

CITY OF NEWTON, ILLINOIS

ORDINANCE NO. 17-03

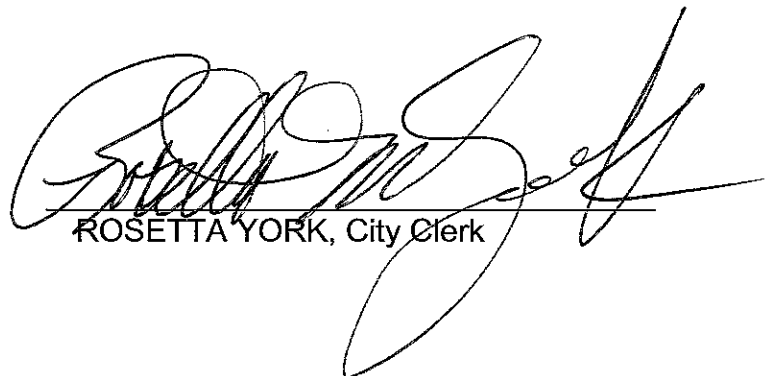
AN ORDINANCE TO AMEND THE
NEWTON CITY CODE TO ADD
ARTICLE XV - CANNABIS TO CHAPTER 27

ADOPTED BY THE CITY COUNCIL
OF THE CITY OF NEWTON, ILLINOIS
THIS 4th DAY OF APRIL, 2017

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF
THE CITY COUNCIL OF THE CITY OF NEWTON
JASPER COUNTY, ILLINOIS
THIS 4th DAY OF APRIL 2017

CERTIFICATE OF PUBLICATION

I, ROSETTA YORK, the duty qualified City Clerk of the City of Newton, Illinois, and the official custodian of records of said City do hereby certify that this Ordinance was published in pamphlet form by authority of the City Council on the 4th day of April, 2017.


ROSETTA YORK, City Clerk

ORDINANCE NO. 17-03

AN ORDINANCE TO AMEND THE
NEWTON CITY CODE TO ADD
ARTICLE XV- CANNABIS TO CHAPTER 27

BE IT ORDAINED by the City Council of the City of Newton, Jasper County,
Illinois, that it does hereby amend the NEWTON CITY CODE to add
ARTICLE XV - CANNABIS to CHAPTER 27 as follows:

27-15-1 DEFINITIONS.

All defined terms used in this chapter which are not expressly defined herein shall have the meaning ascribed to such term in the Cannabis Control Act, as used in this chapter, unless the context otherwise requires.

CANNABIS: Shall have the meaning ascribed to it in section 3 of the Cannabis Control Act, as if that definition were incorporated herein.

DELIVER OR DELIVERY: The actual, constructive or attempted transfer of possession, with or without consideration, whether or not there is an agency relationship.

DRUG PARAPHERNALIA:

A. All equipment, products and materials of any kind which are used, intended for use, 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 cannabis in violation of the Cannabis Control Act. It includes, but is not limited to:

1. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing cannabis.
2. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is cannabis.
3. Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of cannabis.
4. Scales and balances used, intended for use or designed for use in weighing or measuring cannabis.
5. Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose used, intended for use or designed for use in cutting cannabis.
6. Separation gins and sifters used, intended for use or designed in removing twigs and seeds from, or in otherwise cleaning or refining cannabis.
7. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding cannabis.
8. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of cannabis.

9. Containers and other objects used, intended for use or designed for use in storing or concealing cannabis.

10. Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting cannabis into the human body.

11. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana into the human body, such as:

a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, or punctured metal bowls.

b. Water pipes.

c. Carburetion tubes and devices.

d. Smoking and carburetion masks.

e. Roach clips, meaning objects used to hold burning material, such as a 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. Bongs.

m. Ice pipes or chillers.

B. 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. Prior convictions, if any, of an owner or of anyone in control of the object, under any state or federal law relating to any controlled substance.

3. The proximity of the object in time and space to direct violation of this chapter.

4. The proximity of the object to cannabis.

5. The existence of any residue of cannabis on the object.

6. Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver it to persons whom he knows or should reasonably know intend to use the object to facilitate a violation of the Cannabis Control Act. The innocence of an owner or of anyone in control of the object as to a direct violation of the Cannabis Control Act shall not prevent a finding that the object is intended for use or assigned for use as "drug paraphernalia."

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- 7. Instructions, oral or written, provided with the object concerning its use.
- 8. Descriptive materials accompanying the object which explain or depict its use.
- 9. National and local advertising concerning its use.
- 10. The manner in which the object is displayed for sale.
- 11. 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.
- 12. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.
- 13. The existence and scope of legitimate uses for the object in the community.
- 14. Expert testimony concerning its use.

MANUFACTURER: The production, preparation, propagation, compounding, conversion or processing of cannabis, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of cannabis or labeling of its container, except, that "manufacturer" does not include the preparation, compounding, packaging or labeling of cannabis as an incident to lawful research, teaching or chemical analysis and not for sale.

PERSON: Any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust partnership or association, or any other entity.

PRODUCE OR PRODUCTION: Planting, cultivating, tending or harvesting.

PRODUCT CONTAINING A SYNTHETIC ALTERNATIVE DRUG: Any product containing a "synthetic cannabinoid", stimulant or psychedelic/hallucinogen as those items are defined herein, or a drug that is misbranded or falsely advertised as a product containing a synthetic alternative drug.

STATE: Includes the State of Illinois and any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

SYNTHETIC CANNABINOID: Any compound that functions similar to the active ingredient in marijuana, tetrahydrocannabinol (THC), including, but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substances and their analog (including isomers, esters, ethers, salts, and salts of isomers) containing a cannabinoid receptor agonist.

27-15-2 UNLAWFUL USE OR POSSESSION OF DRUG PARAPHERNALIA:

It is unlawful for any person to 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, conceal, inject, ingest, inhale, or otherwise introduce into the human body cannabis in violation of the Cannabis Control Act.

27-15-3 POSSESSION OF NOT MORE THAN 10 GRAMS OF CANNABIS:

It is unlawful for any person to knowingly possess not more than 10 grams of any substance containing cannabis. Any person who violates this section shall be fined in an amount not to be less than Four Hundred Dollars (\$400.00) nor more than Seven Hundred Fifty Dollars (\$750.00), and the costs of prosecution and the attorney's fees of the City in a minimum amount of One Hundred Seventy-five Dollars (\$175.00) per hour. Twenty-five percent (25%) of the fine shall be deposited to the CITY'S GENERAL FUND and Seventy-five percent (75%) of the fine shall be deposited to the NEWTON POLICE DEPARTMENT ADMINISTRATIVE FUND, to be used for the administration and enforcement of Ordinance violations.

27-15-4 DELIVERY OR INTENT TO DELIVER DRUG PARAPHERNALIA:

Prohibited Generally: It is unlawful for any person to deliver, possess with intent to deliver or manufacture 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, inject, inhale or otherwise introduce into the human body in violation of the Cannabis Control Act. Any person who violates this section shall be fined in an amount not to be less than Three Hundred Dollars (\$300.00) nor more than Seven Hundred Fifty Dollars (\$750.00), and the costs of prosecution and the attorney's fees of the City in a minimum amount of One Hundred Seventy-five Dollars (\$175.00) per hour. Twenty-five percent (25%) of the fine shall be deposited to the CITY'S GENERAL FUND and Seventy-five percent (75%) of the fine shall be deposited to the NEWTON POLICE DEPARTMENT ADMINISTRATIVE FUND, to be used for the administration and enforcement of Ordinance violations.

27-15-5

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

27-15-6

All prior Ordinances and Resolutions in conflict or inconsistent herewith, are hereby expressly repealed only to the extent of such conflict or inconsistency.

27-15-7

This Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form as provided by law.

Upon roll call vote the following Alderpersons voted yea: **Larry Brooks, Robert Reisner, Eric Blake, Scott Bloomberg, Steve Rubsam and David Brown**

Upon roll call vote the following Alderpersons voted nay: **None**

Passed, approved and published in pamphlet form this 4th day of April, 2017.




MARK BOLANDER, Mayor

ATTEST:


Rosetta York