

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X Resolution or Ordinance (Blue) _____ Waiver of First Requested

_____ Recommendations of Boards, Commissions & Committees (Green)
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott Niehaus, Village Manager

DATE: December 17, 2019_ (COW) (B of T) **Date:** December 19, 2019

TITLE: Ordinance Revising "Drug Paraphernalia"

SUBMITTED BY: Chief, Roy Newton

BACKGROUND/POLICY IMPLICATIONS:

Amending Title XIII, Chapter 134 of the Lombard Village Code in re: Drug-Related Offenses

FISCAL IMPACT/FUNDING SOURCE:

Time and Materials:
Signage and Village Installation

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X _____	Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



LOMBARD POLICE DEPARTMENT

TO: Village Board of Trustees
Through Scott Niehaus
Village Manager

FROM: Roy Newton
Chief of Police

SUBJECT: Ordinance Revising "Drug Paraphernalia"

DATE: December 16, 2019

Honorable Lombard Village Board of Trustees,

As you are aware the State of Illinois will legalize cannabis and cannabis related products on January 1st, 2020. As the Village of Lombard has had an ordinance covering the possession of cannabis and paraphernalia (equipment in which to use cannabis), the State statute will void certain amounts of possession of cannabis and their products as well as drug paraphernalia.

The attached Village Ordinance will eliminate sections that involve drug paraphernalia, however there will still be an ordinance for certain possession of cannabis.

It is my opinion that the Village Board and The Honorable President Giagnorio sign the ordinance herein attached. If there are any questions, please do not hesitate to reach out to my office.

Respectfully,

Roy Newton
Chief of Police

ORDINANCE NO. _____

**AN ORDINANCE
AMENDING TITLE XIII., CHAPTER 134
OF THE LOMBARD VILLAGE CODE IN REGARD TO
DRUG-RELATED OFFENSES**

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: That Title XIII., Chapter 134, Section 134.01(A) of the Lombard Village Code is amended to read in its entirety as follows:

“(A) For purposes of this Section, the term “cannabis” shall have the meaning ascribed to it in Section 1-10 of the Cannabis Regulation and Tax Act (410 ILCS 705/1-10), as amended.”

SECTION 2: That Title XIII., Chapter 134, Section 134.01(B) of the Lombard Village Code is amended to read in its entirety as follows:

“(B) It shall be unlawful for any person under the age of twenty-one (21) years old to knowingly be in possession of less than thirty (30) grams of any substance containing cannabis, unless said person is a registered qualifying patient with a valid registry identification card, pursuant to the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1, *et seq.*), or is participating in a Community College Cannabis Vocational Pilot Program (410 ILCS 705/25-1 *et seq.*).”

SECTION 3: That Title XIII., Chapter 134, Section 134.05(A) of the Lombard Village Code is amended by revising the definition of “Drug Paraphernalia,” as contained therein, to read in its entirety as follows:

“Drug paraphernalia – All equipment, products and materials of any kind, other than methamphetamine manufacturing materials as defined in Section 10 of the Methamphetamine Control and Community Protection Act (720 ILCS 646/10) and cannabis paraphernalia as defined in Section 1-10 of the Cannabis Regulation and Tax Act (410 ILCS 705/1-10), which are intended to be used unlawfully in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of

the Illinois Controlled Substances Act (720 ILCS 570/100 *et seq.*) or the Methamphetamine Control and Community Protection Act (720 ILCS 646/1 *et seq.*) or a synthetic drug product or misbranded drug in violation of the Illinois Food, Drug and Cosmetic Act (410 ILCS 620/1 *et seq.*). It includes, but is not limited to:

- (1) kits intended to be used unlawfully in manufacturing, compounding, converting, producing, processing or preparing a controlled substance;
- (2) isomerization devices intended to be used unlawfully in increasing the potency of any species of plant which is a controlled substance;
- (3) testing equipment intended to be used unlawfully in a private home for identifying or in analyzing the strength, effectiveness or purity of controlled substances;
- (4) diluents and adulterants intended to be used unlawfully for cutting a controlled substance by private persons;
- (5) objects intended to be used unlawfully in ingesting, inhaling or otherwise introducing a synthetic drug product or misbranded drug in violation of the Illinois Food, Drug and Cosmetic Act (410 ILCS 620/1 *et seq.*) into the human body, including, where applicable, the following items:
 - (a) water pipes;
 - (b) carburetion tubes and devices;
 - (c) smoking and carburetion masks;
 - (d) miniature cocaine spoons and cocaine vials;
 - (e) carburetor pipes;
 - (f) electric pipes;
 - (g) air-driven pipes;
 - (h) chillums;
 - (i) bongs;
 - (j) ice pipes or chillers;
- (6) any item whose purpose, as announced or described by the seller, is for use in violation of this Section.”

SECTION 4: That Title XIII., Chapter 134, Section 134.05(C) of the Lombard Village Code is amended by deleting the words “cannabis or” therefrom, at each of the four (4) locations therein where said words appear.

SECTION 5: That Title XIII., Chapter 134, Section 134.05(D) of the Lombard Village Code is amended as follows:

- A. In subsection b. thereof, “cannabis” and a comma (,) after “cannabis” shall be inserted between “inhaling of” and “tobacco” as contained therein.
- B. In subsection c.vii. thereof, “cannabis or” shall be inserted between “dealer of” and “tobacco” as contained therein.

SECTION 6: That Title XIII., Chapter 134, Section 134.99 of the Lombard Village Code is amended by revising the first sentence thereof to read as follows:

“Any person violating Section 134.01(B) of this Code shall be fined not less than \$100.00 nor more than \$200.00, for each offense, if the amount of cannabis that is possessed is ten (10) grams or less. Any person violating Section 134.01(B) of this Code shall be fined not less than \$200.00 nor more than \$750.00, for each offense, if the amount of cannabis that is possessed is more than ten (10) grams. Any person violating Section 134.05 of this Code shall be fined not less than \$200.00 and not more than \$750.00 for each offense.”

SECTION 7: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as provided by law.

Passed on first reading this _____ day of _____, 2019.

First reading waived by action of the Board of Trustees this ___ day of _____, 2019.

Passed on second reading this _____ day of December, 2019, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of December, 2019.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this _____ day of December, 2019.

Sharon Kuderna, Village Clerk