



Legislation Text

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File #: 19-1049, Version: 1

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**TO:** Mayor Richard C. Irvin and City Council

**FROM:** Deborah A. Lang, Assistant Corporation Counsel

**DATE:** November 15, 2019

**SUBJECT:**

An Ordinance amending Chapter 29 of the Municipal Code updating cannabis related offenses.

**PURPOSE:**

To amend Chapter 29, Article IX - Cannabis and Drug Paraphernalia Violations, removing outdated portions of the code and adding new provisions and offenses.

**BACKGROUND:**

The Cannabis Regulation and Tax Act of Illinois ("Act") was approved on June 25, 2019 as Public Act 101-0027. As such, certain amounts of cannabis type products are now legal that were previously prohibited. Individuals age 21 and over may now possess up to 30 grams of cannabis flower, 500 milligrams of THC contained in a cannabis-infused product, or 5 grams of cannabis concentrate. Additionally, individuals that possess a medical card under the Compassionate Use of Medical Cannabis Pilot Program Act can possess up to five marijuana plants. .

**DISCUSSION:**

The Chapter 29, Article IX update will include the removal of the old language regarding possession of cannabis. In this section, there will be a new section that will have definitions. The update will include who can possess and use cannabis, where it can be used, and how much an individual may possess at one time. Additionally, this Article will regulate advertising of cannabis or cannabis infused products within certain restricted areas.

**IMPACT STATEMENT:**

The changes to Chapter 29, Article IX, will bring our City ordinance in line with the State Act.

**RECOMMENDATIONS:**

The Law Department requests that the proposed ordinance be adopted.

cc: Rules and Procedure Committee



CITY OF AURORA, ILLINOIS

ORDINANCE NO. \_\_\_\_\_

DATE OF PASSAGE \_\_\_\_\_

An Ordinance amending Chapter 29, Article IX - Cannabis and Drug Paraphernalia Violations. WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, that the state legislature passed the Cannabis Regulation and Tax Act of Illinois on June 25, 2019 as Public Act 101-0027;

WHEREAS, the City Council of the City of Aurora believes it in the best interests for its residents to amend Chapter 29, Article IX - Cannabis and Drug Paraphernalia Violations as it relates to the use and possession of Cannabis.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

Section One: That the amendments to Chapter 29, Article IX, are hereby adopted as set forth in said "Exhibit A".

Section Two: That this Ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval.

Section Three: That all Ordinances or part of Ordinances in conflict herewith are hereby repealed insofar any conflict exists.

Section Four: That any section, phrase or paragraph of this Ordinance that is construed to be invalid, void or unconstitutional shall not affect the remaining sections, phrases or paragraphs of this Ordinance which shall remain in full force and effect.