

**ORDINANCE**

**AN ORDINANCE AMENDING CHAPTER 17 (“OFFENSES”),  
ARTICLE 1 (“IDENTIFICATION OF SPECIFIC OFFENSES”) OF THE OAK PARK  
VILLAGE CODE TO ADD NEW SECTIONS 17-1-35 (“POSSESSION, MANUFACTURE  
OR DELIVERY OF CANNABIS”) AND 17-1-36 (“POSSESSION OF DRUG PARAPHERNALIA”)**

**WHEREAS**, the Village of Oak Park (“Village”) as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970 has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

**WHEREAS**, pursuant to its home rule powers and the authority granted to the Village by the applicable police powers and code enforcement provisions of the Illinois Municipal Code, 65 ILCS 5/1-2-1, 65 ILCS 5/1-2-1.1 and 65 ILCS 5/11-1-1 *et seq.*, and Section 17.5 of the Illinois Cannabis Control Act, 720 ILCS 550/17.5, the Village Board finds that the additional sections to the Oak Park Village Code as set forth herein further the public health, safety and welfare and are in the best interests of the Village.

**NOW THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

**Section 1. Recitals Incorporated.** The above recitals are incorporated herein as though fully set forth.

**Section 2. Village Code Amended.** Chapter 17 (“Offenses”), Article 1 (“Identification of Specific Offenses”) of the Oak Park Village Code is hereby amended by adding a new Section 17-1-35 (“Possession, Manufacture or Delivery of Cannabis”) and Section 17-1-36 (“Possession of Drug Paraphernalia”) to read as follows:

**17-1-35: POSSESSION, MANUFACTURE, OR DELIVERY OF CANNABIS:**

- A. Definitions: All terms and phrases used in this Section shall have the same meaning as ascribed to them in the Cannabis Control Act, 720 Illinois Compiled Statutes 550/1 *et seq.*, as amended.
- B. It is unlawful for any person knowingly to possess thirty (30) grams or less of cannabis.
- C. It is unlawful for any person knowingly to manufacture, deliver, or possess with intent to deliver, or manufacture, thirty (30) grams or less of cannabis.
- D. Penalty: A person who violates this section shall be subject to a minimum fine of seven hundred fifty dollars (\$750.00) for a first offense and a

minimum fine of one thousand five hundred dollars (\$1,500.00) for each subsequent offense.

E. Exception: This section shall not be applicable to a person who legally possesses any substance containing cannabis as a medical cannabis cardholder, cultivator or dispenser as defined in the Compassionate Use of Medical Cannabis Pilot Program Act, 410 Illinois Compiled Statutes 130/1 *et seq.*, as amended.

F. Nothing in this section shall be construed to prohibit the Village from enforcing cannabis offenses under the Cannabis Control Act, 720 Illinois Compiled Statutes 550/1 *et seq.*, as amended.

**17-1-36: POSSESSION OF DRUG PARAPHERNIA:**

A. Definitions: All terms and phrases used in this section shall have the same meaning as ascribed to them in the Drug Paraphernalia Control Act, 720 Illinois Compiled Statutes 600/1 *et seq.*, as amended.

B. It is unlawful for any person to knowingly possess an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing cannabis or a controlled substance into the human body, or in preparing cannabis or a controlled substance for that use.

C. Penalty: A person who violates this section shall be subject to a minimum fine of seven hundred fifty dollars (\$750.00) for a first offense and a minimum fine of one thousand five hundred dollars (\$1,500.00) for each subsequent offense.

D. Nothing in this section shall be construed to prohibit the Village from enforcing cannabis offenses under the Drug Paraphernalia Control Act, 720 Illinois Compiled Statutes 600/1 *et seq.*, as amended.

**Section 3. Severability and Repeal of Inconsistent Ordinances.** 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. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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**Section 4. Effective Date.** This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

**ADOPTED** this 16<sup>th</sup> day of September, 2016, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb				
Trustee Barber				
Trustee Brewer				
Trustee Button Ott				
Trustee Lueck				
Trustee Salzman				
Trustee Tucker				

**APPROVED** this 16<sup>th</sup> day of September, 2016.

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Anan Abu-Taleb, Village President

**ATTEST**

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Teresa Powell, Village Clerk

Published in pamphlet form this 16<sup>th</sup> day of September, 2016.

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Teresa Powell, Village Clerk