



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 019-087
DATE OF PASSAGE December 10, 2019

An Ordinance amending Chapter 29, Article IX - Cannabis and Drug Paraphernalia Violations.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, that the state legislature passed the Cannabis Regulation and Tax Act of Illinois on June 25, 2019 as Public Act 101-0027;

WHEREAS, the City Council of the City of Aurora believes it in the best interests for its residents to amend Chapter 29, Article IX - Cannabis and Drug Paraphernalia Violations as it relates to the use and possession of Cannabis.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

Section One: That the amendments to Chapter 29, Article IX, are hereby adopted as set forth in said "Exhibit A".

Section Two: That this Ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval.

Section Three: That all Ordinances or part of Ordinances in conflict herewith are hereby repealed insofar any conflict exists.


Section Four: That any section, phrase or paragraph of this Ordinance that is construed to be invalid, void or unconstitutional shall not affect the remaining sections, phrases or paragraphs of this Ordinance which shall remain in full force and effect.

ORDINANCE NO. 019-087
DATE OF PASSAGE December 10, 2019

PASSED AND APPROVED ON December 10, 2019

AYES 12 NAYS 0 NOT VOTING 0 ABSENT 0

ATTEST:



City Clerk



Mayor

19-1049

RECOMMENDATION

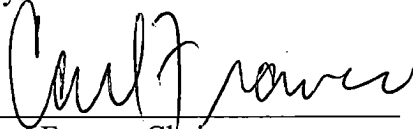
TO: THE COMMITTEE OF THE WHOLE

FROM: THE RULES, ADMINISTRATION AND PROCEDURES COMMITTEE

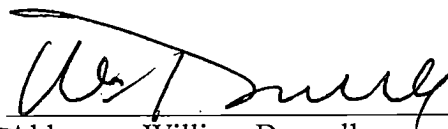
The Rules, Administration and Procedures Committee at the regular scheduled meeting on Tuesday, November 19, 2019 recommended APPROVAL of An Ordinance amending Chapter 29, Article IX - Cannabis and Drug Paraphernalia Violations.

VOTE: 5-0

Submitted By:




Alderman Carl Franco, Chairperson



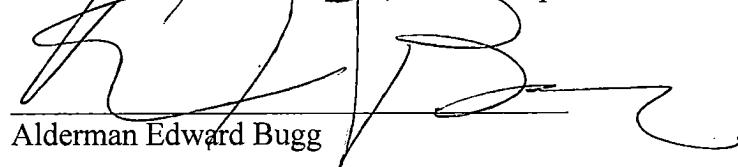
Alderman William Donnell



Alderman Emmanuel Llamas, Vice Chairperson



Alderman Patty Smith



Alderman Edward Bugg

Dated this 19th day of November, 2019

1 ARTICLE IX. - ~~CANNABIS AND~~ DRUG PARAPHERNALIA VIOLATIONS AND
2 REGULATION OF USE OF CANNABIS

3 Sec. 29-300. - ~~Cannabis defined.~~ Definitions.

4 Whenever reference is made in this Article to the "Illinois Cannabis Act"
5 or the "Cannabis Act" it shall mean the Cannabis Regulations and Tax Act of
6 Illinois approved June 25, 2019, in force January 1, 2020. All other words
7 and phrases used herein shall have the same meaning as the same or similar
8 words or phrases defined by and used in said Cannabis Regulations and Tax
9 Act, including the following:

10 (a) "Act" shall mean the Cannabis Regulation and Tax Act of Illinois
11 approved June 25, 2019 as Public Act 101-0027.

12 (b) "Advertise" means to engage in promotional activities including,
13 but not limited to: newspaper, radio, Internet, print and electronic
14 media, and television advertising; the distribution of fliers and
15 circulars; and the display of window and interior signs.

16 (c) "Cannabis" includes marijuana, hashish and other substances which
17 are defined as including any parts of the plant Cannabis Sativa and
18 including derivatives or subspecies, such as indica, of all strains of
19 cannabis, whether growing or not; the resin extracted from any part of
20 such plant; and any compound, manufacture, salt, derivative, mixture or
21 preparation of such plant, its seeds or resin, including tetrahydro-
22 cannabinol (THC) and all other ~~cannabinol~~ ~~invel~~ derivatives, including
23 its naturally occurring or synthetically produced ingredients, whether
24 produced directly or indirectly by extraction or independently by means
25 of chemical synthesis or by a combination of extraction and chemical
26 synthesis; but shall not include the mature stalks of such plant, fiber
27 produced from such stalks, oil or cake made from the seeds of such
28 plant, any other compound, manufacture, salt, derivative, mixture, or

1 preparation of such mature stalks (except the resin extracted
2 therefrom), fiber, oil or cake, or the sterilized seed of such plant
3 which is incapable of germination. "Cannabis" does not include
4 industrial hemp as defined and authorized under the Industrial Hemp
5 Act. "Cannabis" also means concentrate and cannabis-infused products.

6 (d) "Cannabis container" means a sealed, traceable, container, or
7 package used for the purpose of containment of cannabis or cannabis-
8 infused product during transportation.

9 ~~(a)~~(e) "Controlled Substance" means any drug, substance, immediate
10 precursor, or synthetic drug meeting the definition of a controlled
11 substance as Section 102(a)(f) of the Illinois Controlled Substances
12 Act defines the term. For the purposes of this Article, "controlled
13 substance" does not include cannabis.

14 (Ord. No. 008-56, § 1, 6-10-08)

15 Sec. 29-301. ~~— Possession-unlawful~~Unlawful Use and Possession of
16 Cannabis.

17 (1) It shall be a violation of this article for any person who is under
18 twenty-one (21) years of age to:

19 (a) Possess or use cannabis unless used by a qualifying patient
20 pursuant to the Compassionate Use or Medical Cannabis Pilot
21 Program Act.

22 (b) It shall be a violation of this article for any person to
23 possess or use cannabis on a school bus, grounds of a pre-school,
24 primary or secondary school, unless used by a qualifying patient
25 or caregiver pursuant to the Compassionate Use or Medical
26 Cannabis Pilot Program Act.

1 (c) It shall be unlawful to grow cannabis unless authorized by
2 the Compassionate Use of Medical Cannabis Pilot Program Act.

3 (2) It shall be a violation of this article for any person who is
4 twenty-one (21) years of age to:

5 (a) ~~It shall be a violation of this article for any person~~
6 ~~knowingly to possess any quantity of any substance containing~~
7 ~~cannabis, except that this article shall be limited to persons~~
8 ~~knowingly possessing less than thirty (30) grams of any~~
9 ~~substance containing cannabis. More than 30 grams of cannabis~~
10 ~~flower;~~

11 (b) Five-hundred (500) milligrams of THC contained in a
12 cannabis-infused product; or,

13 (c) Five (5) grams of cannabis concentrate.

14 (d) It shall be a violation of this article for any person to
15 possess or use cannabis on a school bus, grounds of a pre-
16 school, primary or secondary school, unless used by a
17 qualifying patient or caregiver pursuant to the Compassionate
18 Use or Medical Cannabis Pilot Program Act.

19 (e) It shall be unlawful to possess or use cannabis in a
20 private residence used at any time to provide licensed
21 childcare.

22 (f) It shall be unlawful to use cannabis in any motor vehicle,
23 in any public place, or in any place where smoking is
24 prohibited under the Smoke Free Illinois Act.

25 (g) It shall be unlawful to possess cannabis in a vehicle
26 unless the cannabis is in a reasonably secured, sealed

1 container and reasonably inaccessible while the vehicle is
2 moving.

3 (h) It shall be unlawful to facilitate the use of cannabis by a
4 person not allowed to use and/or possess cannabis under the
5 Act.

6 (i) It shall be unlawful to use cannabis in close proximity to
7 anyone under the age of 21 who is not a registered medical
8 cannabis patient under the Compassionate Use of Medical
9 Cannabis Pilot Program Act.

10 (j) It shall be unlawful to grow cannabis unless authorized by
11 the Compassionate Use of Medical Cannabis Pilot Program Act.

12 _____
13 (Ord. No. 008-56, § 1, 6-10-08)

14 Sec. 29-302. - Drug paraphernalia defined.

15 Means all equipment, products and materials of any kind which are used,
16 intended or use of designed for use, in planting, propagating, cultivating,
17 growing, harvesting, manufacturing, compounding, converting, producing,
18 processing, preparing, testing, analyzing, packaging, repackaging, storing,
19 containing, concealing, injection, ingesting, inhaling or otherwise
20 introducing into the human body a controlled substance ~~as defined in 720 ICLS~~
21 ~~550/1 et seq. and 720 IICS 570/100 et seq.~~ It includes but is not limited to:

- 22 (1) Kits used, intended for use, or designed for using in planting,
23 propagating, cultivating, growing or harvesting of any species of
24 plant which is a controlled substance or from which a controlled
25 substance can be derived;

- 1 (2) Kits used, intended for use, or designed for use in manufacturing,
2 compounding, converting, producing, processing, or preparing
3 controlled substances;
- 4 (3) Isomerization devices used, intended for use, or designed for use in
5 increasing the potency of any species of plant which is a controlled
6 substance;
- 7 (4) Testing equipment used, intended for use, or designed for use in
8 identifying, or in analyzing the strength, effectiveness or purity of
9 controlled substances;
- 10 (5) Scales and balances used, intended for use, or designed for use in
11 weighing or measuring controlled substances;
- 12 (6) Diluents and adulterants, such as quinine hydrochloride, manitol,
13 mannite, dextrose and lactose, used, intended for use, or designed for
14 use in cutting controlled substances;
- 15 ~~(7) Separation gins and sifters used, intended for use, or designed for~~
16 ~~use in removing twigs and seeds from, or in otherwise cleaning or~~
17 ~~refining, marijuana; Reserved;~~
- 18 (8) Blenders, bowls, containers, spoons and mixing devices used, intended
19 for use, or designed for use in compounding controlled substances;
- 20 (9) Capsules, balloons, envelopes and other containers used, intended for
21 use, or designed for use in packaging small quantities of controlled
22 substances;
- 23 (10) Containers and other objects used, intended for use, or designed for
24 use in storing or concealing controlled substances;
- 25 (11) Hypodermic syringes, needles and other objects used, intended for
26 use, or designed for use in parenterally injecting controlled
27 substances into the human body;
- 28 (12) Objects used, intended for use, or designed for use in ingesting,
29 inhaling, or otherwise introducing ~~marijuana~~, cocaine, or other

1 controlled substances ~~hashish, or hashish oil~~ into the human body,

2 such as:

3 a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes
4 with or without screens, permanent screens, ~~hashish heads~~, or
5 punctured metal bowls;

6 b. Carburetion tubes and devices;

7 c. Water pipes;

8 d. Smoking and carburetion masks;

9 e. ~~Reach clips; meaning objects used to hold burning material, such~~
10 ~~as marijuana cigarette that has become too small or too short to be~~
11 ~~held in the hand;~~ Reserved;

12 f. Miniature cocaine spoons, and cocaine vials;

13 g. Chamber pipes;

14 h. Carburetor pipes;

15 i. Electric pipes;

16 j. Air-driven pipes;

17 k. Chillums;

18 l. Bonds;

19 m. -Ice pipes or chillers.

20 (Ord. No. 008-56, § 1, 6-10-08)

21 Sec. 29-303. - Drug paraphernalia determined.

22 In determining whether an object is drug paraphernalia, a court or other
23 authority should consider, in addition to all other logically relevant
24 factors, the following:

- 25 (1) Statements by an owner or by anyone in control of the object
26 concerning its use;

- 1 (2) The proximity of the object, in time and space, to a direct violation
2 of ~~720 ILCS 550/1 et seq. and 720 ILCS 570/100 et seq.~~ the Illinois
3 Controlled Substance Act;
- 4 (3) The proximity of the object to controlled substances;
- 5 (4) The existence of any residue of controlled substances on the object;
- 6 (5) Direct or circumstantial evidence of the intent of the owner, or
7 anyone in control of the object, to deliver it to persons whom he
8 knows, or should reasonable know, intend to use the object to
9 facilitate a violation of ~~720 ILCS 550/1 et seq. and 720 ILCS 570/100~~
10 ~~et seq.~~ the Illinois Controlled Substance Act; the innocence of any
11 owner, or of anyone in control of the object, as to a direct violation
12 of ~~720 ILCS 550/1 et seq. and 720 ILCS 570.100 et seq.~~ the Illinois
13 Controlled Substance Act shall not prevent a finding that the object
14 is used, or intended for use, or designed for use as drug
15 paraphernalia;
- 16 (6) Instructions, oral or written, provided with the object concerning
17 its use;
- 18 (7) Descriptive materials accompanying the object which explain or depict
19 its use;
- 20 (8) National and local advertising concerning its use;
- 21 (9) The manner in which the object is displayed for sale;
- 22 (10) Whether the owner, or anyone in control of the object, is a
23 legitimate supplier of like or related items to the community, such as
24 a licensed distributor or dealer of tobacco products;
- 25 (11) Direct or circumstantial evidence of the ratio of sales of the
26 object(s) to the total sales of the business enterprise;
- 27 (12) The existence and scope of legitimate uses for the object in the
28 community;
- 29 (13) Expert testimony concerning its use.

1 (Ord. No. 008-56, § 1, 6-10-08)

2 Sec. 29-304. - Possession of drug paraphernalia.

3 It shall be unlawful for any use, or to possess with intent to use, drug
4 paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture,
5 compound, convert, produce, process, prepare, test, analyze, pack, repack,
6 store, contain, inject, ingest, inhale, or otherwise introduce into the human
7 body a controlled substance as defined in ~~720 ILCS 550/1 et seq. and 720 ILCS~~
8 ~~570/100 et seq.~~ the Illinois Controlled Substance Act.

9 (Ord. No. 008-56, § 1, 6-10-08)

10 Sec. 29-305. - Manufacture, sale or delivery of drug paraphernalia.

11 It is unlawful for any person to manufacture, sell, offer for sale,
12 display, furnish, deliver, possess with intent to deliver, drug
13 paraphernalia, knowing or under circumstances where one reasonably should
14 now, that it will be used to plant, propagate, cultivate, grow, harvest,
15 manufacture, compound, convert, produce, process, prepare, test, analyze,
16 pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise
17 introduce into the human body a controlled substance in violation of ~~720 ILCS~~
18 ~~550/1 et seq. and 720 570/100 et seq.~~ the Illinois Controlled Substance Act.

19 (Ord. No. 008-56, § 1, 6-10-08)

20 Sec. 29-306. - Advertisement of drug paraphernalia.

21 It is unlawful for any person to place in any newspaper, magazine,
22 handbill, or other publication any advertisement, knowing, or under
23 circumstances where one reasonably should know, that the purpose of the
24 advertisement, in whole or in part, is to promote the sale of objects
25 designed or intended for use as drug paraphernalia.

26 (Ord. No. 008-56, § 1, 6-10-08)

27 Sec. 29-307. - Penalties.

1 (a) If a person violates section 29-301 of this article, the penalty for
2 that offense shall be a civil law violation punishable by a minimum of Any
3 ~~person convicted of a violation of section 29-301 shall be fined in an~~
4 ~~amount~~ not less than two hundred fifty dollars (\$250.00) and not more than
5 one thousand five hundred dollars (\$1,500.00) for each such violation.

6 (b) Any person convicted of a violation of section 29-304, section 29-305 or
7 section 29-306 shall be fined in an amount not less than five hundred
8 dollars (\$500.00) and not more than one thousand five hundred dollars
9 (\$1,500.00) for each such violation.

10 ~~(c) If a person violates section 29-301 of this article, the penalty for~~
11 ~~possession of any drug paraphernalia seized for that offense shall be a~~
12 ~~civil law violation punishable by a minimum fine of not less than one~~
13 ~~hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00)~~
14 ~~for each such violation.~~

15 (Ord. No. 008-56, § 1, 6-10-08; Ord. No. 017-015, 3-28-17)

16 Sec. 29-308. - Administrative review.

17 A written petition to set aside a determination of a violation of this
18 chapter may be filed by a person owing an unpaid fine in the manner and
19 subject to the restrictions hereinafter set forth:

20 (1) The petition must be filed with the clerk not later than fourteen

21 (14) days from the date of the violation:

22 (2) Any administrative adjudication of any violation of this article
23 shall be authorized and conducted pursuant to 65 ILCS 5/1-2.1 et seq.

24 (Ord. No. 008-56, § 1, 6-10-08)

25 Secs. 29-309. - Unlawful Advertisement

26 It shall be unlawful to advertise cannabis or a cannabis infused
27 product in any form or through any medium:

1 (a). Within 1,000 feet of the perimeter of school grounds, a
2 playground, a recreation center or facility, a child care center, a
3 public park, a public library, or a game arcade where admission is not
4 restricted to persons 21 years of age or older;

5 (b) In or on a public transit vehicle or public transit
6 shelter; or,

7 (c) On publicly owned or publicly operated property.

8

9 Secs. 29-310-29-314. - Reserved.