

**AGENDA ITEM EXECUTIVE SUMMARY**Agenda Item number: **7b**

Title:	Recommendation to Approve an Ordinance Amending Title 9 – Public Peace, Morals and Welfare; Chapter 9.51 – Possession of Cannabis; Section 9.04.040 – Violation – Penalty; and Chapter 9.53 – Drug Paraphernalia; Section 9.53.050 – Violation - Penalty
Presenter:	Deputy Chief Kintz

Meeting: Government Operations Committee

Date: December 5, 2016

Proposed Cost: \$N/A

Budgeted Amount: \$N/A

Not Budgeted: **Executive Summary** *(if not budgeted please explain):*

The state statute recently changed to create a new offense for the possession of a small amount of cannabis. It is now considered a civil offense. There is a similar section in our local ordinance. The Police Department recommends the following amendment be made to this section of the code to keep within the parameters of the state statute:

**9.51.040 – Violation - Penalty**

Any person, firm or corporation violating any provision of this Chapter having not more than 10 grams shall be fined two hundred dollars for each offense, and a separate offense shall be deemed committed on each day on which a violation occurs or continues. Any person, firm, or corporation violating any provision of this Chapter having more than 10 grams but less than 30 grams shall be fined not more than seven hundred fifty (\$750) dollars for each offense.

**9.53.050 – Violation - Penalty**

Any persons, firm or corporation violating any provision of this Chapter while also in violation of 9.51 with an amount not more than 10 grams shall be fined \$200. Any persons, firm or corporation violating any provision of this Chapter shall be fined not more than seven hundred fifty (\$750) dollars for each offense, and a separate offense shall be deemed committed on each day on which a violation occurs or continues.

**Attachments** *(please list):*

Ordinance

**Recommendation/Suggested Action** *(briefly explain):*

Recommendation to approve an Ordinance Amending Title 9 – Public Peace, Morals and Welfare; Chapter 9.51 – Possession of Cannabis; Section 9.04.040 – Violation – Penalty; and Chapter 9.53 – Drug Paraphernalia; Section 9.53.050 – Violation – Penalty.

**City of St. Charles, Illinois**  
**Ordinance No. 2016-M- \_\_\_\_\_**

**An Ordinance Amending Title 9 “Public Peace, Morals and Welfare”,  
Chapter 9.51 “Possession of Cannabis”, Section 9.51.040 “Violation -  
Penalty”, of the St. Charles Municipal Code**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES,  
KANE AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:**

SECTION ONE: That Title 9 “Public Peace, Morals and Welfare” Chapter 9.51 “Possession of Cannabis” Section 9.51.040 “Violation – Penalty”, of the St. Charles Municipal Code, be and is hereby amended as follows:

Any person, firm or corporation violating any provision of this Chapter *having not more than 10 grams* shall be fined ~~not more than five-two~~ hundred dollars for each offense, and a separate offense shall be deemed committed on each day on which a violation occurs or continues. *Any person, firm, or corporation violating any provision of this Chapter having more than 10 grams, but less than 30 grams, shall be fined not more than seven hundred and fifty (\$750.00) dollars for each offense.*

SECTION TWO:

That, after the adoption and approval hereof, this Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the City Council of the City of St. Charles, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

SECTION THREE: This Ordinance shall be in full force and effect ten (10) days from and after its passage by a vote of the majority of the corporate authorities now holding office, approval and publication in the manner provided by law.

PRESENTED to the City Council of the City of St. Charles, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 2016.

PASSED by the City Council of the City of St. Charles, Illinois this \_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED by the Mayor of the City of St. Charles, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Raymond P. Rogina, Mayor

ATTEST:

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City Clerk

**COUNCIL VOTE:**

Ayes : \_\_\_\_\_

Nays : \_\_\_\_\_

Absent : \_\_\_\_\_