

ORDINANCE NO. 4475

**AN ORDINANCE AMENDING TITLE 10 AND TITLE 11 OF THE
EAST PEORIA CITY CODE REGARDING ADULT-USE RECREATIONAL
CANNABIS PURSUANT TO RECENT AMENDMENTS TO STATE LAW**

WHEREAS, the Cannabis Regulation and Tax Act (410 ILCS 705/1 *et seq.*) (the “Act”), which takes effect on January 1, 2020, permits the lawful possession and use of recreational cannabis for persons 21 years of age and older; and

WHEREAS, with the legalization date for adult-use recreational cannabis approaching, the Illinois Legislature has recently made further amendments to State law, including the Act, under Public Act 101-0593 regarding the legalization of adult-use recreational cannabis and related issues, and this Public Act 101-0593 was signed into law and immediately became effective on December 4, 2019; and

WHEREAS, the City of East Peoria has previously adopted Ordinance No. 4456 to amend various provisions of the City Code effective January 1, 2020, to bring the City Code into compliance with the Act and the legalization of adult-use recreational cannabis; and

WHEREAS, the City of East Peoria finds that it is in the interests of the City and for health, safety, and welfare of its citizens to make these additional revisions to the East Peoria City Code in accordance with Public Act 101-0593;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT:

Section 1. Title 10, Chapter 1, Section 4.17 of the East Peoria City Code is hereby amended to read as follows (additions are indicated by underline; deletions by ~~strikeout~~):

10-1-4.17 Possession, sale and delivery of cannabis, look-alike substances, synthetic alternative drugs and drug paraphernalia prohibited.

(a) *Definitions:*

Cannabis. Includes marijuana, hashish and other substances which are identified as including any parts of the plant Cannabis Sativa, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivatives, 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 produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any 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. "Cannabis" does not include industrial hemp as defined and authorized under the Illinois Industrial Hemp Act (505 ILCS 89/5).

Cannabis Paraphernalia. Includes equipment, products, or materials intended to be used for planting, propagating, cultivating, growing, harvesting, manufacturing, producing, processing, preparing, testing, analyzing, packaging, repackaging storing, containing, concealing, ingesting, or otherwise introducing cannabis into the human body.

Controlled Substance. Includes any controlled substance or controlled substance analog as defined in Section 102 of the Illinois Controlled Substances Act (720 ILCS 570/102), as amended from time to time.

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. Includes all cannabis paraphernalia, 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" (720 ILCS 646/10), which are (i) possessed or intended for use, (ii) being or have been used, or (iii) peculiar to and marketed for use 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 look-alike substances, synthetic alternative drugs, ~~cannabis~~ or a controlled substance in violation of this ordinance, the ~~"Cannabis Control Act" (720 ILCS 550/1 et seq.), the "Illinois Controlled Substances Act" (720 ILCS 570/100 et seq.), or the "Methamphetamine Control and Community Protection Act" (720 ILCS 646/1 et seq.).~~ This includes, but is not limited to, the following:

- (1) Kits that are (i) possessed or intended for use, (ii) being used or have been used, or (iii) peculiar to and marketed for use, in manufacturing, compounding, converting, producing, processing or preparing ~~cannabis~~, controlled substances, look-alike substances, or synthetic alternative drugs;
- (2) Isomerization devices that are (i) possessed or intended for use, (ii) being used or have been used, or (iii) peculiar to and marketed for use, to increase the potency of any ~~species of plant which is cannabis or a~~ controlled substances, look-alike substances, or synthetic alternative drugs;
- (3) Testing equipment that is (i) possessed or intended for use, (ii) being or has been used, or (iii) peculiar to and marketed, for private home use in identifying or in analyzing the strength, effectiveness or purity of ~~cannabis or~~ controlled substances, look-alike substances, or synthetic alternative drugs;
- (4) Diluents and adulterants that are (i) possessed or intended for use, (ii) being used or have been used, or (iii) peculiar to and marketed, for cutting ~~cannabis~~, controlled substances, look-alike substances, or synthetic alternative drugs by private persons:
- (5) Objects that are (i) possessed or intended for use, (ii) being used or have been used, or (iii) peculiar to and marketed for use, in injecting, ingesting, inhaling, or otherwise introducing look-alike substances, ~~cannabis~~, cocaine, ~~hashish~~, ~~hashish oil~~, or any controlled substance, look-alike substances, or synthetic alternative drugs 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 items whose purpose, as announced or described by the seller, is for use in violation of this section or the “Drug Paraphernalia Control Act” (720 ILCS 600/1 *et seq.*).

Look-alike substance. A substance which:

- (1) By overall dosage unit appearance, including shape, color, size, markings or lack thereof, taste, consistency or any other identifying physical characteristic of the substance would lead a reasonable person to believe that the substance is cannabis, a controlled substance, or a synthetic alternative drug; or
- (2) Is expressly or impliedly represented to be cannabis, a controlled substance, or a synthetic alternative drug, or distributed under circumstances which would lead a reasonable person to believe that the substance is cannabis, a controlled substance, or a synthetic alternative drug. For the purpose of determining whether the representations made or the circumstances of the distribution would lead a reasonable person to believe the substance to be cannabis or a controlled substance under this paragraph (2), the court or other authority may consider the following factors in addition to any other factor that may be relevant:
 - a. Statements made by the owner or person in control of the substance concerning its nature, use or effect;
 - b. Statements made to the buyer or recipient that the substance may be resold for profit;
 - c. Whether the substance is packaged in the manner normally used for the illegal distribution of controlled substances;
 - d. Whether the distribution or attempted distribution included an exchange of or demand for money or other property as consideration and whether the

amount of the consideration was substantially greater than the reasonable retail market value of the substance.

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 of Illinois, the City of East Peoria, or any other unit of local government. "Public place" includes all areas in a park, recreation area, wildlife area or playground owned in whole or in part, leased, or managed by the State, the City of East Peoria, or any other unit of local government. "Public place" does not include a private residence, unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises.

Synthetic alternative drug. A product or substance that contains a synthetic cannabinoid, anesthetic, stimulant, or hallucinogen as those terms are defined herein, including, but not limited to products having the brand name or identifiers like or similar to those listed in Table 10-1-4.17-A, below:

- (1) *Synthetic cannabinoid* means any laboratory created or otherwise man-made compound that functions similar to or mimics the effect of the active ingredient in marijuana, tetrahydrocannabinol (THC), including, but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog (including isomers, esters, ethers, salts, and salts of isomers) containing a cannabinoid receptor agonist.
- (2) *Synthetic stimulant* means any laboratory-created or otherwise man-made substance that functions similar to or mimics the effects of any federally controlled Schedule I substance such as cathinone, methcathinone, MDMA and MDMA, including, but not limited to, any such quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog (including isomers, esters, ethers, salts, and salts of isomers) which have a stimulant effect on the central nervous and/or cardiovascular system.
- (3) *Synthetic hallucinogen* any laboratory-created or otherwise man-made substance that functions similar to or mimics the effects of any federally controlled Schedule I substance that has a psychedelic/hallucinogenic effect on the central

nervous system and/or brain, or any other substance having such an effect, including, but not limited to, any such quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog (including isomers, esters, ethers, salts, and salts of isomers).

(b) *Unlawful to possess, sell or deliver.* It shall be unlawful for any person to possess, keep for sale, offer for sale, sell, or deliver for any commercial consideration cannabis, a controlled substance, a look-alike substance, a synthetic alternative drug, cannabis paraphernalia, or drug paraphernalia, except as authorized by this Section 10-4.1.17, the "Compassionate Use of Medical Cannabis Program Act" (410 ILCS 130/1, et seq.), the "Cannabis Regulation and Tax Act" (410 ILCS 705/1, et seq.), the "Cannabis Control Act" (720 ILCS 550/1 et seq.), or other provision of Illinois statute.

(c) *Sale or delivery by store declared a nuisance.* It shall be unlawful and it is hereby declared to be a nuisance for any store, place or premises to keep for sale, offer for sale, sell, or deliver for any cannabis, look-alike substance, synthetic alternative drug, or commercial consideration any item of drug paraphernalia, except as authorized by the "Compassionate Use of Medical Cannabis Program Act" (410 ILCS 130/1, et seq.), the "Cannabis Regulation and Tax Act" (410 ILCS 705/1, et seq.), the "Cannabis Control Act" (720 ILCS 550/1 et seq.), or another provision of Illinois statute.

(d) *Possession of cannabis, in general.* It is unlawful for any person who is 21 years of age or older to possess cannabis, in any combination, in excess of the following limits:

(1) For residents of the State of Illinois:

a. 30 grams of cannabis flower;

b. 500 milligrams of THC contained in a cannabis-infused product;

c. 5 grams of cannabis concentrate.

(2) For individuals who are not residents of the State of Illinois:

a. 15 grams of cannabis flower;

b. 250 milligrams of THC contained in a cannabis-infused product;

c. 2.5 grams of cannabis concentrate.

(e) Possession and use of cannabis by persons under 21 prohibited.

(1) It is unlawful for any person under the age of 21 to possess or consume cannabis.

(2) Sales to Persons under 21. No cannabis business, or any officer, associate, member, representative agent, or employee thereof shall sell, give, or deliver cannabis to any person under the age of 21. No person, after purchasing or otherwise obtaining cannabis shall sell, give, or deliver such cannabis to any person under the age of 21.

(3) Furnishing or using false or fraudulent ID. Any person under the age of 21 who presents or offers to any cannabis business, or any officer, associate, member, representative, agent, or employee thereof, any evidence of age and identity which is false, fraudulent, modified, or not their own for the purpose of ordering, purchasing, procuring, or attempting to order, purchase, or procure cannabis, or who has in their possession any false, fraudulent, or modified evidence of age or identity is guilty of a violation of this Section 10-1-4.17(e).

(f) Cultivation of cannabis. It shall be unlawful for any individual to cultivate cannabis for personal use; provided, however, that a registered qualifying patient authorized and in accordance with the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 et. seq.) and the Cannabis Regulation and Tax Act (410 ILCS 705/1 et. seq.) may cultivate up to five (5) cannabis plants, with a cumulative limit of five (5) plants per household.

(g) Possession and use of cannabis prohibited. Notwithstanding the foregoing, it shall be unlawful for any person to engage in any of the following:

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

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

- (3) Possession or use of cannabis in any correctional facility;
- (4) Possession of cannabis in a vehicle, unless the cannabis is in a reasonably secured, sealed container and reasonably inaccessible while the vehicle is moving;
- (5) Use of cannabis in a motor vehicle;
- (6) Possession or use of cannabis in a private residence that is used at any time to provide licensed child care or similar social service care on the premises;
- (7) Use of cannabis in any public place within the City of East Peoria;
- (8) Use of cannabis knowingly in close physical proximity to anyone under 21 years of age who is not a registered medical cannabis patient;
- (9) Smoking cannabis in any public place where smoking is prohibited under the Smoke Free Illinois Act (410 ILCS 82/1, et seq.);
- (10) Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, or motorboat while under the influence of cannabis in violation of Section 11-501 or 11-502.1 of the Illinois Vehicle Code;
- (11) Facilitating the use of cannabis by any person who is not allowed to use cannabis under this Section 10-1-4.17;
- (12) Transferring cannabis to any person contrary to this Section 10-1-4.17, the Compassionate Use of Medical Cannabis Program Act; or the Cannabis Regulation and Tax Act;
- (13) Use of cannabis by a person who has a school bus permit or a commercial driver's license while on duty.

(d) Violations:(h) Penalty.

- (1) Cannabis. Any person convicted of possessing, keeping for sale, offering for sale, selling or delivering for commercial consideration less than two and five-tenths (2.5) grams of cannabis shall be punishable by a fine of not less than three hundred fifty dollars (\$350.00) nor more than seven hundred fifty dollars (\$750.00). Any person convicted of possessing,

~~keeping for sale, offering for sale, selling or delivering for commercial consideration at least two and five tenths (2.5) grams but less than ten (10) grams of cannabis shall be punishable by a fine of not less than four hundred dollars (\$400.00) nor more than seven hundred fifty dollars (\$750.00). Any person convicted of possessing, keeping for sale, offering for sale, selling or delivering for commercial consideration at least ten (10) grams but less than thirty (30) grams of cannabis shall be punishable by a fine of not less than five hundred dollars (\$500.00) nor more than seven hundred fifty dollars (\$750.00). Any person convicted of possessing, keeping for sale, offering for sale, selling or delivering for commercial consideration thirty (30) grams or more of cannabis shall be punishable by a fine of seven hundred fifty dollars (\$750.00). Any person found to be in violation of any provision of this Section 10-1-4.17 shall be subject to a fine of not less than three hundred fifty dollars (\$350.00) and not more than seven hundred fifty dollars (\$750.00).~~

- (2) *Drug paraphernalia.* Any person convicted of possessing, keeping for sale, offering for sale, selling or delivering for commercial consideration drug paraphernalia shall be punished by a fine of not less than three hundred fifty dollars (\$350.00) nor more than seven hundred fifty dollars (\$750.00). Any person convicted of a second or subsequent time for possessing, keeping for sale, offering for sale, selling or delivering for commercial consideration drug paraphernalia shall be punished by a fine of not less than five hundred dollars (\$500.00) nor more than seven hundred fifty dollars (\$750.00).
- (3) *Look-alike substances.* Any person convicted of possessing, keeping for sale, offering for sale, selling or delivering for commercial consideration look-alike substances shall be punished by a fine of not less than three hundred fifty dollars (\$350.00) nor more than seven hundred fifty dollars (\$750.00). Any person convicted a second or subsequent time for possessing, keeping for sale, offering for sale, selling or delivering for commercial consideration look-alike substances shall be punished by a fine not less than five hundred dollars (\$500.00) nor more than seven hundred fifty dollars (\$750.00).
- (4) *Synthetic alternative drugs.* Any person convicted of commercial consideration synthetic alternative drugs shall be

punished by a fine of not less than one three hundred fifty dollars (\$350.00) nor more than seven hundred fifty dollars (\$750.00). Any person convicted a second or subsequent time for possessing, keeping for sale, offering for sale, selling or delivering for commercial consideration synthetic alternative drugs shall be punished by a fine not less than five hundred dollars (\$500.00) nor more than seven hundred fifty dollars (\$750.00).

(ie) *Exemption.* A person charged with violation of this Section may assert the following exemptions as an affirmative defense:

- (1) This Section does not apply to a person who is legally authorized to possess hypodermic syringes or needles under the “Hypodermic Syringes and Needles Act”.
- (2) This Section does not apply to a person or entity who is authorized to possess, keep for sale, offer for sale, sell, or deliver for any commercial consideration cannabis, a controlled substance, a look-alike substance, synthetic alternative drug, or drug paraphernalia pursuant to the “Illinois Controlled Substances Act” (720 ILCS 570/101, *et seq.*), the “Compassionate Use of Medical Cannabis Program Act” (410 ILCS 130/1, *et seq.*), the “Cannabis Regulation and Tax Act” (410 ILCS 705/1, *et seq.*), the “Cannabis Control Act” (720 ILCS 550/1 *et seq.*), or another provision of Illinois statute.
- (3) This Section does not apply to a person possessing any item of cannabis paraphernalia used or reasonably intended for use in the lawful consumption of cannabis pursuant to the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1, *et seq.*) or the Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*).

(jf) *Medical use of cannabis.* Notwithstanding the foregoing, it shall not be unlawful for any individual who is a registered qualifying patient or a registered designated caregiver, as those terms are defined in the Compassionate Use of Medical Cannabis-Program Act (“Act”) (410 ILCS 130/1 *et seq.*), to possess cannabis or drug paraphernalia for the purpose of engaging or assisting in the medical use of cannabis, to engage in the medical use of cannabis, or to assist a qualifying patient with the medical use of cannabis in accordance with the provisions of the Act. An individual is presumed to be acting lawfully and in compliance with this Section and the terms of the Act where such individual is in possession of (i) a valid registry identification card, and (ii) no more than 2.5 ounces of

cannabis (or such other amount as authorized by the Act). The following activities are also not unlawful under this Section to the extent they are in compliance with the provisions of the Act:

- (1) Selling cannabis paraphernalia to a registered cardholder upon presentation of an unexpired registry identification card in the recipient's name, if employed and registered as a dispensing agent by a registered dispensing organization;
- (2) Being in the presence or vicinity of the lawful medical use of cannabis; or
- (3) Assisting a registered qualifying patient with the act of administering cannabis.

Nothing in this paragraph shall be construed to permit possession or use of cannabis or paraphernalia in a manner prohibited or otherwise inconsistent with this Section or the provisions of the Act, including, but not limited to, possession of an amount of cannabis in excess of 2.5 ounces (or such other amount as authorized by the Act), or the non-medical use or unlawful sharing of cannabis. No medical cannabis cardholder may possess medical cannabis in the passenger area of any motor vehicle except in a sealed, tamper-evident medical cannabis container that is reasonably inaccessible while the vehicle is moving. The use of medical cannabis in any public place within the City of East Peoria is prohibited.

~~(g) *Adult Use of Cannabis.* It is unlawful for any person twenty-one (21) years of age and older to possess, use, display, purchase, or transport drug paraphernalia or cannabis in violation of the Cannabis Regulation and Tax Act (720 ILCS 705/1 et seq.), the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 et seq.), the Cannabis Control Act" (720 ILCS 550/1 et seq.), and the Drug Paraphernalia Control Act (720 ILCS 600/1 et seq.).~~

~~Notwithstanding the foregoing, it shall not be unlawful for a person who is twenty-one (21) years of age or older to possess cannabis or cannabis paraphernalia in accordance with the Cannabis Regulation and Tax Act (410 ILCS 705/1 et seq.). An individual is presumed to be acting lawfully and in compliance with this Section and with the provisions of the Cannabis Regulation and Tax Act when such individual is a resident of this State and is in possession of cannabis in an amount not exceeding:~~

~~30 grams of the cannabis flower;~~

~~500 milligrams of THC contained in cannabis-infused product;~~

5 grams of cannabis concentrate, as those terms are defined in the Cannabis Regulation and Tax Act (410 ILCS 705/1 et seq.)

An individual is presumed to be acting lawfully and in compliance with this Section and the provisions of the Act when such individual is not a resident of this State and is in possession of cannabis in an amount not exceeding:

15 grams of the cannabis flower;

250 milligrams of THC contained in cannabis-infused product;

2.5 grams of cannabis concentrate, as those terms are defined in the Cannabis Regulation and Tax Act (410 ILCS 705/1 et seq.).

The possession limits of this subsection(g) are to be considered cumulative.

Nothing in this subsection(g) shall be construed to permit possession or use of cannabis in a manner prohibited or otherwise inconsistent with this Section or the provisions of the Cannabis Regulation and Tax Act. It shall be unlawful for any person aged twenty-one (21) years and older to possess an amount of cannabis in excess of the amounts prescribed by this Section and the Cannabis Regulation and Tax Act. No person may possess cannabis in the passenger area of any motor vehicle except in a sealed, tamper-evident cannabis container that is reasonably inaccessible while the vehicle is moving. The use of cannabis in any public place within the City of East Peoria is prohibited.

Nothing in this subsection(g) shall be construed to permit possession or use of drug paraphernalia in a manner prohibited or otherwise inconsistent with this Section, the provisions of the Cannabis Regulation and Tax Act (410 ILCS 705/1 et seq.), or the Drug Paraphernalia Control Act (720 ILCS 600/1 et seq.). Notwithstanding the provisions of this section, it is unlawful to possess any drug paraphernalia item if the person in possession thereof knows or reasonably should know that it could be used in violation of this Section or the Drug Paraphernalia Control Act (720 ILCS 600/1 et seq.).

TABLE 10-1-4.17-A

2010	Forest Humus	K2 Pink Panties
8-Bali	Freedom	K2 Sex
Aztec Gold	Fully Loaded	K2 Silver
Aztec Midnight Wind Tezcatlipoca	Funky Monkey	K2 Solid Sex on the Mountain
Back Draft	Funky Monkey XXXX	K2 Standard
Bad 2 the Bone	G Four	K2 Strawberry
Banana Cream Nuke	G Greenies Caramel Crunch	K2 Summit
Bayou Blaster	Genie	K2 Summit Coffee Wonk
Black Diamond	Gold Spirit Spice	K2 Thai Dream
Black Magic Salvia	Green Monkey Chronic Salvia	K2 Ultra
Black Mamba	Greenies Strawberry	K2 Watermelon
Blueberry Hayze	Heaven Improved	K3
Bombay Blue	Heavenscent Suave	K3 Blueberry
Buzz	Humboldt Gold	K3 Cosmic Blend
C3	Jamaican Gold	K3 Dusk
C4 Herbal Incense	Jamaican Gold K Royal	K3 Grape
Caneff	K1 Gravity	K3 Heaven Improved
Cherry Bomb	K1 Orbit	K3 Heaven Legal
Chill Out	K2	K3 Kryptonite
Chill X	K2 (unknown variety)	K3 Legal
Chronic Spice	K2 Amazonian Shelter	K3 Legal-Earth (silver)
Citrus	K2 Blonde	K3 Legal-Original (Black)
Colorado Chronic	K2 Blue	K3 Legal-Sea (silver)
DaBlock	K2 Blueberry	K3 Legal-Sun (Black)
Dark Night II	K2 Citron	K3 Mango
Demon	K2 Cloud 9	K3 Original
Diamond Spirit	K2 Kryptonite	K3 Original Improved
Dragon Spice	K2 Latte	K3 Strawberry
D-Rail	K2 Mellon	K3 Sun
Dream	K2 Mint	K3 Sun Improved
Earthquake	K2 Orisha Black Magic Max	K3 Sun Legal
Eruption Spice	K2 Orisha Max	K3 XXX
Euphoria	K2 Orisha Regular	K4 Bubble Bubble
EX-SES	K2 Orisha Super	K4 Gold
EX-SES Platinum	K2 Orisha White Magic Super	K4Purple Haze
EX-SES Platinum Blueberry	K2 Peach	K4 Silver
EX-SES Platinum Cherry	K2 Pina Colada	K4 Summit
EX-SES Platinum Strawberry	K2 Pineapple	K4 Summit Remix
EX-SES Platinum Vanilla	K2 Pineapple Express	Kind Spice
Fire Bird Ultimate Strength Cinnamon	K2 Pink	
Legal Eagle	Potpourri Gold	Stinger
Legal Eagle Apple Pie	Pulse	Summer Skyy
Love Potion 69	Rasta Citrus Spice	Super Kush
Love Strawberry	Rebel Spice	Super Summit
Magic Dragon Platinum	Red Bird	Swagger Grape

Magic Gold	Sl. S Werve	SYN Chill
Magic Silver	Samurai Spirit	SYN Incense LemonLime
Magic Spice	Sativah	SYN Incense Smooth
Mega Bomb	Scope Vanilla	SYN Incense Spearmint
Mid-Atlantic Exemplar	Scope Wildbeny	SYN Lemon Lime
Mid-Atlantic Exemplar (K2 Summit)	Sence	SYN Lemon Lime #2
Midnight Chill	Shanti Spice	SYN Smooth
MNGB Almond/Vanilla	Shanti Spice Blueberry	SYN Spearmint
MNGB Peppermint	Silent Black	SYN Spearmint #2
MNGB Pinata Colada	Skunk	SYN Suave
MNGB Spearmint	Smoke	SYN Swagg
MNGB Tropical Thunder	Smoke Plus	SYN Vanilla
Moe Joe Fire	Space	SYN Vanilla #2
Mojo	Spice Artic Synergy	Texas Gold
Mr. Smiley's	Spice Diamond	Time Warp
MTh-787	Spice Gold	Tribal Warrior
Mystery	Spice Silver	Ultra Cloud 10
Naughty Nights	Spice Tropical Synergy	Unknown cigarette
New Improved K3	Spicey Regular XXX Blueberry	Utopia
New Improved K3 Cosmic Blend	Spicey Regular XXX Strawberry	Utopia-Blue Berry
New Improved K3 Dynamite	Spicey Ultra Strong XXX Strawberry	Voo Doo Remix (black package)
New Improved K3 Kryptonite	Spicey Ultra Strong XXX Vanilla	Voo Doo Remix (orange package)
New K3 Earth	Spicey XXX	Voodoo Child
New K3 Heaven	Spicy Ultra Strong XXX Vanilla	Voodoo Magic
New K3 Improved	Spicylicious	Voodoo Remix
New K3 Sea Improved	Spike 99	Who Dat
New - on Bomb Nitro	Spike 99 Ultra	Who Dat Herbal Incense
Ocean Blue	Spike 99 Ultra Blueberry	Wicked X
POW	Spike 99 Ultra Cherry	Winter Boost Wood Stock
p.e.p. pourri Love Strawberry	Spike 99 Ultra Strawberry	XTREME Spice
p.e.p. pourri Original Spearmint	Spike Diamond	Yucatan Fire
p.e.p. pourri Twisted Vanilla	Spike Gold	Yucatan Fire
p.e.p. pourri X Blueberry	Spike M x	Zombie World
Paradise	Spike Silver	Stinger
Pink Tiger	Spike99	Summer Skyy
Potpourri		Super Kush

Section 2. Title 11, Chapter 13, Section 1 of the East Peoria City Code is hereby amended to read as follows (additions are indicated by underline; deletions by ~~strikeout~~.):

11-13-1. Impoundment of motor vehicles used in connection with illegal activities.

(a) *Impoundment.* A motor vehicle, operated with the express or implied permission of the owner of record, that is used in connection with any of the following violations, or which may jeopardize the public's safety and safe vehicular movement and in furtherance of public safety or in the exercise by the Police Department of its community caretaker functions, may be subject to tow and impoundment by the City, and the owner of record of said vehicle shall be liable to the City for an administrative and processing fee of \$500.00 in addition to any towing and storage fees:

(b) Violations:

1. Operation or use of a motor vehicle in the commission or attempted commission of any offense for which a motor vehicle may be seized and forfeited pursuant to 720 ILCS 5/36-1 *et seq.*; or
2. Driving under the influence of alcohol, other drug or drugs, or intoxicating compounds, in violation of 625 ILCS 5/11-501 or a similar provision of the City Code; or
3. Operation or use of a motor vehicle in connection with the commission or attempted commission of any offense in violation of the provisions of the Illinois Cannabis Control Act, 720 ILCS 550/1 *et seq.*, provided, however, that no vehicle shall be subject to impound or forfeiture solely for the possession of cannabis or cannabis paraphernalia by persons twenty-one (21) years of age or older in accordance with the Cannabis Regulation and Tax Act. Further, no vehicle shall be subject to impound or forfeiture for the possession of medical cannabis or cannabis paraphernalia by a registered qualifying patient or registered designated caregiver, as those terms are defined in the Compassionate use of Medical Cannabis Program Act (410 ILCS 130/1 *et seq.*), where such possession is in compliance with the provisions of that Act; or
4. Operation or use of a motor vehicle in connection with the commission or attempted commission of any offense in violation of the Illinois Controlled Substances Act, 720 ILCS 570/100, *et seq.*; or
5. Operation or use of a motor vehicle while soliciting, possessing, or attempting to solicit or possess a controlled substance, as defined by the Illinois Controlled Substances Act, 720 ILCS 570/100, *et seq.*; or

6. Operation or use of a motor vehicle while soliciting, possessing, or attempting to solicit or possess cannabis in violation of the Cannabis Control Act, 720 ILCS 550/1 *et seq.*; or
7. Unlawful use of a weapon in violation of 720 ILCS 5/24-1; aggravated discharge of a firearm in violation of 720 ILCS 5/24-1.5; and unlawful possession of a firearm and firearm ammunition in violation of 720 ILCS 5/24-3.1; or
8. Driving while driver's license, permit or privilege to operate a motor vehicle is suspended or revoked, the violation of 625 ILCS 5/6-303; except that vehicles shall not be subject to seizure impoundment if the suspension is for an unpaid citation (parking or moving), or due to failure to comply with emission testing; or
9. Operation or use of a motor vehicle with an expired driver's license in violation of Section 6-101 of the Illinois Vehicle Code, 625 ILCS 5/6-101, where the period of expiration is greater than one (1) year; or
10. Operation or use of a motor vehicle without ever having been issued a driver's license or permit in violation of Section 6-101 of the Illinois Vehicle Code, 625 ILCS 5/6-101, or operating a motor vehicle without ever having been issued a driver's license or permit due to a person's age; or
11. Operation or use a motor vehicle by a person against whom a warrant has been issued by a Circuit Clerk in Illinois for failing to answer charges that the driver violated the offenses of: driving while license is revoked or suspended, 625 ILCS 5/6-303; operating a motor vehicle without a valid driver's license, 625 ILCS 5/6-101; and/or driving under the influence of alcohol, other drugs, intoxicating compound(s), or a combination thereof, 625 ILCS 5/11-501; or
12. Operation or use of a motor vehicle in connection with the commission or attempted commission of any other misdemeanor or felony offense in violation of the Criminal Code of 2012, 720 ILCS 5/1-1 *et seq.*; or
13. Operation or use of a motor vehicle in violation of Section 11-503 of the Illinois Vehicle Code, 625 ILCS 5/11-503:

- a. While the vehicle is part of a funeral procession; or
- b. In a manner that interferes with a funeral procession.

Section 3. If any part, provision or provisions of this Ordinance shall be held to be unconstitutional or otherwise illegal, such unconstitutionality or illegality shall not affect the validity of remaining parts of the Ordinance, and the City hereby declares it would have passed the remaining parts of this Ordinance in any event, had it known that such part, provision, or provisions might be unenforceable because unconstitutional or illegal.

Section 4. This Ordinance is hereby ordered to be published in pamphlet form by the East Peoria City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 5. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 6. After its passage, approval and ten (10) day period of publication in the manner provided by law.

PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWEEL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS 17th DAY OF December, 2019.

APPROVED:

/s/ John P. Kahl
Mayor

ATTEST:

/s/ Morgan R. Cadwalader
City Clerk

EXAMINED AND APPROVED:

/s/ Scott A. Brunton
Corporation Counsel