


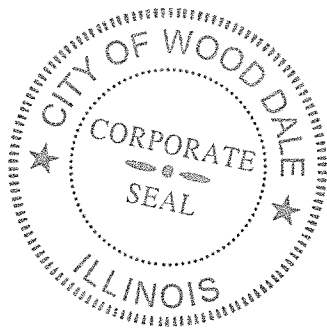
STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

I, Maura Montalvo, Deputy City Clerk of Wood Dale, Illinois DO HEREBY CERTIFY that as such City Clerk and keeper of the records, that the foregoing is a true and correct copy of Ordinance #O-19-039 AN ORDINANCE AMENDING CHAPTER 14, SECTION 14.517, OF THE CODE OF ORDINANCES OF THE CITY OF WOOD DALE REGARDING THE POSSESSION OF DRUGS AND DRUG PARAPHERNALIA

Passed by The City Of Wood Dale, Du Page County, Illinois, IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of the City of Wood Dale, this 5th day of December, 2019.


Maura Montalvo, Deputy City Clerk

SEAL



Ordinance #O-19-039

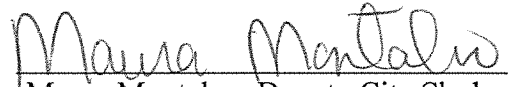
AN ORDINANCE AMENDING CHAPTER 14, SECTION 14.517, OF THE CODE OF ORDINANCES OF THE CITY OF WOOD DALE REGARDING THE POSSESSION OF DRUGS AND DRUG PARAPHERNALIA

Passed: December 5, 2019
Published in Pamphlet Form: December 6, 2019

I, Maura Montalvo, as the Deputy City Clerk for the City of Wood Dale, hereby certify that the attached Ordinance is a true and correct copy of #O-19-039

AN ORDINANCE AMENDING CHAPTER 14, SECTION 14.517, OF THE CODE OF ORDINANCES OF THE CITY OF WOOD DALE REGARDING THE POSSESSION OF DRUGS AND DRUG PARAPHERNALIA

Passed and approved by the City Council of the City of Wood Dale on December 5, 2019 and hereby published in pamphlet on December 6, 2019


Maura Montalvo, Deputy City Clerk

SEAL



ORDINANCE NO. O-19-039

AN ORDINANCE AMENDING CHAPTER 14, SECTION 14.517, OF THE CODE OF ORDINANCES OF THE CITY OF WOOD DALE REGARDING THE POSSESSION OF DRUGS AND DRUG PARAPHERNALIA

WHEREAS, the City of Wood Dale (hereinafter referred to as "City") is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the City is authorized and empowered, under the Illinois Municipal Code, 65 ILCS 5/11-20-5 to regulate for the public health; and

WHEREAS, the City is authorized, pursuant to its police power, 65 ILCS 5/11-1-1, to carry out the powers delegated to it under its grants of authority; and

WHEREAS, the City has determined that it is reasonable and necessary, pursuant to its community caretaking function and in furtherance of public safety, to provide restrictions on the possession of drugs and drugs paraphernalia where they are not authorized according to the Illinois Compiled Statutes; and

WHEREAS, On June 25, 2019 the State Of Illinois enacted Public Act #101-0027 regarding the possession of recreational cannabis.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOOD DALE, DUPAGE COUNTY, ILLINOIS, as follows:

SECTION ONE: That the recitals set forth above are incorporated herein and made a part hereof.

SECTION TWO: That Chapter 14, Section 14.517, of the City of Wood Dale Municipal Code is hereby amended in its entirety as follows:

Sec. 14.517. Drugs And Drug Paraphernalia.

A. Definitions: Unless the context otherwise requires, the following terms as used in this section shall be construed according to the definitions given below:

CANNABIS: means marijuana, hashish, and other substances that are identified as including any parts of the plant Cannabis sativa and including derivatives or subspecies, such as indica, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant,

fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means concentrate and cannabis-infused products.

CANNABIS CONCENTRATE: means a product derived from cannabis that is produced by extracting cannabinoids from the plant through the use of propylene glycol, glycerin, butter, olive oil or other typical cooking fats; water, ice, or dry ice; or butane, propane, CO₂, ethanol, or isopropanol. The use of any other solvent is expressly prohibited unless and until it is approved by the Department of Agriculture.

CANNABIS CONTAINER: means a sealed, traceable, container, or package used for the purpose of containment of cannabis or cannabis-infused product during transportation.

CANNABIS FLOWER: means marijuana, hashish, and other substances that are identified as including any parts of the plant *Cannabis sativa* and including derivatives or subspecies, such as *indica*, of all strains of cannabis; including raw kief, leaves, and buds, but not resin that has been extracted from any part of such plant; nor any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin.

CANNABIS INFUSED PRODUCT: means a beverage, food, oil, ointment, tincture, topical formulation, or another product containing cannabis that is not intended to be smoked.

CONTROLLED SUBSTANCE: means a drug, substance, immediate precursor, or synthetic drug in the Schedules of Article II of the Illinois Controlled Substances Act.

DRUG PARAPHERNALIA: A device used, designed for use or intended for use in ingesting, smoking, administering or preparing any controlled substance other than cannabis, and includes but is not limited to the following:

1. Spoons used for preparing and ingesting controlled substances other than cannabis.
2. Pipes used for preparing and ingesting controlled substances other than cannabis.

MINOR: Any person who has not attained twenty-one (21) years of age.

ORDINARY PUBLIC VIEW: means within the sight line with normal visual range of a person, unassisted by visual aids, from a public street or sidewalk adjacent to real property, or from within an adjacent property.

PRIMARY RESIDENCE: means a dwelling where a person usually stays or stays more often than other locations. It may be determined by, without limitation, presence, tax filings; address on an Illinois driver's license, an Illinois Identification Card, or an Illinois Person with a Disability Identification Card; or voter registration. No person may have more than one primary residence.

PUBLIC PLACE: means any place where a person could reasonably be expected to be observed by others. "Public place" includes all parts of buildings owned in whole or in part, or leased, by the State or a unit of local government. "Public place" does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises.

PREMISES OPEN TO MINORS: Any business establishment which sells its wares or merchandise to minors or which permits minors to enter into its place of business.

SCHOOL: Any public or private elementary, junior high or high school.

B. POSSESSION LIMIT:

1. Except if otherwise authorized by the Illinois Compiled Statutes, for a person who is 21 years of age or older and a resident of this State, the possession limit is as follows:
 - a) 30 grams of cannabis flower;
 - b) no more than 500 milligrams of THC contained in cannabis-infused product;
 - c) 5 grams of cannabis concentrate; and
 - d) for registered qualifying compassionate use of marijuana patients, any cannabis produced by cannabis plants grown under subsection (b) of Section 10-5 of the Cannabis Control Act, provided any amount of cannabis produced in excess of 30 grams of raw cannabis or its equivalent must remain secured within the residence or residential property in which it was grown.
2. For a person who is 21 years of age or older and who is not a resident of this State, the possession limit is:

- a) 15 grams of cannabis flower;
- b) 2.5 grams of cannabis concentrate; and
- c) 250 milligrams of THC contained in a cannabis-infused product.

The possession limits found in section B of this code are to be considered cumulative.

- 3. No person shall knowingly obtain, seek to obtain, or possess an amount of cannabis from a dispensing organization or craft grower 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 Pilot Program Act.
- 4. Persons under 21 years of age.
 - a) Nothing in this code is intended to permit the transfer of cannabis, with or without remuneration, to a person under 21 years of age, or to allow a person under 21 years of age to purchase, possess, use, process, transport, grow, or consume cannabis except where authorized by the Compassionate Use of Medical Cannabis Act or by the Community College Cannabis Vocational Pilot Program.
 - b) Notwithstanding any other provisions of law authorizing the possession of medical cannabis, nothing in this Act authorizes a person who is under 21 years of age to possess cannabis.
 - c) It is unlawful for any person under 21 years of age to use or possess any instrument of drug paraphernalia as identified above.
 - d) It is unlawful for any parent or guardian to knowingly permit his or her residence, any other private property under his or her control, or any vehicle, conveyance, or watercraft under his or her control to be used by an invitee of the parent's child or the guardian's ward, if the invitee is under the age of 21, in a manner that constitutes a violation of this Section. A parent or guardian is deemed to have knowingly permitted his or her residence, any other private property under his or her control, or any vehicle, conveyance, or watercraft under his or her control to be used in violation of this Section if he or she knowingly authorizes or permits consumption of cannabis by underage invitees.

C. UNLAWFUL ACTS: It shall be unlawful for any person over the age of 21 to:

1. Unlawfully possess cannabis in excess limits of what is described in section B of the municipal code.
2. To transport cannabis without a proper "Cannabis container" which is a sealed, traceable, container, or package used for the purpose of containment of cannabis or cannabis-infused product.
3. Using cannabis:
 - a) In a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis act; or
 - b) In any public or private elementary, junior high or high school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Act; or
 - c) In a vehicle not open to the public unless the cannabis is in a reasonably secured, sealed container, and reasonably inaccessible while the vehicle is moving; or
 - d) In a private residence that is used at any time to provide licensed child care or other similar social service care on the premises; or
 - e) Knowingly in close physical proximity to anyone under 21 years of age who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Act; or
 - f) In any public place; or
 - g) In any place where smoking is prohibited under the Smoke Free Illinois Act.
4. It shall be unlawful for persons over the age of 21 to use or possess an instrument of drug paraphernalia as described above that is used for ingesting controlled substances other than cannabis and cannabis infused products.
5. To sell or display any drug paraphernalia as defined in this code in or upon any premises which: a) is a premises open to minors; or b) any premises for which a liquor license has been issued. This does not apply to any locations that are exempted by the Illinois Cannabis Control Act for sales of drug paraphernalia.

D. CULTIVATION OF CANNABIS:

Cultivating cannabis for personal use is subject to the following limitations:

1. An Illinois resident 21 years of age or older who is a registered qualifying patient under the Compassionate Use of Medical Cannabis Act may cultivate cannabis plants, with a limit of 5 plants that are more than 5 inches tall, per household without a cultivation center or craft grower license. In this Section, "resident" means a person who has been domiciled in the State of Illinois for a period of 30 days before cultivation.
2. Cannabis cultivation must take place in an enclosed, locked space.
3. Adult registered qualifying patients may purchase cannabis seeds from a dispensary for the purpose of home cultivation. Seeds may not be given or sold to any other person.
4. Cannabis plants shall not be stored or placed in a location where they are subject to ordinary public view, as defined in this code. A registered qualifying patient who cultivates cannabis under this Section shall take reasonable precautions to ensure the plants are secure from unauthorized access, including unauthorized access by a person under 21 years of age.
5. Cannabis cultivation may occur only on residential property lawfully in possession of the cultivator or with the consent of the person in lawful possession of the property. An owner or lessor of residential property may prohibit the cultivation of cannabis by a lessee.
6. A dwelling, residence, apartment, condominium unit, enclosed, locked space, or piece of property not divided into multiple dwelling units shall not contain more than 5 plants at any one time.
7. Cannabis plants may only be tended by registered qualifying patients who reside at the residence, or their authorized agent attending to the residence for brief periods, such as when the qualifying patient is temporarily away from the residence.

E. PENALTY:

Any person found guilty of a violation of any of the terms of this code shall be guilty of a business offense and shall be fined an amount as specified in the master fee schedule. Each day that a violation is found to have existed shall be deemed a separate offense.

SECTION THREE: That all portions of Section 14.517 of Chapter 14 not amended by this Ordinance shall remain in full force and effect.

SECTION FOUR: That the City Clerk of the City of Wood Dale be and is directed hereby to publish this Ordinance in pamphlet form, pursuant to the statutes of the State of Illinois.

SECTION FIVE: Any and all policies, resolutions or ordinances in conflict with the provisions of this ordinance shall be, and they are hereby, repealed.

SECTION SIX: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

PASSED this 5th day of December, 2019.

AYES: Alderman Messina, Sorrentino, Susmarski,

NAYS: Alderman Woods, E. Wesley, Catalano

ABSENT: Alderman Jakab, R. Wesley

APPROVED this 5th day of December, 2019.

SIGNED: Annunziato Pulice
Annunziato Pulice, Mayor

ATTEST: Maura Montalvo
Maura Montalvo, Deputy City Clerk