
THE VILLAGE OF COAL CITY
GRUNDY & WILL COUNTIES, ILLINOIS

ORDINANCE
NUMBER *16-23*

**AN ORDINANCE AMENDING THE VILLAGE OF COAL CITY CODE OF
ORDINANCES TO MODIFY REGULATIONS GOVERNING POSSESSION OF
CANNABIS CONSISTENTLY WITH STATE LAW AND TO PROHIBIT POSSESSION
OF DRUG PARAPHERNALIA**

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Coal City
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ORDINANCE NO. 16-23

AN ORDINANCE AMENDING THE VILLAGE OF COAL CITY CODE OF ORDINANCES TO MODIFY REGULATIONS GOVERNING POSSESSION OF CANNABIS CONSISTENTLY WITH STATE LAW AND TO PROHIBIT POSSESSION OF DRUG PARAPHERNALIA

WHEREAS, the Village of Coal City (“Village”) is an Illinois non-home rule municipal corporation, organized and operating pursuant to the Constitution and laws of the State of Illinois; and

WHEREAS, the Village has authority pursuant to the Illinois Municipal Code to enact ordinances promoting the health, safety and welfare of the citizens of Coal City; and

WHEREAS, the Illinois General Assembly recently enacted Public Act 99-697, which amended the Cannabis Control Act to de-criminalize possession of 10 grams or less of cannabis and provide that such infraction is a civil violation punishable by fine only, and generally altered the penalties associated with possession of varying amounts of cannabis and the Village wishes to update its local codes to mirror the State enforcement scheme and to provide for the option of issuance of municipal ordinance violations for cannabis possession of up to thirty (30) grams; and

WHEREAS, Public Act 99-697 permits municipalities to impose a fine different than the fines set out in the Public Act; and

WHEREAS, it is in the best interest of the health, safety, and welfare of the citizens of Coal City to prohibit, by means of a municipal ordinance, the possession of less than thirty (30) grams of cannabis and provide for fines therefore; and

WHEREAS, the Village does not presently regulate the possession of drug paraphernalia and finds it to be in the best interest of the health, safety, and welfare of the citizens of the Village of Coal City, Illinois to prohibit, by means of a municipal ordinance, the possession of drug paraphernalia;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Coal City, Counties of Will and Grundy, Illinois, as follows:

SECTION 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

SECTION 2. Amendments.

- A. Section 134-7 of the Village Code (“Possession of Cannabis”) is hereby amended to read as follows:

§ 134-7. Possession of cannabis.

- A. For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning:

CANNABIS — 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 cannabinol derivatives; 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. "Cannabis" shall not include the mature stalks, oil, or cake made from the seeds of such plant; fiber produced from such stalks, 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.¹

- B. It is declared to be an offense for any person to ~~knowingly~~ possess cannabis. Any person who violates this Section with respect to possession of a substance containing cannabis in an amount:

- i. ~~less than~~ up to 500 ten (10) grams shall be fined in an amount not less than \$250 and not more than \$500 for each offense. ~~of cannabis.~~
- ii. more than ten (10) grams but not more than thirty (30) grams shall be fined not less than \$500 and not more than \$750 for each offense.
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C. No period of imprisonment shall be sought or imposed for violating Section 134-7(B).

D. Any person knowingly in possession of a substance containing cannabis in an amount exceeding thirty (30) grams shall be prosecuted under the Cannabis Control Act, provided that nothing in this subsection shall prohibit the ordinance violations set forth in Section 134-7(B) from being prosecuted as violations of the Cannabis Control Act.

E. Notwithstanding the foregoing, lawful possession of medical cannabis by an authorized cardholder in accordance with the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/a et seq., or a successor statute, shall not be a violation of Section 134-7.

B. A new Section 134-8 of the Village Code (“Possession of Drug Paraphernalia”) is hereby adopted to read as follows:

§ 134-8. Possession of Drug Paraphernalia.

A. For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning:

CANNABIS: Shall have the meaning ascribed to it in section 134-(A) of the Village Code, as though fully set forth herein.

CONTROLLED SUBSTANCE: Shall have the meaning ascribed to it in Section 2(b) of the Drug Paraphernalia Control Act, 720 ILCS 600/2(d), as amended.

DELIVER OR DELIVERY: Shall have the meaning ascribed to it in Section 2(d) of the Drug Paraphernalia Control Act, 720 ILCS 600/2(c), as amended.

DRUG PARAPHERNALIA: Shall have the meaning ascribed to it in Section 2(d) of the Drug Paraphernalia Control Act, 720 ILCS 600/2(d), as amended.

B. Unlawful Possession of Drug Paraphernalia:

- i. It shall be unlawful for 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. This prohibition shall not apply to a person who is legally authorized to possess hypodermic syringes or needles under the Hypodermic Syringes and Needles Act or anyone who is in lawful possession of paraphernalia as an authorized cardholder in accordance with

the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/a *et seq.*, or a successor statute.

- ii. In determining intent under subsection (B)(i), the trier of fact may take into consideration, in addition to all other logically relevant factors, the proximity of the cannabis or controlled substances to drug paraphernalia or the presence of cannabis or a controlled substance on the drug paraphernalia, statements by any person in control of the object concerning its use, direct or circumstantial evidence of the intent of any person in control of the object, and the existence and scope of legitimate uses for the object.

C. If a person is convicted of violating Subsection 134-8(B) in connection with a violation of Section 134(7)(B)(i) only, then such person shall be fined in an amount not less than \$100 and not more than \$200 for each such violation.

D. If a person is convicted of violating Subsection 134-8(B) in connection with a violation of Section 134(7)(B)(ii) only, then such person shall be fined \$750 for each such violation.

E. Any person in possession of drug paraphernalia other than in connection with a violation of Section 134(7)(B) shall be prosecuted under the Drug Paraphernalia Control Act, 720 ILCS 600/1, *et seq.*

F. Section 137-8 does not apply to:

- i. 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.
- ii. 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.
- iii. Items listed in the definitions of Section 137-8(A) 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 section.
- iv. A person who is legally authorized to possess hypodermic syringes or needles under the hypodermic syringes and needles act.

SECTION 3. Resolution of Conflicts. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. Saving Clause. 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, which are hereby declared to be separable.

SECTION 5. Effectiveness. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SO ORDAINED this 14 day of September, 2016, at Coal City, Grundy and Will Counties, Illinois.

AYES: 5

ABSENT: 1

NAYS: 0

ABSTAIN: 0

VILLAGE OF COAL CITY


Terry Halliday, President

Attest:


Pamela M. Noffsinger, Clerk