

VILLAGE OF BRADLEY

ORDINANCE NO. O-4-19-6

AN ORDINANCE AMENDING ARTICLE VII OF CHAPTER 30 OF THE CODE OF
ORDINANCES FOR THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, STATE OF
ILLINOIS

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 13th DAY OF May, 2019

Published in pamphlet form by authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois, this 13th day of May, 2019.

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**AN ORDINANCE AMENDING ARTICLE VII OF CHAPTER 30 OF THE
CODE OF ORDINANCES FOR THE VILLAGE OF BRADLEY,
KANKAKEE COUNTY, STATE OF ILLINOIS**

WHEREAS, the Village President and Board of Trustees of the Village of Bradley have the authority to adopt ordinances and to promulgate rules and regulations that pertain to the Village's government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, pursuant to 65 ILCS 5/1-2-1, the corporate authorities may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper; and

WHEREAS, pursuant to 65 ILCS 5/11-1-1, the corporate authorities may pass and enforce all necessary police ordinances; and

WHEREAS, pursuant to 65 ILCS 5/11-20-5, the corporate authorities may do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of diseases; and

WHEREAS, Public Act 099-0697 amended the "Cannabis Control Act," 720 ILCS 550/1, et. seq. and the "Drug Paraphernalia Control Act," 720 ILCS 600/1, et. seq. on July 29, 2016 and said Public Act became effective upon becoming law; and

WHEREAS, Public Act 099-0697 amends Section 4(a) of the Cannabis Control Act to provide that possession of not more than 10 grams of cannabis is a civil law violation punishable by minimum and maximum fines of \$100.00 and \$200.00, respectively; and

WHEREAS, Public Act 099-0697 amended Section 4(b) to raise the amounts of cannabis possession to more than 10 but not more than 30 grams as a Class B Misdemeanor; and

WHEREAS, Public Act 099-0697 added Section 17.5 to the Cannabis Control Act authorizing municipalities to impose fines other than as provided for in the Cannabis Control Act; and

WHEREAS, Public Act 099-0697 added Section 3.5(c) to the Drug Paraphernalia Control Act, reducing possession of drug paraphernalia seized during a violation of Section 4(a) of the Cannabis Control Act to a civil law violation punishable by minimum and maximum fines of \$100.00 and \$200, respectively; and

WHEREAS, the Village President and Board of Trustees of the Village of Bradley recognize that it is necessary and in the best interest of the residents of the Village of Bradley to

regulate the possession of cannabis and drug paraphernalia in a manner consistent with these amendments to the Cannabis Control Act and Drug Paraphernalia Control Act.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS PURSUANT TO ITS STATUTORY AUTHORITY AS FOLLOWS:

SECTION 1. The Village President and Board of Trustees hereby find that all of the recitals contained in the preamble to this Ordinance are true, correct and complete and are hereby incorporated by reference thereto and made a part hereof.

SECTION 2. That the heading for Article VII of Chapter 30 of the Code of Ordinances be amended to read as follows:

POSSESSION OF CANNABIS AND DRUG PARAPHERNALIA

SECTION 3. That section 30-390. of the Code of Ordinances, Village of Bradley, Illinois, is hereby amended to read as follows:

SEC. 30-390. - DEFINITIONS.

Cannabis includes marihuana, 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 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" does not include industrial hemp as defined and authorized under the Industrial Hemp Act.

Controlled substance shall have the meaning ascribed to it in Section 102 of the Illinois Controlled Substances Act [720 ILCS 570/102], as if that definition were incorporated herein

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 [720 ILCS 646/10], 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 Illinois Controlled Substances Act [720 ILCS 570/100 et seq.], or the Methamphetamine Control and Community Protection Act [720 ILCS 646/1 et

seq.] or a synthetic drug product or misbranded drug in violation of the Illinois Food, Drug and Cosmetic Act [410 ILCS 620/1 et seq.]. It includes, but is not limited to:

- (a) kits intended to be used unlawfully in manufacturing, compounding, converting, producing, processing or preparing cannabis or a controlled substance;
- (b) isomerization devices intended to be used unlawfully in increasing the potency of any species of plant which is cannabis or a controlled substance;
- (c) 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;
- (d) diluents and adulterants intended to be used unlawfully for cutting cannabis or a controlled substance by private persons;
- (e) objects intended to be used unlawfully in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, hashish oil, or a synthetic drug product or misbranded drug in violation of the Illinois Food, Drug and Cosmetic Act into the human body including, where applicable, the following items:
 - (1) water pipes;
 - (2) carburetion tubes and devices;
 - (3) smoking and carburetion masks;
 - (4) miniature cocaine spoons and cocaine vials;
 - (5) carburetor pipes;
 - (6) electric pipes;
 - (7) air-driven pipes;
 - (8) chillums;
 - (9) bongs;
 - (10) ice pipes or chillers;
- (f) any item whose purpose, as announced or described by the seller, is for use in violation of this Article.

SECTION 4. That section 30-391. of the Code of Ordinances, Village of Bradley, Illinois, is hereby amended to read as follows:

Sec. 30-391. – Possession of Cannabis Prohibited.

- (a) It is a violation of this Article for any person knowingly to possess cannabis. Any person who violates this section with respect to:

(1) not more than 10 grams of any substance containing cannabis shall be punished by a fine of \$250.

(2) more than 10 grams but not more than 30 grams of any substance containing cannabis shall be punished by a fine of \$500.

(b) In addition to the penalties imposed under Paragraphs (a)(1) and (2) above, an administrative fee of \$25.00 shall be imposed upon a finding of guilt to cover the costs of testing any materials found to contain cannabis in violation of this Section.

(c) It shall be an affirmative defense to a violation of this Section that the substance possessed by the defendant was regulated as a controlled substance under the Illinois Controlled Substances Act.

SECTION 5. That section 30-392 is added to Article VII of Chapter 30. of the Code of Ordinances, Village of Bradley, Illinois, to read as follows:

Sec. 30-392. – Possession of Drug Paraphernalia Prohibited.

(a) A person who knowingly possesses an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing cannabis or a controlled substance into the human body, or in preparing cannabis or a controlled substance for that use, shall be punished by a fine of \$750. This subsection (a) does not apply to a person who is legally authorized to possess hypodermic syringes or needles under the Hypodermic Syringes and Needles Act [720 ILCS 635/0.01 et seq.] or to a person who violated subsection (b) below.

(b) If a person violates subsection (a)(1) of Sec. 30-391 of this Article, the penalty for possession of any drug paraphernalia seized during the violation for that offense shall be punishable by a fine of \$250.

(c) This Section shall not apply to the following:

(1) Items used in the preparation, compounding, packaging, labeling, or other use of cannabis or a controlled substance as an incident to lawful research, teaching, or chemical analysis and not for sale.

(2) Items historically and customarily used in connection with the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, or inhaling of tobacco or any other lawful substance. Items exempt under this subsection include, but are not limited to, garden hoes, rakes, sickles, baggies, tobacco pipes, and cigarette-rolling papers.

(3) Those items listed under the definition of Drug paraphernalia in Sec. 30-390 which are used for decorative purposes, when such items have been rendered

completely inoperable or incapable of being used for any illicit purpose prohibited by this Article.

SECTION 6. In the event that any provision or provisions, or portion or portions of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions or portions of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions.

SECTION 7. That all ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance shall be and the same is hereby repealed.

SECTION 8. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 9. That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED by the Board of Trustees on a roll call vote on the 13th day of May, 2019.

TRUSTEES:

ROBERT REDMOND	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
MICHAEL WATSON	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
DONALD BARBER	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
RYAN LEBRAN	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
DARREN WESTPHAL	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
BRIAN BILLINGSLEY	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>

Aye - Nay - Absent -

TOTALS: Aye - 6 Nay - 0 Absent -

Terese M. Pinnick
VILLAGE CLERK

APPROVED this 13th day of May, 2019.

Michael Watson
VILLAGE PRESIDENT

ATTEST:

Terese M. Richert

MICHAEL J. LAGESSE, VILLAGE CLERK

Terese M. Richert