

ARTICLE IX. - CANNABIS AND DRUG PARAPHERNALIA VIOLATIONS

Sec. 29-300. - Cannabis defined.

Cannabis includes marijuana, hashish and other substances which are defined as including any parts of the plant Cannabis Sativa, whether growing or not; 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 tetrahydro-cannabinol (THC) and all other cannabiviol 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.

(Ord. No. 008-56, § 1, 6-10-08)

Sec. 29-301. - Possession unlawful.

It shall be a violation of this article for any person knowingly to possess any quantity of any substance containing cannabis, except that this article shall be limited to persons knowingly possessing less than thirty (30) grams of any substance containing cannabis.

(Ord. No. 008-56, § 1, 6-10-08)

Sec. 29-302. - Drug paraphernalia defined.

Means all equipment, products and materials of any kind which are used, intended or use of designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injection, ingesting, inhaling or otherwise introducing into the human body a controlled substance as defined in 720 ICLS 550/1 et seq. and 720 ILCS 570/100 et seq. It includes but is not limited to:

- (1) Kits used, intended for use, or designed for using in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
- (2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
- (3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
- (4) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
- (5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
- (6) Diluents and adulterants, such as quinine hydrochloride, manitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
- (7) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

- (8) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;
- (9) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
- (10) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;
- (11) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;
- (12) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - b. Carburetion tubes and devices;
 - c. Water pipes;
 - d. Smoking and carburetion masks;
 - e. Roach clips; meaning objects used to hold burning material, such as marijuana cigarette that has become too small or too short to be held in the hand;
 - f. Miniature cocaine spoons, and cocaine vials;
 - g. Chamber pipes;
 - h. Carburetor pipes;
 - i. Electric pipes;
 - j. Air-driven pipes;
 - k. Chillums;
 - l. Bonds;
 - m. Ice pipes or chillers.

(Ord. No. 008-56, § 1, 6-10-08)

Sec. 29-303. - Drug paraphernalia determined.

In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

- (1) Statements by an owner or by anyone in control of the object concerning its use;
- (2) The proximity of the object, in time and space, to a direct violation of 720 ILCS 550/1 et seq. and 720 ILCS 570/100 et seq.;
- (3) The proximity of the object to controlled substances;
- (4) The existence of any residue of controlled substances on the object;
- (5) Direct or circumstantial evidence of the intent of the owner, or anyone in control of the object, to deliver it to persons whom he knows, or should reasonable know, intend to use the object to facilitate a violation of 720 ILCS 550/1 et seq. and 720 ILCS 570/100 et seq.; the innocence of any owner, or of anyone in control of the object, as to a direct violation of 720 ILCS 550/1 et seq. and 720 ILCS 570.100 et seq., shall not prevent a finding that the object is used, or intended for use, or designed for use as drug paraphernalia;

- (6) Instructions, oral or written, provided with the object concerning its use;
- (7) Descriptive materials accompanying the object which explain or depict its use;
- (8) National and local advertising concerning its use;
- (9) The manner in which the object is displayed for sale;
- (10) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- (11) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
- (12) The existence and scope of legitimate uses for the object in the community;
- (13) Expert testimony concerning its use.

(Ord. No. 008-56, § 1, 6-10-08)

Sec. 29-304. - Possession of drug paraphernalia.

It shall be unlawful for any use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance as defined in 720 ILCS 550/1 et seq. and 720 ILCS 570/100 et seq.

(Ord. No. 008-56, § 1, 6-10-08)

Sec. 29-305. - Manufacture, sale or delivery of drug paraphernalia.

It is unlawful for any person to manufacture, sell, offer for sale, display, furnish, deliver, possess with intent to deliver, drug paraphernalia, knowing or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of 720 ILCS 550/1 et seq. and 720 ILCS 570/100 et seq.

(Ord. No. 008-56, § 1, 6-10-08)

Sec. 29-306. - Advertisement of drug paraphernalia.

It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

(Ord. No. 008-56, § 1, 6-10-08)

Sec. 29-307. - Penalties.

(A) Any person convicted of a violation of any of the provisions of ~~this article~~ **Section 29-301** shall be fined in an amount not less than ~~five hundred dollars (\$500.00)~~ **two hundred fifty dollars (\$250.00)** and not more than one thousand five hundred dollars (\$1,500.00) for each such violation.

(B) Any person convicted of a violation of Section 29-304, Section 29-305 or Section 29-306 any of the provisions of this article shall be fined in an amount not less than five hundred dollars (\$500.00) and not more than one thousand five hundred dollars (\$1,500.00) for each such violation.

(C) If a person violates Sec. 29-301 of this Ordinance, the penalty for possession of any drug paraphernalia seized during the violation for that offense shall be a civil law violation punishable by a minimum fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) for each such violation.

(Ord. No. 008-56, § 1, 6-10-08)

Sec. 29-308. - Administrative review.

A written petition to set aside a determination of a violation of this chapter may be filed by a person owing an unpaid fine in the manner and subject to the restrictions hereinafter set forth:

- (1) The petition must be filed with the clerk not later than fourteen (14) days from the date of the violation:
- (2) Any administrative adjudication of any violation of this article shall be authorized and conducted pursuant to 65 ILCS 5/1-2.1 et seq.

(Ord. No. 008-56, § 1, 6-10-08)

Secs. 29-309—29-314. - Reserved.