

ORDINANCE NO. 919

AN ORDINANCE AMENDING THE VILLAGE OF MACKINAW MUNICIPAL CODE TO  
PROVIDE AMENDMENTS RELATING TO POSSESSION OF CANNABIS AND  
POSSESSION OF DRUG PARAPHERNALIA

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE  
OF MACKINAW, TAZEWELL COUNTY, ILLINOIS:

SECTION 1: The Village Code of the Village of Mackinaw is hereby amended by  
creating a new Chapter 99 which shall be as follows:

**CHAPTER 99: CANNABIS CONTROL**

**§99.01 CANNABIS:** It shall be unlawful for any person knowingly to possess marijuana, hashish, and other substances which are identified as including any parts of the plant *Cannabis sativa*, whether growing or not; the seed 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 produces directly or indirectly by extraction, or independently by means of chemical synthesis or by combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, and 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.

Any person possessing any substance containing cannabis resin up to the amount of two and five-tenths (2.5) grams shall, upon conviction, be assessed a fine not less than two hundred dollars (\$200.00) and not more than seven hundred fifty dollars (\$750.00).

Any person possessing any substance containing cannabis resin in an amount of two and five-tenths (2.5) grams or more but less than ten (10) grams shall, upon conviction, be fined not less than three hundred dollars (\$300.00) and not more than seven hundred fifty dollars (\$750.00).

Any person possessing any substance containing cannabis resin in an amount of ten (10) grams or more but less than thirty (30) grams shall, upon conviction, be fined not less than four hundred dollars (\$400.00) and not more than seven hundred fifty dollars (\$750.00).

Any person possessing any substance containing cannabis resin in an amount thirty (30) grams or more shall, upon conviction, be fined seven hundred fifty dollars (\$750.00).

Where any person has been convicted of any of the provisions of the offense at any prior time, then there shall be added to the applicable minimum fine the amount of one hundred dollars (\$100.00) for each such prior conviction.

A qualifying patient who has a registry identification card or a registered caregiver who does not possess an amount in excess of what is allowed under The Compassionate Use of Medical Cannabis Pilot Program Act is exempt from the above provisions. A qualifying patient and registry identification card are defined in the Act.

**§99.02 DRUG PARAPHERNALIA-DEFINITIONS:** As used in this Chapter, unless the context otherwise requires:

- (A) The term “cannabis” shall have the meaning ascribed to it in Section 3 of the “Cannabis Control Act”, as if that definition were incorporated herein.
- (B) The term “controlled substance” shall have the meaning ascribed to it in Section 102 of the “Illinois Controlled Substances Act”, as if that definition were incorporated herein.
- (C) “Deliver” or “delivery” means the actual, constructive, or attempted transfer of possession, with or without consideration, whether or not there is an agency relationship.
- (D) “Drug paraphernalia” means all equipment, products, and materials of any kind 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 cannabis or a controlled substance in violation of the “Cannabis Control Act” or the “Illinois Controlled Substances Act”. It includes, but is not limited to:
  - 1. Kits intended to be used unlawfully in manufacturing, compounding, converting, producing, processing, or preparing cannabis or a controlled substance;
  - 2. Isomerization devices intended to be used unlawfully in increasing the potency of any species of plant which is cannabis or a controlled substance;
  - 3. Testing equipment intended to be used unlawfully for private home use in identifying or in analyzing the strength, effectiveness, or purity of cannabis or controlled substances;
  - 4. Diluents and adulterants intended to be used unlawfully for cutting cannabis or a controlled substance by private persons;
  - 5. Objects intended to be used unlawfully in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, or hashish oil 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) Bonges;
  - (j) Ice pipes or chillers;
6. Objects which are used or intended to be used to ingest, inhale, or otherwise introduce cannabis or a controlled substance into the human body.
7. Any item whose purpose, as announced or described by the seller, is for use in violation of this Chapter.

**§99.03 SALE OF DELIVERY-PENALTY-PUBLIC NUISANCE:**

- (A) Any person who keeps for sale, offers for sale, sells, or delivers for any commercial consideration any item of drug paraphernalia commits an offense. For a first offense, a fine of three hundred dollars (\$300.00) shall be imposed. For any subsequent offenses, a fine of seven hundred fifty dollars (\$750.00) shall be imposed.
- (B) Any store, place, or premises from which or in which any item of drug paraphernalia is kept for sale, offered for sale, sold, or delivered for any commercial consideration is declared to be a public nuisance.

**§99.04 POSSESSION OF DRUG PARAPHERNALIA:**

- (A) A person who knowingly possesses 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, commits an offense.

- (B) In determining intent under subsection (A) of this Section, the trier of fact may take

into consideration the proximity of the cannabis or controlled substances to drug paraphernalia or the presence of cannabis or a controlled substance on the drug paraphernalia.

(C) For a first offence, a fine of three hundred dollars (\$300.00) shall be imposed. For any subsequent offenses, a fine of seven hundred fifty dollars (\$750.00) shall be imposed.

SECTION 2: If any section or part of this Ordinance is held invalid, it shall not affect the validity of the remainder of this Ordinance.

SECTION 3: This Ordinance shall take effect 10 days after publication thereof as provided by law.

PASSED in due form on a roll call vote by the Board of Trustees of the Village of Mackinaw at a duly held meeting on the 10<sup>th</sup> day of October, 2016.

APPROVED:

  
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President of the Board of Trustees of  
The Village of Mackinaw

ATTEST:

  
\_\_\_\_\_  
Village Clerk

AYES: 5  
NAYS: 0  
ABSENT: 1