

Ordinance No. 21-25

**AN ORDINANCE TO AMEND CHAPTER 16 SECTION 54, CHAPTER 15  
SECTION 407 and CHAPTER 24 SECTION 10 OF THE MUNICIPAL  
CODE OF MACOMB, ILLINOIS PERTAINING TO CANNABIS**

**Preamble**

**WHEREAS**, the City of Macomb (the "City"), is a municipality duly organized under the laws of the State of Illinois; and

**WHEREAS**, under state and local law, the City Council of the City of Macomb, McDonough County, Illinois (the "Council"), has the power to pass all necessary ordinances, rules and regulations; and

**WHEREAS**, the City Attorney and the Police Chief present to the Council for its consideration and approval amendments to Chapters 15, 16, and 24 of the Municipal Code of Macomb, Illinois (the "Code") which are compliant with the Cannabis Regulation and Tax Act (410 ILCS 705/1-et seq.), as adopted and amended in the State of Illinois; and

**WHEREAS**, The City has authority to adopt the amendments to the provisions of Chapter 15, 16, and 24 of the Code in accordance with 65 ILCS 5/11-1-1; and

**WHEREAS**, the City Council finds it in the best interests of the City to amend Chapter 16 Section 54, Chapter 15 Section 407, and Chapter 24 Section 10 of the Municipal Code, and desires to amend such sections as recommended by the City Attorney and the Police Chief.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MACOMB, McDONOUGH COUNTY, ILLINOIS AS FOLLOWS:**

**Section 1. Incorporation of Preamble.** The foregoing recitals are true and correct and are incorporated herein as the findings of the Mayor and City Council.

**Section 2. Amendment to Section 16-54.** Section 16-54 of the Municipal Code is amended as follows:

~~Sec. 16-54. - Possession of cannabis less than ten grams in flower form, or 167 milligrams of THC contained in cannabis-infused product, or 1.67 grams of cannabis concentrate.~~

- (a) ~~No person 21 years of age or older shall knowingly have in their possession cannabis, in any form, or cannabis-infused product, that has not been purchased lawfully pursuant to the Compassionate Use of Medical Cannabis Program Act or the Cannabis Regulation and Tax Act, or privately grown lawfully pursuant to the Compassionate Use of Medical Cannabis Program Act or the Cannabis Regulation and Tax Act.~~ **No person under the age of twenty-one (21) shall knowingly possess any substance containing cannabis unless authorized by Illinois law.**

(b) Unless authorized by Illinois law, no person who is twenty-one (21) years of age or older shall possess cannabis in excess of the limits under Section 10-10 of the Cannabis Regulation and Tax Act (the "Act").

(c) Possession of cannabis pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act as set forth in the ILCS Ch. 410, Act 130, shall not be unlawful.

~~A person may be charged under this section where the cannabis in their possession is less than ten grams in flower form, or 167 milligrams of THC contained in cannabis infused product, or 1.67 grams of cannabis concentrate.~~

(d) The penalty for a violation of this section established in the city fee schedule, section 24-10.

**Section 3. Amendment of Section 15-407.** Section 15-407 of the Municipal Code is amended as follows:

Sec. 15-407. – Definitions

*Cannabis* means any substance as defined in Section ~~1~~ 3 of the Cannabis Control Act (720 ILCS 550/1 et. seq.) as now in force or as may be amended from time to time.

**Section 4. Amendment of Section 24-10(E).** Section 24-10(E) of the Municipal Code is amended as follows:

Sec. 24-10. – Ordinance violations fines and penalties.

E. Sec. 16-54, Possession of cannabis <u>less than 10 grams</u> :	Minimum fine \$300.00, Maximum fine \$750.00
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**Section 5. Effective Date.** This Ordinance shall be effective upon its passage, approval and publication, as provided by law.

Presented this 6th day of December, 2021.

First Reading: 6th day of December, 2021.

Second Reading: 20th day of December, 2021.

Passed this 20th day of December, 2021.

Approved this 21st day of December, 2021.

Recorded in City records this 21st day of December, 2021.

Published in pamphlet form this 21st day of December, 2021.



Michael J. Inman, Mayor

ATTEST: (SEAL)



Melanie Falk, City Clerk

Passed by roll call vote with the name of each City Council member recorded on the appropriate line below:

AYES: Vigeggi, Slyn, Koch, Katz, Brown-Edwards, Moon

NAYS: None

ABSENT: Wayland

ABSTAIN: None