

ORDINANCE NO. 20-2019

AN ORDINANCE AMENDING CHAPTER 12, MISCELLANEOUS PROVISIONS AND OFFENSES, ARTICLE VI, OFFENSES INVOLVING PUBLIC MORALS, DIVISION 1, GENERALLY, SECTION 12-211, DRUG PARAPHERNALIA, AND SECTION 12-216, POSSESSION OF CANNABIS, AND CHAPTER 13, MOTOR VEHICLES AND TRAFFIC, ARTICLE XII, SEIZURE AND IMPOUNDMENT OF VEHICLES, SECTION 13-406, VIOLATIONS, OF THE MUNICIPAL CODE OF THE VILLAGE OF EVERGREEN PARK

JAMES J. SEXTON
Mayor

NORMAN ANDERSON
KELLY BURKE
CAROL E. KYLE
MARK MARZULLO
JAMES A. McQUILLAN
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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 12-211, Drug Paraphernalia, to read as follows:

Sec. 12-211. Drug Paraphernalia.

(a) Except as otherwise authorized by or licensed through the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Pilot Program Act, it shall be unlawful for any person to sell, possess, or give away to any person any material, device, or substance whose main purpose is its use in the smoking, injection, inhalation or other consumption of cannabis or a controlled substance.

(b) It shall be unlawful to dispose of or throw away any hypodermic needle, syringe, or needle used for the purpose of injection of a controlled substance, or any substance medicinal, without first cutting or breaking the same to make it unusable.

(c) For purposes of this section, the phrase "material, device, or substance" shall include but is not limited to pot pipes, water pipes, roach clips, cocaine spoons, syringes, and cigarette paper.

Section 2

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) Except as otherwise authorized in the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Pilot Program Act, it shall be unlawful for any person

to knowingly possess less than 100 grams of any substance containing cannabis as defined by the Cannabis Regulation and Tax Act. Provided, however, those persons possessing more than 30 grams and not more than 100 grams of any substance 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 any substance containing 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 any substance containing 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 any substance containing 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 3

That Chapter 13, Motor Vehicles and Traffic, Article XII, Seizure and Impoundment of Motor Vehicles, of the Municipal Code for the Village of Evergreen Park, be amended by changing Section 13-406, Violations, to read as follows:

Sec. 13-406. Violations.

An owner of record shall be in violation of this Section if his/her vehicle is used in conjunction with the following:

(a) Except as otherwise authorized in the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Pilot Program Act, the possession or delivery of a controlled substance or drug paraphernalia;

...

Section 4

Unless otherwise provided herein, the penalty clause for this ordinance shall be Section 1-9 of the Evergreen Park Municipal Code.

Section 5

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

Section 6

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.

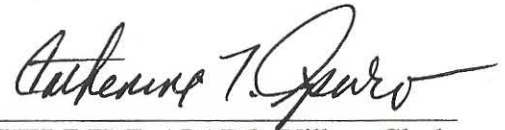
Section 7

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

Section 8

This ordinance shall be in full force and effect after passage, approval, and publication, or January 1, 2020, whichever is later. This ordinance is authorized to be published in pamphlet form.

This ordinance was passed and deposited in my office the 19th day of August, 2019.



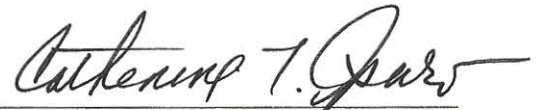
CATHERINE T. APARO, Village Clerk

APPROVED by me this 19th
day of August, 2019.



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 19th day of August, 2019.



CATHERINE T. APARO, Village Clerk