DO HEREBY CERTIFY that this ordinance was, after its passage and approval, published in pamphlet form by authority of the Village of Evergreen Park, in accordance with law, this 4<sup>th</sup> day of February 2019.

*Catherine T. Aparo*

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CATHERINE T. APARO, Village Clerk