

ORDINANCE NO. 2020-24

AN ORDINANCE AMENDING CHAPTER 50, ARTICLE II OF THE VILLAGE OF STICKNEY MUNICIPAL CODE REGARDING CANNABIS FOR THE VILLAGE OF STICKNEY, COUNTY OF COOK, STATE OF ILLINOIS.

WHEREAS, the Village of Stickney (the "Village") is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

WHEREAS, the Village President (the "President") and the Board of Trustees of the Village (the "Village Board" and with the President, the "Corporate Authorities") are committed to ensuring the health, safety and welfare of individuals residing in, working in and visiting the Village; and

WHEREAS, the Village of Stickney Code of Ordinances (the "Village Code"), previously enacted regulations related to possession of cannabis (the "Existing Regulations"); and

WHEREAS, the Illinois General Assembly recently adopted the Cannabis Regulation and Tax Act (the "Act"), which legalizes the possession, sale and distribution of cannabis beginning January 1, 2020, in accordance with the Act (410 ILCS 705/1-1 et seq.); and

WHEREAS, to ensure compliance with the Act, the Corporate Authorities have determined that it is necessary to amend the Village Code to update the Existing Regulations; and

WHEREAS, in light of the foregoing, the Corporate Authorities have determined that it is necessary, advisable and in the best interests of the Village and its residents to amend Chapter 50, Article II of the Village Code as set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:

**ARTICLE I.
IN GENERAL**

SECTION 1. INCORPORATION CLAUSE.

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

SECTION 2. PURPOSE.

The purpose of this Ordinance is to amend Chapter 50, Article II, Section 50-38, Chapter 50, Article II, Section 50-40, and Chapter 50, Article II, Section 50-41 of the Village Code to update, amend, and clarify the Village's Existing Regulations, and to authorize the President or his designee to take all actions necessary to carry out the intent of this Ordinance.

**ARTICLE II.
AMENDMENT OF CHAPTER 50, ARTICLE II, SECTION 50-38,
CHAPTER 50, ARTICLE II, SECTION 50-40, AND
CHAPTER 50, ARTICLE II, SECTION 50-41
OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS**

SECTION 3.0 AMENDMENT OF CHAPTER 50, ARTICLE II, SECTION 50-38

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 50, Article II, Section 50-38 by striking out any language to be removed or repealed and underlining any new language as follows:

Sec. 50-38. - Possession of cannabis.

(a) The words, terms and phrases defined in the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.), section 3 of the Cannabis Control Act (720 ILCS 55/1, et seq.), and in the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1, et seq.), when used in this Section, shall have the meanings ascribed to them unless the context otherwise requires.

(a) (b) It shall be unlawful for any person under 21 years of age to possess cannabis, except as set forth in the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1, et seq.) or the Community College Cannabis Vocational Pilot Program (410 ILCS 705/25-1, et seq.).

(b) 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 cannibal 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 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, and 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.

(c) It is unlawful for any person who is 21 years of age or older and who is not a resident of the state of Illinois to knowingly obtain, seek to obtain, or possess in excess of 15 grams of cannabis flower, 2.5 grams of cannabis concentrate, or 250 milligrams of THC contained in a cannabis infused product.

(d) It is unlawful for any person who is 21 years of age or older and who is a resident of the state of Illinois and who is not a registered qualified patient to knowingly obtain, seek to obtain, or possess in excess of 30 grams of cannabis flower, 5 grams of cannabis concentrate, or 500 milligrams of THC contained in a cannabis infused product.

(e) The possession limit of cannabis for any person who is a registered qualifying patient is, in addition to the amounts allowable under Section 50-38(d), any cannabis produced by cannabis plants grown under subsection (b) of Section 10-5 of the Cannabis Regulation and Tax Act, 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.

(f) Any person who knowingly produces cannabis for personal consumption, other than cannabis produced by cannabis plants grown under subsection (b) of Section 10-5 of the Cannabis Regulation and Tax Act, is guilty of unlawful possession, and the same shall be treated as unlawful possession of cannabis for purposes of penalties.

~~(e)~~(g) A police officer may, in lieu of filing a complaint or arresting a violator, issue to the violator a citation (notice to appear or "P" ticket) allowing the violator to settle and compromise the violation claim by paying to the village the amount set forth as follows, not more than ten days after the time such violation was committed:

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| <u>For a person who is 21 years of age or older and who is not a resident of the state of Illinois with more than 15 grams and not more than 30 grams</u> Not more than ten grams | 200.00 |
| <u>For a person who is 21 years of age or older and who is a resident of the state of Illinois with more than 30 grams and not more than 100 grams</u> More than ten grams and not more than 30 grams | 400.00 |
| <u>For a person who is 21 years of age or older and who is not a resident of the state of Illinois with More more than 30 grams and not more than 100 grams</u> | 500.00 |

If the person to whom a citation was issued fails to settle within ten days, the amount of settlement prior to a court appearance shall be double the amount enumerated in this subsection.

~~(d)~~(h) If the person to whom the citation was issued fails to settle and pay such violation claim, proceedings shall be instituted in the county circuit court against the violator. If a fine is imposed by the court, such fine shall be not less than the amount set forth in this subsection as the settlement amount, but not more than \$500.00.

(Code 1981, § 16-24; Ord. No. 2009-28, § 2, 11-18-2009; Ord. No. 2016-20, Art. II, § 3.0, 8-6-2016; Ord. No. 2016-21, Art. II, § 3.0, 9-6-2016)

SECTION 3.1 AMENDMENT OF CHAPTER 50, ARTICLE II, SECTION 50-40

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 50, Article II, Section 50-40 by striking out any language to be removed or repealed and underlining any new language as follows:

Sec. 50-40. – Reserved Underage Invitees.

It is unlawful for any parent or guardian to knowingly permit his or her residence, any

other private property under his or her control, or any vehicle, conveyance, or watercraft under his or her control to be used by an invitee of the parent's child or the guardian's ward, if the invitee is under the age of 21, in a manner that constitutes a violation of Section 50-38. A parent or guardian is deemed to have knowingly permitted his or her residence, any other private property under his or her control, or any vehicle, conveyance, or watercraft under his or her control to be used in violation of this Article if he or she knowingly authorizes or permits consumption of cannabis by underage invitees in a manner that constitutes a violation of this Article.

SECTION 3.2 AMENDMENT OF CHAPTER 50, ARTICLE II, SECTION 50-41

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 50, Article II, Section 50-41 by striking out any language to be removed or repealed and underlining any new language as follows:

Sec. 50-41. – Reserved Transfer of Cannabis to Minors Prohibited.

It is unlawful for any parent or guardian to transfer cannabis, with or without remuneration, to a person under 21 years of age, or to allow a person under 21 years of age to purchase, possess, use, process, transport, grow, or consume cannabis except where authorized by the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1, et seq.) or by the Community College Vocational Pilot Program (410 ILCS 705/25-1, et seq.).

Secs. 50-42–50-70.- Reserved.

SECTION 3.3. OTHER ACTIONS AUTHORIZED.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance and shall take all action necessary in conformity therewith. The officers, employees and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms or notices to be utilized in connection with the intent of this Ordinance.

**ARTICLE III.
HEADINGS, SAVINGS CLAUSES, PUBLICATION,
EFFECTIVE DATE**

SECTION 4. HEADINGS.

The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

SECTION 5. SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

SECTION 6. SUPERSEDER.

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

SECTION 7. PUBLICATION.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall be in full force and effect immediately, following its passage, approval and publication, as provided by law.

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PASSED this 1st day of December, 2020.

AYES: Trustees Hrejsa, Kapolnek, Savopoulos, Torres and White

NAYS: None

ABSENT: Trustee Milenkovic

ABSTENTION: None

APPROVED by me this 1st day of December, 2020.

Jeff Walik, President

ATTESTED AND FILED in my
office this 2nd day of December, 2020.

Audrey McAdams, Village Clerk