

ORDINANCE NO. 985

STATE OF ILLINOIS)
) **SS**
COUNTIES OF COOK)
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)
)

ORDINANCE ADDING SECTION 58-14
“POSSESSION OF DRUG PARAPHERNALIA” TO CHAPTER 58 OF
THE MUNICIPAL CODE OF STEGER, ILLINOIS

WHEREAS, possession of drug paraphernalia is an increasing problem in the Village of Steger, and,

WHEREAS, such possession is a violation of State statute, a public health hazard, and a public nuisance and,

WHEREAS, the Village President and Board of Trustees of the Village of Steger, Counties of Cook and Will, and the State of Illinois declares that this offense requires abatement and prevention action.

WHEREAS, it is the judgment of the Village Board of Trustees that the possession of cannabis should be referred to the Administrative Adjudication procedure.

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of Steger, counties of Cook and Will, and the State of Illinois as follows:

Section 1. The Village President and Board of Trustees of the Village of Steger hereby finds that all of the recitals contained in the preamble to this ordinance are true, correct and complete and are hereby incorporated by reference thereto and made part hereof.

Section 2. That subsection 58- 14 “Possession of Drug Paraphernalia” in chapter 58 of the Municipal Code of Steger, Illinois entitled Offenses and Miscellaneous Provisions shall be added as follows:

58-14.1 **Possession of Drug Paraphernalia Prohibited**

58-14.1 Offense

- A. It shall be unlawful for any person to knowingly possess 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. This subsection does not apply to a person who is legally authorized to possess hypodermic syringes or needles under the Hypodermic Syringes and Needles Act.
- B. In determining intent under subsection A, the trier of the 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.

58-14.2 Definitions

- A. “Drug Paraphernalia” means 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. It includes, but is not limited to:
 - (1) kits intended to be used unlawfully in the 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 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) bongs;
 - (J) ice pipes or chillers;
- (6) any item whose purpose, as announced or described by the seller, is for use in violation of this Act.

58-14.3 Penalty

A person found in violation of the provisions of this ordinance shall be subject to a fine not less than twenty-five dollars (\$25.00) nor more than seven hundred fifty dollars (\$750.00).

Section 3. In the event that any provision or provisions, or portion or portions of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provision or provisions of the Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions.

Section 4. That all ordinances or parts conflicting with any of the provisions of this Ordinance shall be and the same is hereby repealed.

Section 5. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

Section 6. That this shall be in full force and effect 30 days after its passage, approval and publication as provided by law.

PASSED this 17th day of August, 2009

Carmen Recupito Jr., Village Clerk

APPROVED this 17th day of August, 2009

Louis Sherman, Village President

ROLL CALL VOTE:

Those Voting For: Banicki, Seehausen, Kozy, Lopez, Peterson, Honea and Sherman

Those Voting Against: None

Those Not Voting: None