
**THE CITY OF BLUE ISLAND
COOK COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 2020-019**

**AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK
COUNTY, ILLINOIS AMENDING TITLE VII, CHAPTER 70
(TRAFFIC CODE) AND TITLE XIII, CHAPTER 30 (GENERAL
OFFENSES) OF THE CODE OF BLUE ISLAND, ILLINOIS.**

**DOMINGO F. VARGAS, Mayor
Randy Heuser, City Clerk**

**DEXTER JOHNSON
FRED BILOTTO
NANCY RITA
TOM HAWLEY
MICHAEL MECH
CANDACE CARR
JAMES KLINKER**

**ANNETTE ALEXANDER
WILLIAM CAZARES
KEVIN DONAHUE
BILL FAHRENWALD
JOHNNY RINGO HILL
RAEANN CANTELO-ZYLMAN**

Aldermen

ORDINANCE NO. 2020-019

**AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS
AMENDING TITLE VII, CHAPTER 70 (TRAFFIC CODE) AND TITLE XIII,
CHAPTER 30 (GENERAL OFFENSES) OF THE CODE OF BLUE ISLAND, ILLINOIS**

WHEREAS, the City of Blue Island, Cook County, Illinois (the “*City*”) is a duly organized and existing city created under the provisions of the laws of the State of Illinois and is now operating under the provisions of the Illinois Municipal Code, with full powers to enact ordinances for the benefit of the residents of the City; and

WHEREAS, the State of Illinois enacted the Cannabis Regulation and Tax Act, 410 ILCS 705/1 *et seq.* (the “*Act*”), which pertains to the possession, use, cultivation, transportation and dispensing of adult-use cannabis, which became effective June 25, 2019; and

WHEREAS, pursuant to the Act, the City may enact reasonable regulation and oversight of cannabis business establishments not in conflict with the Act; and

WHEREAS, the Corporate Authorities have determined it is in the best interest of the health, safety and welfare of the residents of the City to conform its Traffic Code and General Offenses to the provisions of the Act.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Blue Island, Cook County, Illinois as follows:

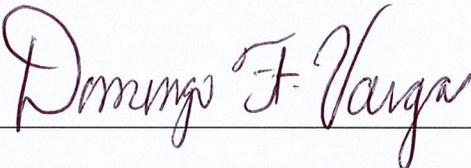
Section 1. That the above recitals are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2. Title VII (“Traffic Code”), Chapter 70 (“General Provisions”), Section 70.040 (“Definitions”), of the Municipal Code of the City of Blue Island, Illinois is hereby amended by deleting the stricken language:

ADOPTED this 26th day of May, 2020, pursuant to roll call as follows:

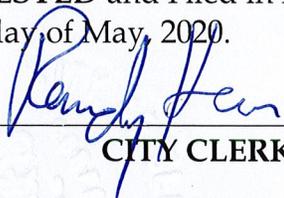
	YES	NO	ABSENT	PRESENT	ABSTAIN
Alderman JOHNSON	X				
Alderman ALEXANDER	X				
Alderman BILOTTO	X				
Alderman CAZARES	X				
Alderman RITA	X				
Alderman DONAHUE			X		
Alderman HAWLEY	X				
Alderman FAHRENWALD	X				
Alderman MECH	X				
Alderman HILL	X				
Alderman CANTELO-ZYLMAN	X				
Alderman CARR	X				
Alderman STEVO	X				
Alderman KLINKER	X				
Mayor DOMINGO F. VARGAS					
	13		1		

APPROVED: this 26th day of May, 2020.

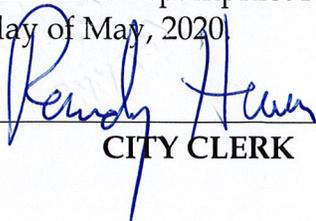


**MAYOR OF THE CITY OF BLUE ISLAND,
COUNTY OF COOK AND STATE OF ILLINOIS**

ATTESTED and Filed in my office this
26th day of May, 2020.


CITY CLERK

PUBLISHED in pamphlet form this
26th day of May, 2020.


CITY CLERK

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CERTIFICATE

I, RANDY HEUSER, certify that I am the duly elected and acting Municipal Clerk of the City of Blue Island of Cook County, Illinois.

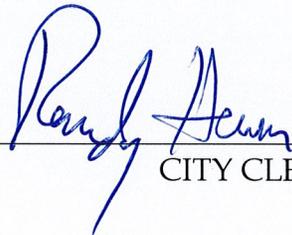
I further certify that on **May 26, 2020** the Corporate Authorities of such municipality passed and approved Ordinance No. **2020 - 019** Entitled:
AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUTNY, ILLINOIS AMENDING TITLE VII, CHAPTER 70 (TRAFFIC CODE) AND TITLE XIII, CHAPTER 30 (GENERAL OFFENSES) OF THE CODE OF BLUE ISLAND, ILLINOIS.

Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. **2020 - 019** including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance posted in the municipal building commencing on **May 26, 2020** and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Blue Island, Illinois, this **26th** day of **May, 2020**.

CORPORATE SEAL



CITY CLERK

§ 70.040 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGGRAVATED ASSAULT and AGGRAVATED BATTERY. A violation of 720 ILCS 5/12-2 and 720 ILCS 5/12-3.05, respectively.

ARMED ROBBERY. A violation of 720 ILCS 5/18-2.

BURGLARY and RESIDENTIAL BURGLARY. A violation of 720 ILCS 5/19-1 and 720 ILCS 5/19-3, respectively.

CONTROLLED SUBSTANCE. Any substance as defined and included in the schedules contained in Art. II of the State Controlled Substance Act (720 ILCS 570/101 et seq.), as amended from time to time, and ~~cannabis as defined in § 3 of the Cannabis Control Act (720 ILCS 550/3), as amended from time to time.~~

CRIMINAL DAMAGE TO PROPERTY. A violation of 720 ILCS 5/21-1.

DRIVING UNDER THE INFLUENCE. Any violation as defined in § 11-501 of the Illinois Vehicle Code (625 ILCS 5/11-501), as amended.

DRIVING WHILE LICENSE, PERMIT OR PRIVILEGE TO OPERATE A MOTOR VEHICLE IS SUSPENDED OR REVOKED. Any violation as defined in § 6-303 of the Illinois Vehicle Code (625 ILCS 5/6-303), as amended.

DRUG PARAPHERNALIA. Any equipment, product and/or materials as defined in § 2 of the Drug Paraphernalia Act (720 ILCS 600/2).

HEARING OFFICER. A licensed attorney who is not an officer.

OPERATION OF MOTOR VEHICLE WITHOUT A VALID DRIVER'S LICENSE. A violation of §§ 6-101 and/or 6-303 of the Illinois Vehicle Code (625 ILCS 5/6-101 and 625 ILCS 5/6-303), as amended from time to time, where the driver's license or driving privileges have been suspended, revoked, canceled, never obtained or previously had been obtained and have been expired for not less than six months.

OWNER OF RECORD. The record titleholder to a motor vehicle.

RETAIL THEFT. A violation of 720 ILCS 5/16A-3.

UNLAWFUL USE OF WEAPONS. A violation of § 24-1 of the Criminal Code of 1961 (720 ILCS 5/24-1), as amended.

Section 3. Title VII (“Traffic Code”), Chapter 70 (“General Provisions”), Section 70.041 (“Vehicles Subject to Seizure and Impoundment”), of the Municipal Code of the City of Blue Island, Illinois is hereby amended by adding the underlined language and deleting the stricken language:

§ 70.041 VEHICLES SUBJECT TO SEIZURE AND IMPOUNDMENT.

A motor vehicle shall be subject to seizure and impoundment under this subchapter where such motor vehicle is used in the commission of any of the following:

- (A) The unlawful possession or delivery of a controlled substance, ~~or~~ drug paraphernalia, or cannabis;
- (B) Driving while under the influence;
- (C) Driving while license, permit or privilege to operate a motor vehicle is suspended or revoked except a person whose driver’s license, permit or privilege to operate a motor vehicle is suspended only for a violation of the Emissions Inspection Law, 625 ILCS 5/13 et seq.;
- (D) Operation of a motor vehicle without a valid driver’s license;
- (E) The unlawful use of weapons;
- (F) Retail theft, when the value of the merchandise exceeds \$150; and
- (G) Aggravated assault, aggravated battery, armed robbery, burglary, residential burglary and criminal damage to property.

Section 4. Title XIII (“General Offenses”), Chapter 130 (“Offenses Against Public Peace and Safety”), of the City of Blue Island Municipal Code is hereby amended by adding Sections 130.06, 130.07, 130.08, 130.09, 130.10 and 130.11 as set forth and underlined below:

TITLEXIII: GENERAL OFFENSES

CHAPTER 130: OFFENSES AGAINST PUBLIC PEACE AND SAFETY

§ 130.06 CANNABIS POSSESSION LIMITS

- (A) It shall be unlawful for an Illinois resident over the age of 21 to possess any amount greater than:
 - (1) 30 grams of cannabis flower;
 - (2) 5 grams of cannabis concentrate;
 - (3) 500 milligrams of THC contained in cannabis-infused products
- (B) It shall be unlawful for a non-resident over the age of 21 to possess any amount greater than:

- (1) 15 grams of cannabis flower;
- (2) 2.5 grams of cannabis concentrate;
- (3) 250 milligrams of THC contained in a cannabis infused product.

(C) The amounts listed in (A) and (B) shall be cumulative. However, it shall be unlawful for any person to knowingly obtain, seek to obtain, or possess an amount of cannabis that would cause him or her to exceed the possession limit under this Section, including cannabis that is cultivated by a person under this Act or obtained under the Compassionate Use of Medical Cannabis Program Act.

§ 130.07 CANNABIS POSSESSION BY MINORS PROHIBITED

- (A) It shall be unlawful for a person who is under twenty-one (21) years of age to possess any amount of cannabis, unless he or she is a qualified patient under the Compassionate Use of Medical Cannabis Program Act.
- (B) It shall be unlawful for a person who is under 21 years of age to possess cannabis paraphernalia, unless he or she is a qualified patient under the Compassionate Use of Medical Cannabis Program Act.

§ 130.08 UNLAWFUL POSSESSION OF CANNABIS

It shall be unlawful for any person to possess cannabis in the following places:

- (1) A school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act.
- (2) On the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act.
- (3) In any correctional facility.
- (4) In a private residence that is used at any time to provide licensed childcare, or other similar social service care on the premises.
- (5) In a motor vehicle upon a highway in this State, except in a sealed, odor-proof, child-resistant cannabis container which is reasonably inaccessible while the vehicle is moving.

§ 130.09 UNLAWFUL USE OF CANNABIS

(A) It shall be unlawful for any person to use cannabis in the following places:

- (1) a school bus, unless permitted for a qualifying patient or caregiver pursuant to the

Compassionate Use of Medical Cannabis Program Act.

- (2) On the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act.
 - (3) In any correctional facility.
 - (4) In a private residence that is used at any time to provide licensed childcare, or other similar social service care on the premises.
 - (5) In any public place.
 - (6) While he or she is knowingly in close physical proximity to anyone under twenty-one (21) years of age who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Program Act.
 - (7) Within the passenger area of any motor vehicle upon a highway of this State.
 - (8) On any private property, including on land owned in whole or in part or managed in whole or in part by the Village or the State, and including areas where vehicles are parked, without the express permission of the business or lawful possessor of the property.
- (B) It shall be unlawful for any law enforcement officer, corrections officer, probation officer, firefighter, school bus permit or CDL holder to use cannabis while on duty.
- (C) It shall be unlawful for any person to smoke cannabis in any place where smoking is prohibited under the Smoke Free Illinois Act.

§ 130.10 CANNABIS CULTIVATION RESTRICTIONS

- (A) It shall be unlawful for an individual to cultivate cannabis plants unless they are licensed by the State or a registered qualifying patient over of the Compassionate Use of Medical Cannabis program Act.
- (B) It shall be unlawful for a registered qualifying patient of the Compassionate Use of Medical Cannabis Program Act to cultivate cannabis plants:
- 1. Outside a closed locked space.
 - 2. That are not for personal use.
 - 3. If the individual is under the age of twenty-one (21) years old.
 - 4. In excess of five (5) plants that are more than five (5) inches tall
 - 5. In a location where they are subject to ordinary public view.
 - 6. On nonresidential property
 - 7. Without the consent of the lawful owner of the property.

(C) It shall be unlawful for a registered qualifying patient under the Compassionate Use of Medical Cannabis Program Act to sell, transfer, or gift any home-grown cannabis as authorized under this section and the Act.

§ 130.11 MANUFACTURE OR DELIVERY OF CANNABIS PROHIBITED

It shall be unlawful for any person not licensed by the State of Illinois to knowingly manufacture, deliver, or possess with the intent to deliver or manufacture, any amount of cannabis.

Section 5. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

Section 6. All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 7. This Ordinance shall be effective and in full force immediately upon passage, approval and publication as provided by law.

Intentionally left blank



ODELSON · STERK · MURPHEY
FRAZIER · MCGRATH, LTD.
ATTORNEYS AT LAW

3318 WEST 95th STREET
EVERGREEN PARK, IL 60805

OFFICE: (708) 424-5678
FAX: (708) 425-1898

www.osmfm.com

MEMORANDUM

CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

TO: Alderman Nancy Rita
Alderman James Klinker

FROM: Cary Horvath, Kelly Burke, and Lauren M. DaValle, ODELSON, STERK,
MURPHEY, FRAZIER, & MCGRATH, LTD.

DATE: May 22, 2020

RE: Ordinance Amendments needed to comply with the Cannabis
Regulation and Tax Act

AMENDMENTS TO GENERAL OFFENSES

The Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/1 et. seq. (the Act) became effective on January 1, 2020. Possession of cannabis for adult-use is now legal subject to numerous restrictions. Accordingly, the Village will need to amend Chapter 70 “General Provisions: Seizure and Impoundment of Vehicles” and Chapter 130 “Offenses Against Public Peace and Safety”.

- §70.040: This Section defines “controlled substance” to include cannabis for purposes of seizure and impoundment of vehicles. That portion has been stricken
- §70.041: The unlawful possession or delivery of cannabis was added to section (A) as an offense for which a vehicle can be seized and impounded.
- §130.06 – 130.11: NEW. Restrictions on possession, use, and cultivation of cannabis as provided in the cannabis regulation and control act.

We have drafted these amendments for your review. We have also composed a chart that shows the municipal ordinances and corresponding State laws, including any minimum penalties.

AMENDMENTS TO BUSINESS REGULATIONS

The City of Blue Island has passed an ordinance allowing for cannabis business establishments within the City. The City should also adopt an Ordinance requiring all cannabis business establishments to obtain a business license. We have drafted a NEW Chapter 124 entitled Cannabis Business Establishments which contains application, inspection and fee requirements as well as regulations for cannabis businesses as contained in the Act.

Howard Coppari reviewed our original draft and suggested an initial application fee of \$5,000 and a renewal fee of \$1,500, which we incorporated into the draft ordinance. This amount can be adjusted.

Please contact us with any questions or concerns or any changes that are needed to these ordinances.

ADULT POSSESSION	City Ordinance:	State Statute
Unlawful for an ILLINOIS RESIDENT to possess any amount greater than:		Less than 10g: 720 ILCS 550/4(a) Civil: \$100-\$200
30 g of cannabis flower*	130.06(A)(1)	
5 g of cannabis concentrate*	130.06(A)(2)	
500 milligrams of THC*	130.06(A)(3)	10-30g: 720 ILCS 550/4(b) Class B
Unlawful for a NON-RESIDENT to possess any amount greater than:		30-100g: 720 ILCS 550/4(c) Class A Class 4 if subsequent offense
30 g of cannabis flower*	130.06(B)(1)	
5 g of cannabis concentrate*	130.06(B)(2)	
500 milligrams of THC*	130.06(B)(3)	100-500g: 720 ILCS 550/4(d) Class 4 Class 3 if subsequent offense
Unlawful for any person to knowingly obtain, seek to obtain, or possess an amount of cannabis that would cause him or her to exceed the possession limits	130.06(C)	500-2000g: 720 ILCS 550/4(e) Class 3
UNLAWFUL TO POSSESS CANNABIS:		
A School Bus [^]	130.08(1)	2000-5000g: 720 ILCS 550/4(f) Class 2
On the grounds of any school [^]	130.08(2)	5000g+: 720 ILCS 550/4(g) Class 1
In any correctional facility	130.08(3)	
In a private residence used at any time to provide licensed childcare	130.08(4)	
In a motor vehicle upon a public street except in a sealed, odor proof, child resistant cannabis container which is reasonably inaccessible while vehicle is moving	130.08(5)	625 ILCS 5/11-502.15(b)-driver Class A 625 ILCS 5/11-501.15(c)- passenger Class A

*Amounts are cumulative

ADULT USE	City Ordinance	State Statute	
UNLAWFUL TO USE CANNABIS:			
In a School Bus [^]	130.09(A)(1)	N/A	
On the grounds of any school [^]	130.09(A)(2)		
In any correctional facility	130.09(A)(3)		
In a private residence used at any time to provide licensed childcare	130.09(A)(4)		
In a public place	130.09(A)(5)		
In close proximity to a minor*	130.09(A)(6)		
By a law enforcement officer, corrections officer, probation officer, firefighter, school bus permit or CDL holder while on duty	130.09(B)		
Without the permission of lawful owner or possessor of property	130.09(8)		
In a motor vehicle upon a public street	130.09(A)(7)		625 ILCS 5/11-502.15(a)- driver Class A
In violation of the smoke free Illinois act	130.09(C)		410 ILCS 82/15 \$250 first violation \$500 second violation within 1 year \$2500 each additional violation within 1 year

[^] Exemption for qualifying registered patients under the compassionate of medical cannabis program act

MFG/DEL	City Ordinance:	State Statute
Unlawful for any person not licensed by the State of Illinois to manufacture, deliver, or possess with intent to manufacture or deliver any amount of cannabis	130.11	Less than 2.5g: 720 ILCS 550/5(a) Class B 2.5-10g: 720 ILCS 550/5(b) Class A 10-30g: 720 ILCS 550/5(c) Class 4 30-500g: 720 ILCS 550/5(d) Class 3 500-2000g: 720 ILCS 550/5(e) Class 2 2000-5000g: 720 ILCS 550/5(f) Class 1 5000g+: 720 ILCS 550/5(g) Class X

MINORS	City Ordinance:	State Statute
Unlawful to possess any amount of cannabis	130.07(A)	720 ILCS 550/4(a) Civil: \$100-\$200
Unlawful to possess cannabis paraphernalia	130.07(B)	410 ILCS 705/10-5(a)

Home Cultivation	City Ordinance:	State Statute
Unlawful for any person to cultivate cannabis unless licensed by State or registered medical cannabis patient	130.10(A)	Less than 5 plants: 720 ILCS 550/8(a) Civil: \$100-\$200
Unlawful for registered medical cannabis patient to cultivate plants:		5-20 plants: 720 ILCS 550/8(b) Class 4
Outside of a closed locked space	130.10 (B)(1)	
That are not for personal use	130.10(B)(2)	21-50 plants:720 ILCS 550/8(c) Class 3
If the individual is under 21	130.10 (B)(3)	
In excess of 5 plants that are more than 5 inches tall	130.10 (B)(4)	51-200 plants: 720 ILCS 550/8(d) Class 2
In a location where they are subject to ordinary public view	130.10 (B)(5)	
On nonresidential property	130.10 (B)(6)	201+ plants: 720 ILCS 550/8(e) Class 1
Without the consent of the lawful owner of the property	130.10(B)(7)	