



ORDINANCE NO. 990

**AN ORDINANCE AMENDING THE VILLAGE OF MACKINAW  
MUNICIPAL CODE SAID MUNICIPAL CODE BEING ORDINANCE  
OF THE VILLAGE OF MACKINAW TO PROVIDE AMENDMENTS  
RELATING TO CANNABIS**

Published in pamphlet form by authority of the Village President and  
Board of Trustees of the Village of Mackinaw.

December 9, 2019

STATE OF ILLINOIS )  
COUNTY OF TAZEWELL ) SS  
VILLAGE OF MACKINAW )

CERTIFICATE OF ORDINANCE

I, the undersigned, do hereby certify that I am the duly appointed, qualified and acting Village Clerk of the Village of Mackinaw, Tazewell County, Illinois (the "Issuer"), and as such official I am the keeper of the records and files of its President and Board of Trustees (the "Corporate Authorities").

I do further certify the foregoing constitutes a full, true and complete excerpt from the proceedings of the regular meeting of the Corporate Authorities held on the **9TH day of December 2019**, insofar as same relates to the adoption of **Ordinance No. 990**, entitled:

**AN ORDINANCE AMENDING THE VILLAGE OF MACKINAW MUNICIPAL CODE SAID MUNICIPAL TO PROVIDE AMENDMENTS RELATING TO CANNABIS**

A true, correct and complete copy of which ordinance (the "Preliminary Ordinance" or "Ordinance") as adopted at such meeting appears in the transcript of the minutes of such meeting. The Preliminary Ordinance was adopted and approved by the vote and on the date therein set forth.

I do further certify the deliberations of the Corporate Authorities on the adoption of such Preliminary Ordinance were taken openly and was on the agenda at least 48 hours before the meeting at which it was adopted, that the adoption of such ordinance was duly moved and seconded, that the vote on the adoption of such ordinance was taken openly and was preceded by a public recital of the nature of the matter being considered and such other information as would inform the public of the business being conducted, that such meeting was held at a specified time and place convenient to the public, that notice of such meeting was duly given to all of the news media requesting such notice, that such meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied with all of the applicable provisions of such Act and such Code and their procedural rules in the adoption of such ordinance.

The pamphlet form of **Ordinance No.990**, including the ordinance and a cover sheet thereof, was prepared and a copy of such Ordinance was posted for public inspection in the municipal building, the Mackinaw United States Post Office, and the Mackinaw Library commencing on **December 10, 2019** and continuing for at least ten days thereafter. The original ordinance was adopted by the Board of Trustees of the Village of Mackinaw at a regular meeting, attended by **six** members of the Board, and approved by the President, as said Ordinance appears on file in my office and as the same is recorded in the Book of Ordinances of said Village.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the official seal of said Village of Mackinaw, Illinois, this **20th day of December 2019**.



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

ORDINANCE NO. 990

AN ORDINANCE AMENDING THE VILLAGE OF MACKINAW MUNICIPAL CODE SAID MUNICIPAL CODE BEING ORDINANCE NO. 513 OF THE VILLAGE OF MACKINAW TO PROVIDE AMENDMENTS RELATING TO CANNABIS

WHEREAS, on June 25, 2019, the State of Illinois adopted the Cannabis Regulation and Tax Act as Public Act 101-0027; and

WHEREAS, Section 10-5 of the Cannabis Regulation and Tax Act authorizes personal use and possession of cannabis; and

WHEREAS, the Corporate authorities of the Village of Mackinaw in exercise of the power reserved to them under the Cannabis Regulation and Tax Act desire to adopt certain regulations that comply with the mandates of the Cannabis Regulation and Tax Act regarding possession and use of cannabis within the Village of Mackinaw.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MACKINAW, Tazewell County, Illinois, that Section 99.01 of the Village of Mackinaw Municipal Code is deleted in its entirety, and in its place a new Section 99.01 is inserted, which shall be as follows:

**§ 99.01 CANNABIS DEFINITIONS.**

For purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AUTHORIZED AGENT.** A person authorized by a Registered Qualifying Patient to tend his or her cannabis plants, which valid authorization shall be endowed only by a Power of Attorney or similar written instrument which names the Agent, is signed by the Registered Qualifying Patient, and has a duration of no more than two weeks within any six month period.

**CANNABIS.** Marijuana, hashish, and other substances that are identified as including any parts of the plant Cannabis sativa and including derivatives or subspecies, such as indica, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means concentrate and cannabis-infused products.

**CANNABIS ACCESSORIES.** Any equipment, products, or materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounded, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis into the human body as permitted by the Cannabis Regulation and Tax Act.

**CANNABIS CONCENTRATE.** 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, or dry ice; or butane, propane, CO<sub>2</sub>, ethanol, or isopropanol. The use of any other solvent is expressly prohibited unless and until it is approved by the Department of Agriculture.

**CANNABIS FLOWER.** Marijuana, hashish, and other substances that are identified as including any parts of the plant *Cannabis sativa* 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.

**CANNABIS-INFUSED PRODUCT.** A beverage, food, oil, ointment, tincture, topical formulation, or another product containing cannabis that is not intended to be smoked.

**CONTROLLED SUBSTANCE.** The meanings ascribed to it in Section 102 of the Illinois Controlled Substances 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.** 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, 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, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act or a synthetic drug product or misbranded drug in violation of the Illinois Food, Drug and Cosmetic Act. "Drug Paraphernalia" does not include cannabis accessories if possessed or used by any person 21 years of age or older who is otherwise lawfully permitted to possess or use cannabis under the Cannabis Regulation and Tax Act. "Drug Paraphernalia" 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 in a private home for 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, hashish oil, or a synthetic drug product or misbranded drug in violation of the Illinois Food, Drug and Cosmetic Act 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 the Cannabis Control Act, the Illinois Controlled Substances Act, the Cannabis Regulation and Tax Act, or any provision of this chapter.

***FACILITATE THE USE OF CANNABIS.*** To deliver, transfer, gift, sell, or to otherwise provide cannabis or cannabis accessories to a person. It shall also include purchasing cannabis for a person and careless or negligent storage of cannabis so that it may be easily accessible to a person.

***MOTOR VEHICLE.*** A vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways but does not include a vehicle operated exclusively on a rail or rails.

***PUBLIC PLACE.*** Any place where a person could reasonably be expected to be observed by others. "Public place" includes all parts of buildings owned in whole or in part, or leased, by the State or a unit of local government. "Public place" does not include a private residence unless the private residence is used to provide licensed childcare, foster care, or other similar social service care on the premises.

***PUBLIC WAY.*** The surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, way, lane, drive,

circle, or other public right-of-way, including, but not limited to, utility easements, dedicated utility strips, or rights-of-way.

**REASONABLY INACCESSIBLE.** Out of reach of the driver and any passenger of a motor vehicle, which includes being in the trunk of the vehicle or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk. Areas that are not reasonably inaccessible include, but are not limited to, the glove compartment, any middle console compartment between the driver's seat and the front passenger seat, and either under or directly behind the driver's seat or the front passenger's seat.

**REASONABLY SECURED.** In a sealed, odor-proof, and child-resistant container.

**REGISTERED QUALIFYING PATIENT.** The meanings ascribed to it in Section 10 of the Compassionate Use of Medical Cannabis Program Act as if that definition were incorporated herein.

**WHILE ON DUTY.** The time period when a person is working during his normal scheduled hours, during overtime hours when a person is working, and during any period of time in which a person is "on call" where he or she may be called upon to perform work duties at any time during that "on call" time period.

**BE IT FURTHER ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MACKINAW,** Tazewell County, Illinois, that **Section 99.02** of the Village of Mackinaw Municipal Code is deleted in its entirety, and in its place a new Section 99.02 is inserted, which shall be as follows:

**§ 99.02 POSSESSION AND USE OF CANNABIS.**

(A) It shall be unlawful for any person under 21 years of age to use or possess cannabis at any time except as otherwise permitted under the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/1, et seq.

(B) It shall be unlawful for any person knowingly to possess more than 30 grams of cannabis flower, more than 500 milligrams of THC contained in cannabis-infused product, or more than 5 grams of cannabis concentrate.

(C) It shall be unlawful for any person to possess cannabis:

(1) in a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act;

(2) on the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act;

- (3) in a vehicle not open to the public unless the cannabis is in a reasonably secured, sealed container and reasonably inaccessible while the vehicle is moving;
- (4) in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises;
- (5) in an amount greater than 30 grams for Illinois residents and more than 15 grams for out of state residents;
- (6) in any part of a building owned in whole or in part, or leased, by the Village of Mackinaw; or
- (7) in any other manner prohibited by state statutes, as they may be amended from time to time.

(D) It shall be unlawful for any person to use cannabis:

- (1) in a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act;
- (2) on the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act;
- (3) in any motor vehicle;
- (4) in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises;
- (5) in any public place; or
- (6) knowingly in close physical proximity to anyone under 21 years of age who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Program Act;
- (7) while on duty by a person who has a school bus permit or a Commercial Driver's License.

(E) It shall be unlawful for any person to smoke cannabis in any place where smoking is prohibited under the Smoke Free Illinois Act.

(F) It shall be unlawful for any person to operate, navigate, or be in actual physical control of any motor vehicle, aircraft, or motorboat while using or under the influence of cannabis in violation of Section 11-501 or 11-502.1 of the Illinois Vehicle Code.

(G) It shall be unlawful for any person to facilitate the use of cannabis by any person who is not allowed to use cannabis under the Cannabis Regulation and Tax Act, 410 ILCS 705/1, et seq., or the Compassionate Use of Medical Cannabis Program Act.

(H) It shall be unlawful for any person to transfer cannabis to any person contrary to the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Program Act.

(I) It shall be unlawful for any person to transport, carry, possess or have upon any public place or public way in the Village any cannabis on or about his person except in the original package and with the seal unbroken.

**BE IT FURTHER ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MACKINAW**, Tazewell County, Illinois, that **Section 99.03** of the Village of Mackinaw Municipal Code is deleted in its entirety, and in its place a new Section 99.03 is inserted, which shall be as follows:

**§ 99.03 PUBLIC DISPLAY OF CANNABIS AND PUBLIC INTOXICATION.**

(A) It shall be unlawful for any person in the Village to display, make a gift, make available, sell, or offer for sale any cannabis within any public place or public way in the Village.

(B) It shall be unlawful for any person under the influence of cannabis or controlled substances to enter or remain within any public place or public way within the Village.

**BE IT FURTHER ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MACKINAW**, Tazewell County, Illinois, that **Section 99.04** of the Village of Mackinaw Municipal Code is deleted in its entirety, and in its place a new Section 99.04 is inserted, which shall be as follows:

**§ 99.04 CULTIVATION OF CANNABIS.**

(A) It shall be unlawful for any person to cultivate cannabis plants within the Village of Mackinaw, except for a registered qualifying patient under the Compassionate Use of Medical Cannabis Program Act. It shall be unlawful for any person who is a registered qualifying patient under the Compassionate Use of Medical Cannabis Program Act to cultivate cannabis plants:

- (1) unless the person has been a resident of the State of Illinois for more than 30 days before cultivation;
- (2) in excess of 5 plants that are more than 5 inches tall per household;
- (3) outside of an enclosed, locked space;



- (4) using cannabis seeds purchased from somewhere other than a dispensary for the purpose of home cultivation, and seeds may not be given or sold to any other person;
- (5) in a location where they are subject to ordinary public view (within the sight line with normal visual range of a person, unassisted by visual aids, from a public street or sidewalk adjacent to real property, or from within an adjacent property);
- (6) without reasonable precautions to ensure the cannabis plants are secure from unauthorized access, including unauthorized access by a person under 21 years of age;
- (7) on non-residential property and property that is not lawfully in the possession of the cultivator or without the consent of the person in lawful possession of the property;
- (8) in a dwelling, residence, apartment, condominium unit, enclosed, locked space, or piece of property which has not been divided into multiple dwelling units and contains in excess of 5 plants at any one time; or
- (9) unless residing at the residence where the cannabis plants are located, except that a registered qualifying patient's authorized agent may tend to the cannabis plants if attending to the residence for brief periods, such as when the qualifying patient is temporarily away from the residence.

**BE IT FURTHER ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MACKINAW**, Tazewell County, Illinois, that Chapter 99 of the Village of Mackinaw Municipal Code is hereby amended by inserting a new **Section 99.05**, which shall be as follows:

**§ 99.05 POSSESSION OF DRUG PARAPHERNALIA.**

- (A) Any person who knowingly possesses an item of drug paraphernalia with the intent to use it in unlawfully ingesting, inhaling, or otherwise introducing cannabis or a controlled substance into the human body, or in unlawfully preparing cannabis or a controlled substance for that use, commits an offense.
- (B) In determining intent under division (A) above, 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.

**BE IT FURTHER ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MACKINAW**, Tazewell County, Illinois, that Chapter 99 of the Village of Mackinaw Municipal Code is hereby amended by inserting a new **Section 99.06**, which shall be as follows:

**§ 99.06 PENALTIES.**

(A) Any person who violates any provision of this Chapter, inclusive of all subsections thereof, shall, upon conviction, be assessed a fine of not less than two hundred dollars (\$200.00) and not more than seven hundred fifty dollars (\$750.00).

(B) Where any person has been convicted of any of the provisions of this Section 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.

**BE IT FURTHER ORDAINED** that if any section or part of this Ordinance is held invalid, it shall not affect the validity of the remainder of this Ordinance.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect 10 days after publication thereof as provided by law.

**BE IT FURTHER ORDAINED** Ordinance No. 513 of the Village of Mackinaw, as amended by this Ordinance, shall remain in full force and effect and all previous amendments to Ordinance No. 513 shall remain in force and effect except as modified by this Ordinance.

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 9<sup>th</sup> day of December, 2019.

APPROVED:



\_\_\_\_\_  
President of the Board of Trustees of  
The Village of Mackinaw

ATTEST:



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

AYES: 4  
NAYS: 0  
ABSENT: 2