

9-O-20

AN ORDINANCE

Amending Portions of the City Code following the Enactment of the Illinois Cannabis Regulation and Tax Act to Address Possession of Recreational Marijuana and Associated Paraphernalia

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: City Code Title 8, Chapter 13, "Marijuana," of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

CHAPTER 13 – MARIJUANA

8-13-1. - DEFINITIONS.

The following words and phrases, when used in this Chapter, have the following definitions:

<p><i>CANNABIS.</i></p>	<p>Marijuana, hashish and other substances which are identified as including any parts of the plant Cannabis Sativa, whether growing or not; the seeds thereof, 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 tetrahydrocannabinol (THC) and all other cannabinol 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.</p>
<p><i>CANNABIS CONCENTRATE.</i></p>	<p>A product derived from cannabis that is produced by extracting cannabinoids from the plant through the use of propylene glycol, glycerin, butter, olive oil or other typical cooking fats; water, ice,</p>

	or dry ice, or butane, propane, CO2, ethanol, or isopropanol.
<i>CANNABIS CONTAINER.</i>	A sealed, traceable, container, or package used for the purpose of containment of cannabis or cannabis-infused product during transportation.
<i>CANNABIS FLOWER.</i>	Marijuana, hashish, and other substances that are identified as including any parts of the plant <i>Cannabis sativa</i> and including derivatives or subspecies, such as indica, of all strains of cannabis; including raw kief, leaves, and buds, but not resin that has been extracted from any part of such plant; nor any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin.
<i>CANNABIS-INFUSED PRODUCT.</i>	A beverage, food, oil, ointment, tincture, topical formulation, or another product containing cannabis that is not intended to be smoked.

8-13-2. - POSSESSION OF CANNABIS PROHIBITED.

- (A) It shall be unlawful for any person under the age of twenty-one (21) years old to knowingly possess cannabis within the limits of the City.
- (B) A person who is twenty-one (21) years of age or older and a resident of the State of Illinois may possess:
1. 30 grams of the cannabis flower;
 2. No more than 500 milligrams of THC contained in cannabis-infused product; and
 3. 5 grams of cannabis concentrate.
- (C) A person who is twenty-one (21) years of age or older and who is not a resident of the State of Illinois may possess:
1. 15 grams of cannabis flower;
 2. 2.5 grams of cannabis concentrate; and
 3. 250 milligrams of THC contained in a cannabis-infused product.

This Chapter shall not be construed as conflicting with or limiting enforcement of the Illinois Cannabis Control Act, 720 ILCS 550/, the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/1, or the Illinois Cannabis Regulation and Tax Act 410 ILCS 705/, as amended from time to time.

8-13-3. - POSSESSION OF CANNABIS BY PERSONS UNDER THE AGE OF 21; ADMINISTRATIVE ADJUDICATION; PENALTIES OR DISPOSITION.

- (A) Any person under the age of twenty-one (21) years old who violates this Chapter by possessing cannabis shall be issued a notice of violation. The notice of violation shall direct the individual to appear before the City's Division of Administrative Adjudication for an administrative adjudication hearing.
- (B) Any person under the age of twenty-one (21) years old appearing before the Division of Administrative Adjudication and found to have violated Section 8-13-2 of this Chapter by possessing cannabis shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each violation, or in the discretion of the Hearing Officer, may be referred to a suitable drug education, counseling, or rehabilitation program, or ordered to perform community service.

This Chapter shall not be construed as conflicting with or limiting enforcement of the Illinois Cannabis Control Act, 720 ILCS 550/, the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/1, or the Illinois Cannabis Regulation and Tax Act 410 ILCS 705/, as amended from time to time.

8-13-4. - POSSESSION OF ~~MORE THAN 30 GRAMS LESS THAN 100 GRAMS~~; PENALTIES OR DISPOSITION.

Persons twenty-one (21) years of age and older in violation ~~of 8-13-2 of the allowable amounts under Section 8-13-2 up to one hundred grams (100) shall be issued a notice of violation. and who are cited for violations of this Chapter will have such citations adjudicated in the Second Municipal District of the Circuit Court of Cook County.~~ Any person found to have violated Section 8-13-2 of this Chapter by possessing more the allowed amounts of cannabis shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each violation.

This Chapter shall not be construed as conflicting with or limiting enforcement of the Illinois Cannabis Control Act, 720 ILCS 550/, the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/1, or the Illinois Cannabis Regulation and Tax Act 410 ILCS 705/, as amended from time to time.

8-13-4 5. - ANNUAL REPORT.

The Chief of Police shall make an annual report and evaluation to the City Council of the disposition of all violations of this Chapter.

SECTION 2: City Code Title 9, Chapter 5, Section 10, "Alcoholic Beverages; Consumption/ Possession Public Property," of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

9-5-10. - ALCOHOLIC BEVERAGES AND CANNABIS; CONSUMPTION/ POSSESSION PUBLIC PROPERTY.

Except as otherwise provided below, no person shall within the corporate limits of the City.

- (A) *Transport:* Transport any alcoholic beverage or cannabis products within the passenger area of any motor vehicle except in the original container and with the seal unbroken.
- (B) *Consumption In Vehicles:* Consume or have on his/her person open containers of alcoholic beverages or cannabis products in or on any part of any motor vehicle.
- (C) *Consumption In Public:*
 - 1. Consume or have on his/her person or in or about personal property open containers of alcoholic beverages or cannabis products in public buildings, parks, beaches, highways, streets, alleys, sidewalks, parkways and public parking lots. Notwithstanding any of the foregoing, service of alcoholic beverages at a sidewalk cafe authorized for such service pursuant to Subsection 7-2-6(D) of this Code and possession and consumption of alcoholic beverages by patrons at such cafes shall be permitted.
 - 2. Have on his/her person or in or about personal property containers of alcoholic beverages or cannabis products in public buildings, parks, or beaches.
 - 3. Except for patrons of the Canal Shores Golf Course or individuals attending a special event on the golf course, persons cannot-consume or have on his/her person or in or about personal property containers of alcoholic beverages on the Canal Community Golf Course. This Section shall not be construed to prohibit the consumption or possession of alcoholic beverages within an area bounded by the north wall and the east wall of the American Legion building at 1030 Central Street and by the intersection of a line one hundred feet (100') west of the American Legion building and a line one hundred feet (100') south of said building, provided that appropriate State and City liquor licenses are in effect for the American Legion building premises.

- (D) *Violation:* Any person found violating any of the provisions of this Section shall be fined not less than five hundred dollars (\$500.00), nor more than ~~one thousand dollars (\$1,000.00)~~ seven hundred and fifty dollars (\$750.00) for each offense. It shall not be a defense to any citation written for any violation of any provision of this Section that the containers of alcoholic beverages were empty at the time the citation was issued.

This Section shall not be construed to prohibit the possession or consumption of alcoholic beverages within public buildings, on streets, alleys, sidewalks, parkways and public parking lots in conjunction with an authorized event where such event and use of said alcoholic beverages has been disclosed in writing to and authorized by the City Manager or his/her designee

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 5: Ordinance 9-O-20 shall be in full force and effect after its passage and approval.

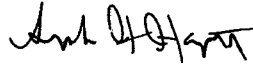
SECTION 7: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: January 13, 2020

Approved:

Adopted: January 27, 2020

April 23, 2021




Stephen H. Hagerty, Mayor

Attest:



Devon Reid, City Clerk

Approved as to form:



Kelley A. Gandurski, Corporation Counsel