

ORDINANCE NO. 2016- 21

AN ORDINANCE AMENDING CHAPTER 50, SECTION 50-38 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS REGARDING CANNABIS

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 protecting the health, welfare and safety of individuals residing in and visiting the Village; and

WHEREAS, certain penalties and fees set forth in the Cannabis Control Act (the “Cannabis Control Act”) (720 ILCS 550/1) were recently amended by Public Act 099-0697 (the “Act”); and

WHEREAS, the Act provides that possession of more than 10 grams but not more than 100 grams of any substance containing cannabis shall be a misdemeanor for a first time offender; and

WHEREAS, the Cook County State’s Attorney’s Office (the “State’s Attorney”) has previously announced that it will not prosecute the possession of a misdemeanor amount of any substance containing cannabis; and

WHEREAS, the Corporate Authorities have determined that it is in the best interests of the Village and its residents to amend the Municipal Code, Village of Stickney, Illinois (the “Village Code”) to reflect the penalties and fees for possession of cannabis set forth in the Cannabis Control Act, as amended, and in accordance with the policies of the State’s Attorney; and

WHEREAS, in light of the foregoing, the Corporate Authorities have determined that it is in the best interests of the Village and its residents to amend Chapter 50, Section 50-38 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, Section 50-38 of the Village Code to amend the penalties and fees for possession of cannabis to reflect those set forth in the Cannabis Control Act, as amended, and in accordance with the policies of the State's Attorney, and to authorize the President or his or her designee to take all actions necessary to carry out the intent of this Ordinance.

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

SECTION 3.0. AMENDMENT OF CHAPTER 50, 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, Section 50-38, which Section shall be amended as follows:

Sec. 50-38. – Possession of cannabis.

(a) It shall be unlawful for any person to possess cannabis, except as set forth in the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 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) 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:

Not more than ten grams	200.00
More than ten grams and not more than 20 <u>30</u> grams	400.00
More than 20 <u>30</u> grams and not more than 30 <u>100</u> grams	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) 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.

SECTION 3.1. 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.

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 effective and in full force ten (10) days after its passage, approval and publication in accordance with applicable law.

PASSED this 6th day of September, 2016.

AYES: Trustees Fuentes, Hrejsa, Lazansky, Milenkovic, Savopoulos and White

NAYS:

ABSENT:

ABSTENTION:

APPROVED by me this 7th day of September, 2016.

Deborah Morelli, President

ATTESTED AND FILED in my
office this 7th day of September, 2016.

Audrey McAdams, Village Clerk