



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 020-018
DATE OF PASSAGE March 10, 2020

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, it is in the best interest for the City of Aurora to amend Chapter 29, Article IX - Cannabis and Drug Paraphernalia violations as it relates to the use and possession of the various types of cannabis to reflect the state statutes.

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Section Three: That all Ordinances or part of Ordinances in conflict herewith are hereby repealed insofar any conflict exists.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

Section Five: That the City Clerk shall cause this Ordinance to be published in pamphlet form upon its passage

ORDINANCE NO. 020-018
DATE OF PASSAGE March 10, 2020

PASSED AND APPROVED ON March 10, 2020

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ATTEST:

Stallin
City Clerk

Bill
Mayor

20-0095

RECOMMENDATION

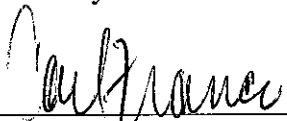
TO: THE COMMITTEE OF THE WHOLE


FROM: THE RULES, ADMINISTRATION AND PROCEDURES COMMITTEE

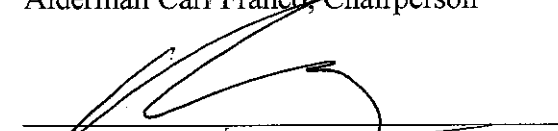
The Rules, Administration and Procedures Committee at the regular scheduled meeting on **Tuesday, February 18, 2020** recommended **APPROVAL** of An Ordinance amending Chapter 29, Article IX - Cannabis and Drug Paraphernalia Violations.

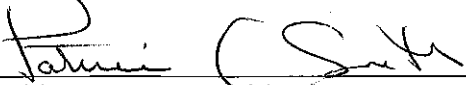
VOTE: 5-0

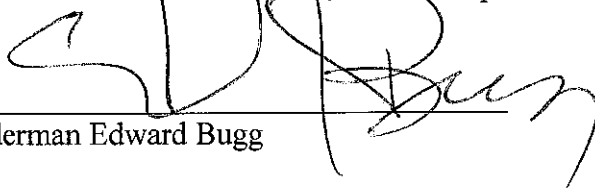
Submitted By:


Alderman Carl Franco, Chairperson


Alderman William Donnell


Alderman Emmanuel Llanas, Vice Chairperson


Alderman Patty Smith


Alderman Edward Bugg

Dated this 18th day of February, 2020

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

3 Sec. 29-300. - 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 cannabinal (THC) and all other cannabinol derivatives, including its
23 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 or cannabis concentrate during transportation or
9 possession.

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

15 (Ord. No. 008-56, § 1, 6-10-08)

16 Sec. 29-301. - Unlawful Use and Possession of 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, THC contained in cannabis-infused
20 product or cannabis concentrate unless used by a qualifying
21 patient pursuant to the Compassionate Use or Medical Cannabis
22 Pilot Program Act.

23 (b) It shall be a violation of this article for any person to
24 possess or use cannabis, THC contained in cannabis-infused
25 product, or cannabis concentrate on a school bus, grounds of a
26 pre-school, primary or secondary school, unless used by a

1 qualifying patient or caregiver pursuant to the Compassionate Use
2 or Medical Cannabis Pilot Program Act.

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

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

7 (a) More than 30 grams of cannabis flower;

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

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

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

17 (e) It shall be unlawful to possess or use cannabis, THC
18 contained in a cannabis-infused product, or cannabis
19 concentrate in a private residence used at any time to provide
20 licensed childcare.

21 (f) It shall be unlawful to use cannabis, THC contained in a
22 cannabis-infused product, or cannabis concentrate in any motor
23 vehicle, 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, THC contained in
26 a cannabis-infused product, or cannabis concentrate in a

1 vehicle unless the cannabis, THC contained in a cannabis-
2 infused product, or cannabis concentrate is in a reasonably
3 secured, sealed container and reasonably inaccessible while
4 the vehicle is moving.

5 (h) It shall be unlawful to facilitate the use of cannabis, THC
6 contained in a cannabis-infused product, or cannabis
7 concentrate by a person not allowed to use and/or possess
8 cannabis under the Act.

9 (i) It shall be unlawful to use cannabis, THC contained in a
10 cannabis-infused product, or cannabis concentrate in close
11 proximity to anyone under the age of 21 who is not a
12 registered medical cannabis patient under the Compassionate
13 Use of Medical Cannabis Pilot Program Act.

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

16
17 (Ord. No. 008-56, § 1, 6-10-08)

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

19 Means all equipment, products and materials of any kind which are used,
20 intended or use of designed for use, in planting, propagating, cultivating,
21 growing, harvesting, manufacturing, compounding, converting, producing,
22 processing, preparing, testing, analyzing, packaging, repackaging, storing,
23 containing, concealing, injection, ingesting, inhaling or otherwise
24 introducing into the human body a controlled substance. It includes but is
25 not limited to:

26 (1) Kits used, intended for use, or designed for using in planting,
27 propagating, cultivating, growing or harvesting of any species of

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

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1 (12) Objects used, intended for use, or designed for use in ingesting,
2 inhaling, or otherwise introducing, cocaine or other controlled
3 substances into the human body, such as:

- 4 a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes
5 with or without screens, permanent screens, , or punctured metal
6 bowls;
- 7 b. Carburetion tubes and devices;
- 8 c. Water pipes;
- 9 d. Smoking and carburetion masks;
- 10 e. Reserved;
- 11 f. Miniature cocaine spoons, and cocaine vials;
- 12 g. Chamber pipes;
- 13 h. Carburetor pipes;
- 14 i. Electric pipes;
- 15 j. Air-driven pipes;
- 16 k. Chillums;
- 17 l. Bonds;
- 18 m. Ice pipes or chillers.

19 (Ord. No. 008-56, § 1, 6-10-08)

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

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

- 24 (1) Statements by an owner or by anyone in control of the object
25 concerning its use;
- 26 (2) The proximity of the object, in time and space, to a direct violation
27 of the Illinois Controlled Substance Act;
- 28 (3) The proximity of the object to controlled substances;

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

24 (Ord. No. 008-56, § 1, 6-10-08)

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

26 It shall be unlawful for any use, or to possess with intent to use, drug
27 paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture,
28 compound, convert, produce, process, prepare, test, analyze, pack, repack,

1 store, contain, inject, ingest, inhale, or otherwise introduce into the human
2 body a controlled substance as defined in the Illinois Controlled Substance
3 Act.

4 (Ord. No. 008-56, § 1, 6-10-08)

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

6 It is unlawful for any person to manufacture, sell, offer for sale,
7 display, furnish, deliver, possess with intent to deliver, drug
8 paraphernalia, knowing or under circumstances where one reasonably should
9 know, that it will be used to plant, propagate, cultivate, grow, harvest,
10 manufacture, compound, convert, produce, process, prepare, test, analyze,
11 pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise
12 introduce into the human body a controlled substance in violation of the
13 Illinois Controlled Substance Act.

14 (Ord. No. 008-56, § 1, 6-10-08)

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

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

21 (Ord. No. 008-56, § 1, 6-10-08)

22 Sec. 29-307. - Penalties.

23 (a) If a person violates section 29-301 of this article, the penalty for
24 that offense shall be a civil law violation punishable by a minimum of not
25 less than two hundred fifty dollars (\$250.00) and not more than one
26 thousand five hundred dollars (\$1,500.00) for each such violation.

27 (b) Any person convicted of a violation of section 29-304, section 29-305 or
28 section 29-306 shall be fined in an amount not less than five hundred

1 dollars (\$500.00) and not more than one thousand five hundred dollars
2 (\$1,500.00) for each such violation.

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

4 Sec. 29-308. - Administrative review.

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

8 (1) The petition must be filed with the clerk not later than fourteen
9 (14) days from the date of the violation:

10 (2) Any administrative adjudication of any violation of this article
11 shall be authorized and conducted pursuant to 65 ILCS 5/1-2.1 et seq.
12 (Ord. No. 008-56, § 1, 6-10-08)

13 Sec. 29-309. - Unlawful Advertisement

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

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

20 (b) In or on a public transit vehicle or public transit
21 shelter; or,

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

23

24 Secs. 29-310-29-314. - Reserved.