

VILLAGE OF MT. ZION  
MACON COUNTY, ILLINOIS

Ordinance No.

2017-12

AMENDING THE VILLAGE OF MT. ZION CODE OF ORDINANCES TITLE XIII:  
GENERAL OFFENSES BY ADDING SECTION 130.03 POSSESSION OF CANNABIS AND  
SECTION 130.04 POSSESSION OF DRUG PARAPHERNALIA

CERTIFICATE

State of Illinois )  
                          )  
                          )  
County of Macon )

I, Dawn Reynolds, duly appointed Village Clerk of the Village of Mt. Zion, Macon County, State of Illinois, and as such, custodian of all Village records, do hereby certify that the attached Ordinance No. 2017-12, is a true and correct copy of AN APPROVED ORDINANCE OF THE VILLAGE OF MT. ZION, MACON COUNTY, ILLINOIS that was adopted by the Mt. Zion Village Board on May 1, 2017.

In witness whereof, I hereby set my hand and affix the seal of the Village of Mt. Zion on this 1<sup>st</sup> day of May, 2017.



Dawn Reynolds  
Dawn Reynolds, Village Clerk

**ORDINANCE 2017-12**

**AN ORDINANCE AMENDING THE VILLAGE OF MT. ZION CODE OF ORDINANCES  
TITLE XIII: GENERAL OFFENSES BY ADDING SECTION 130.03 POSSESSION OF CANNABIS AND  
SECTION 130.04 POSSESSION OF DRUG PARAPHERNALIA**

**WHEREAS**, on July 29, 2016, Illinois Governor Bruce Rauner signed into law SB 2228 which removed the criminal penalties for those found in possession of 10 grams or less of cannabis; and

**WHEREAS**, certain penalties and fees set forth in the Cannabis Control Act (the "Cannabis Control Act") (720 ILCS 550/1 et seq.) were amended by Public Act 099-0697 (the "Act"); 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 of Mt. Zion Board of Trustees believes that the Village of Mt. Zion should modify, update and amend its ordinances to more closely comport with current Illinois State laws;

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MT. ZION, MACON COUNTY, ILLINOIS, AS FOLLOWS:**

Chapter 130 – General Provisions shall be amended to add the following:

**SECTION 130.03 POSSESSION OF CANNABIS**

A) No person shall possess thirty (30) grams or less of any substance containing cannabis.

B) For the purpose of this section, cannabis includes marijuana, hashish, hashish oil, a synthetic drug product or misbranded drug, and any other substances or byproducts and other substances which are identified as including any part of the plant *Cannabis Sativa*, whether growing or not; the seeds therefore, the resin extracted from any part of such plant; and any compound, manufacture, salt derivative, and all other cannabinol 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 a 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, 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.

C) *Forfeiture*- Cannabis as defined above, seized by police officers pursuant to an issuance of an ordinance citation for a violation of this section, shall be forfeited to the Village upon

conviction or upon payment of a fine in settlement of said violation of this code without further order of the Court.

#### **SECTION 130.04 POSSESSION OF DRUG PARAPHERNALIA**

A) *Violation*- No person shall knowingly possess within the Village Limits of The Village of Mt. Zion any item of drug paraphernalia with the intent to use it for the purposes of unlawfully ingesting, inhaling, or otherwise introducing cannabis or a controlled substance into the human body.

B) *Definitions*- As used in this section the following terms shall include and have the following meanings:

- a. Cannabis shall mean and include any substance defined as cannabis in Section 3 of the Illinois Cannabis Control Act 720 ILCS 550/3
- b. Controlled Substance shall mean and include any substances defined as controlled substances in the Illinois Controlled Substances Act 720 ILCS 570/201
- c. Drug Paraphernalia shall mean any object or device used, designed for or intended for use in the unlawful ingesting, smoking, administering, or storing of cannabis or a controlled substance as defined in the Illinois Drug Paraphernalia Control Act 720 ILCS 600/2. For the purpose of this section, drug paraphernalia includes but is not limited to:
  1. Metal, wooden, plastic, glass, stone, or ceramic pipes, with or without screens
  2. Water pipes
  3. Carburetion tubes and devices
  4. Smoking carburetion masks
  5. Roach Clips
  6. Cocaine spoons and vials
  7. Bongs
  8. One hitters
  9. Chillums
  10. Ice Pipes
  11. Electronic devices (either portable or stationary) used in the consumption of cannabis
  12. Homemade devices made from bottles or other refuse, used in the consumption of cannabis

C) *Forfeiture*- Drug paraphernalia as defined above, seized by police officers pursuant to an issuance of an ordinance citation for a violation of this section shall be forfeited to the Village upon conviction or upon payment of a fine in settlement of said violation of this code without further order of the Court.

Section 130.99 Penalty Shall be Amended to Read as Follows:

**§ 130.99 Penalty.**

(A) Any person who violates any section or portion of Chapter 130 General Provisions shall, upon conviction be fined not more than 750.00 for each violation.

(B) In lieu of service of a notice to appear to answer charges of violating this chapter, any law enforcement officer may serve a citation on anyone who is accused of violating this chapter. Such citation shall allow the person served the opportunity to pay to the Village Treasurer the sum specified below, within 15 days following the date of service thereof as a penalty for violating this chapter instead of facing arrest or formal written charges in a notice to appear. Failure to timely pay the amount specified may result in the issuance of a warrant for arrest or notice to appear to answer such charge.

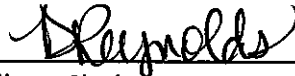
(C)	<b>1-10 Days</b>	<b>11-15 Days</b>
	\$150.00	\$200.00

(D) Any person who violates § 130.02 may, upon conviction, be fined up to \$750.00. Alternatively, any person who violates § 130.02 may be charged with a criminal misdemeanor punishable by incarceration in a penal institution other than a penitentiary for up to 6 months upon establishing guilt of the defendant beyond a reasonable doubt.

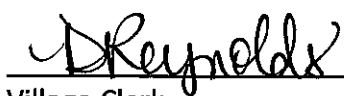
This Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

PASSED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MT. ZION, MACON COUNTY, ILLINOIS, ON THE 1<sup>st</sup> DAY OF MAY, 2017.

MOSE	<u>ABSENT</u>	MENDENHALL	<u>ABSENT</u>
JOHNSON	<u>YEA</u>	FRITZSCHE	<u>YEA</u>
SCALES	<u>YEA</u>	MAYOR WELLS	<u>YEA</u>

  
\_\_\_\_\_  
Village Clerk

APPROVED:  
  
\_\_\_\_\_  
Village President

ATTEST:  
  
\_\_\_\_\_  
Village Clerk