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

**ORDINANCE
NUMBER 2018-009**

**AN ORDINANCE AMENDING TITLE XIII, CHAPTER 130 OF THE
MUNICIPAL CODE OF THE CITY OF BLUE ISLAND,
COOK COUNTY, ILLINOIS
(OFFENSES AGAINST PUBLIC PEACE AND SAFETY)**

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

**DEXTER JOHNSON
LETICIA VIEYRA
NANCY RITA
TOM HAWLEY
BILL FAHRENWALD
CANDACE CARR
KENNETH PITTMAN**

**GEORGE POULOS
FRED BILOTTO
KEVIN DONAHUE
ALECIA SLATTERY
JANICE OSTLING
JAIRO FRAUSTO
NANCY THOMPSON**

Aldermen

ORDINANCE NO: 2018-009

**AN ORDINANCE AMENDING TITLE XIII, CHAPTER 130 OF THE MUNICIPAL
CODE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS
(OFFENSES AGAINST PUBLIC PEACE AND SAFETY)**

WHEREAS, the City OF Blue Island, Cook County, Illinois (City) is a non-home rule municipality pursuant to Section 7(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may only exercise powers granted to them by law or as specified in the aforementioned Section of Illinois Constitution; and

WHEREAS, the Corporate Authorities are charged with the responsibility of regulating and prohibiting certain acts, conduct and offenses for the protection of the public health, safety and welfare of its citizenry and are authorized pursuant to 65 ILCS 5/1-2-1.1 to pass ordinances not inconsistent with the criminal laws of this state; and

WHEREAS, Public Act, 99-697, amended the Cannabis Control Act by de-criminalizing possession of 10 grams or less of cannabis making such infraction punishable by fine only, and generally altered the penalties associated with possession of varying amounts of cannabis as well as amended the Drug Paraphernalia Control Act de-criminalizing drug paraphernalia seized for a violation of Section 4(a) of the Cannabis Control Act;

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

WHEREAS, the City does not presently regulate the possession of cannabis and finds it is in the best interest of the health, safety, and welfare of the citizens of Blue Island, to prohibit, via municipal ordinance the possession of less than thirty (30) grams of cannabis; and

WHEREAS, the City does not presently regulate the possession of drug paraphernalia and finds it is in the best interest of the health, safety, and welfare of the citizens of Blue Island, to prohibit, via municipal ordinance, the possession of drug paraphernalia.

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

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

Section 2. That Title XIII, *General Offenses*, of the City Municipal Code is hereby amended by adding the following *Possession of Cannabis* Section to Chapter 130, *Offenses of Public Peace and Safety*, as follows:

§ 130.06. Possession of Cannabis

- A. **Definition.** As used in this section, the term “Cannabis” shall have the meaning ascribed to it in the Cannabis Control Act, 720 ILCS 550/3, as amended, as if that definition were incorporated herein.
- B. **Offense of Possession of Cannabis.** A person commits the offense of possession of cannabis by possessing not more than thirty (30) grams of any substance containing cannabis unless permitted or authorized to do so pursuant to the Cannabis Control Act (720 ILCS 550/1, et seq., as amended).
- C. **Violations, Penalties.** Any person who violates this Section with respect to a substance containing cannabis in an amount:
 - i. Up to ten (10) grams shall be fined in an amount not less than \$100 and not more than \$250 for each offense and such ordinance violation may be prosecuted in accordance with Title I, Chapter 11, *Administrative Adjudication of Code Violations* or in the Circuit Court of Cook County.
 - ii. More than ten (10) grams but not more than thirty (30) grams shall be fined not less than \$250 and not more than \$750 and such ordinance violation may be prosecuted in the Circuit Court of Cook County but not

through the City's Administrative Adjudication of Code Violations, Title I, Chapter 11.

- D. No period of imprisonment shall be sought or imposed for violating Section 130.06(B).
- 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, e seq., as amended or a successor statute, shall not be a violation of Section 130.06(B).
- F. 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.
- G. Nothing in this subsection shall prohibit the ordinance violations set forth in Section 130.06(C) from being prosecuted as a violation of the Cannabis Control Act.

Section 3. That Title XIII, *General Offenses*, of the City Municipal Code is hereby amended by adding the following *Possession of Drug Paraphernalia* Section to Chapter 130, *Offenses of Public Peace and Safety*, as follows:

§130.07. Possession of Drug Paraphernalia.

A. Definition. As used in this section,

- i. the term "Drug Paraphernalia: shall have the meaning ascribed to it in the Drug Paraphernalia Control Act, 720 ILCS 600/2, as amended, as if that definition were incorporated herein.
- ii. the term "Cannabis" shall have the meaning ascribed to it in the Cannabis Control Act, 720 ILCS 550/3, as amended, as if that definition were incorporated herein.
- iii. the term "Controlled Substance" shall have the meaning ascribed to it in Section 102 of the Illinois Controlled Substances Act, as amended, as if that definition were incorporated herein.

B. Offense of Possession of Drug Paraphernalia. A person commits the offense of possession of drug paraphernalia by possessing drug paraphernalia unless authorized or permitted to do so by the Drug Paraphernalia Control Act, 720 ILCS 600/1, *et seq.*, as

amended.

C. Violations, Penalties. Any person whose drug paraphernalia was seized for a violation of:

- i. Section 130.06 (C)(i) shall be fined not less than \$100 and not more than \$250. This Possession of Drug Paraphernalia ordinance violation may be prosecuted in accordance with Title I, Chapter 11, *Administrative Adjudication of Code Violations* or in the Circuit Court of Cook County.
- ii. Section 130.06 (C)(ii) shall be fined not less than \$250 and not more than \$750. This Possession of Drug Paraphernalia ordinance violation may be prosecuted in the Circuit Court of Cook County but not through the City's Administrative Adjudication of Code Violations, Title I, Chapter 11.

D. Any person in possession of drug paraphernalia other than in connection with a violation of Section 130.07(C) shall be prosecuted under the Drug Paraphernalia Act, 720 ILCS 600/1, et seq.

E. Nothing in this subsection shall prohibit the ordinance violations set forth in Section 130.07 from being prosecuted as violation of the Drug Paraphernalia Control Act.

Section 4. 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.

Section 5. All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

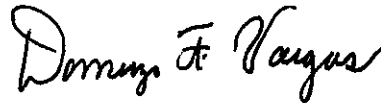
Section 6. This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

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ADOPTED this 13th day of February, 2018, pursuant to a roll call vote as follows:

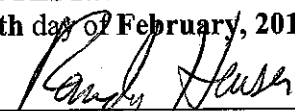
	YES	NO	ABSENT	PRESENT	ABSTAIN
Alderman Hawley			X		
Alderman Poulos	X				
Alderman Vieyra	X				
Alderman Bilotto	X				
Alderman Rita	X				
Alderman Donahue			X		
Alderman Carr	X				
Alderman Slattery			X		
Alderman Ostling	X				
Alderman Pittman	X				
Alderman Johnson			X		
Alderman Frausto	X				
Alderman Thompson	X				
Alderman Fahrenwald	X				
Mayor Vargas					
TOTAL	10		4		

APPROVED by the Mayor on February 13, 2018.



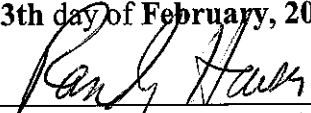
DOMINGO F. VARGAS
MAYOR OF THE CITY OF BLUE ISLAND,
COUNTY OF COOK AND STATE OF ILLINOIS

ATTESTED and Filed in my office this
 13th day of February, 2018.



RANDY HEUSER
CITY CLERK

PUBLISHED in pamphlet form this
 13th day of February, 2018.



RANDY HEUSER
CITY CLERK

STATE OF ILLINOIS)
)
COUNTY OF COOK) ss.

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.

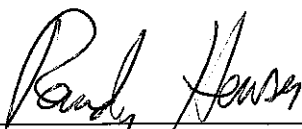
I further certify that on **February 13, 2018** the Corporate Authorities of such municipality passed and approved Ordinance No. **2018 - 009** entitled: **AN ORDINANCE AMENDING TITLE XIII, CHAPTER 130 OF THE MUNICIPAL CODE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS. (OFFENSES AGAINST PUBLIC PEACE AND SAFETY)**

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

The pamphlet form of Ordinance No. **2018 - 009** including the Ordinance and a cover sheet thereof, was as prepared, and a copy of such Ordinance posted in the municipal building commencing **February 13, 2018** 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 **13th** day of **February, 2018**.

(SEAL)



Municipal Clerk