

ORDINANCE NO. 2020 - 27

**AN ORDINANCE AMENDING CHAPTER 26 ENTITLED "HEALTH AND
SANITATION," CHAPTER 36 ENTITLED "OFFENSES AND NUISANCES," AND
CHAPTER 54 ENTITLED "TRAFFIC AND MOTOR VEHICLES" OF THE VILLAGE
CODE OF ORDINANCES OF THE VILLAGE OF BROOKFIELD, ILLINOIS**

**PASSED AND APPROVED BY
THE PRESIDENT AND BOARD OF TRUSTEES
THE 10TH DAY OF FEBRUARY 2020**

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authority of the Corporate
Authorities of Brookfield, Illinois,
the 10th day of February 2020

ORDINANCE NO. 2020 - 27
AN ORDINANCE AMENDING CHAPTER 26 ENTITLED "HEALTH AND SANITATION," CHAPTER 36 ENTITLED "OFFENSES AND NUISANCES," AND CHAPTER 54 ENTITLED "TRAFFIC AND MOTOR VEHICLES" OF THE VILLAGE CODE OF ORDINANCES OF THE VILLAGE OF BROOKFIELD, ILLINOIS

WHEREAS, the corporate authorities of the Village of Brookfield (the "Village") are expressly empowered to legislate to protect the health, safety and welfare of the residents of the Village;

WHEREAS, the corporate authorities of the Village have previously approved legislation regulating and prohibiting the possession of cannabis;

WHEREAS, on January 1, 2014, the Compassionate Use of Medical Cannabis Program Act became effective, which act authorizes licensed dispensaries, cultivation centers and registered qualifying patients to possess and/or use those amounts of cannabis as authorized by such act, without being subject to arrest or prosecution;

WHEREAS, on January 1, 2020, the Cannabis Regulation and Tax Act (the "Act") became effective, which Act authorizes the purchase, procurement, possession, consumption, use or transportation of cannabis and cannabis-infused products under the terms and conditions set forth in the Act, without being subject to arrest or prosecution;

WHEREAS, the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act has been amended to the Prevention of Tobacco Use by Persons Under 21 Years of Age and Sale and Distribution of Tobacco Products Act, which act prohibits the sale or purchase of tobacco products, electronic cigarettes or alternative nicotine products to any person under 21 years of age;

WHEREAS, the corporate authorities and the Village of Brookfield have determined that it is necessary to amend the Village Code of Ordinances of the Village of Brookfield to prohibit on-premises consumption of cannabis in tobacco retail stores;

WHEREAS, the corporate authorities and the Village of Brookfield have determined that it is necessary to amend the Village Code of Ordinances of the Village of Brookfield to be consistent with the provisions of the Act; and

WHEREAS, the corporate authorities and the Village of Brookfield have determined that it is necessary to amend the Village Code of Ordinances of the Village of Brookfield to be consistent with the provisions of the Prevention of Tobacco Use by Persons Under 21 Years of Age and Sale and Distribution of Tobacco Products Act;

NOW, THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Brookfield, Cook County, Illinois, as follows:

Section 1: The facts and statements contained in the preambles to this ordinance and are found to be true and correct and are hereby adopted as part of this ordinance.

Section 2: Section 26-87, entitled "Exemptions," of Article IV, entitled "Smoking," of Chapter 26, entitled "Health and Sanitation" of the Village Code of Ordinances of the Village of Brookfield, Illinois, as amended, is hereby further amended to read as follows:

Sec. 26-87. - Exemptions.

Notwithstanding any other provisions of this article, smoking is allowed in the following areas:

- (1) Private residences or dwelling places, except when used as a child care, adult day care, or other healthcare facility or any other home-based business open to the public.

- (2) Retail tobacco stores as defined in section 26-82 in operation prior to the effective date of the ordinance from which this article is derived, except that the consumption of cannabis, as defined in Sec. 36-520 of this code, is not permitted. The retail tobacco store shall annually file with the department by January 31 an affidavit stating the percentage of its gross income during the prior calendar year that was derived from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, or other smoking devices for smoking tobacco and related smoking accessories. Any retail tobacco store that begins operation after the effective date of the ordinance from which this article is derived may only qualify for an exemption if located in a freestanding structure occupied solely by the business and smoke from the business does not migrate into an enclosed area where smoke is prohibited.
- (3) Private and semi-private rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed or to remain in a room where smoking is permitted and the smoke shall not infiltrate other areas of the nursing home.
- (4) Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms, provided that all smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into nonsmoking rooms or other areas where smoking is prohibited. No more than 25 percent of the rooms rented to guests in a hotel or motel may be designated as rooms where smoking is allowed. The status of rooms as smoking or nonsmoking may not be changed, except to permanently add additional nonsmoking rooms.

Section 3: Subsection (a) of Section 36-125, entitled "Disorderly Acts of Intoxicated Persons" of Article IV, entitled "Offenses Against Public Order" of Chapter 36, entitled "Offenses and Nuisances" of the Village Code of Ordinances of the Village of Brookfield, Illinois, as amended, is hereby further amended to read as follows:

Sec. 36-125. - Disorderly acts of intoxicated persons.

(a)The following words, terms and phrases, when used in this subsection, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Intoxicated person means a person who is physically or mentally impaired to any material degree as a result of the presence of alcoholic liquor, cannabis as defined in

Sec. 36-520 of this code, drugs or other substances, or any combination thereof, in the person's body. Evidence of an intoxicated person shall include, but not be limited to, a combination of the following indicators:

- (1) Odor of an alcoholic beverage on the person's breath.
- (2) Odor or physical evidence of cannabis, drugs, or controlled substance about one's person.
- (3) Bloodshot or glassy eyes.
- (4) Dilated pupils.
- (5) Unaware of one's presence or location.
- (6) Stumbling, staggering, unsteady gait or needing assistance in standing or walking.
- (7) Slurred speech.
- (8) Portable breath test reading (P.B.T.) in excess of 0.08.(9) Failure of a standardized field sobriety test.
- (10) Chemical tests of blood, breath or urine for the purpose of determining the content of alcohol, cannabis, other drugs or intoxicating compounds of any combination thereof in the person's blood.

Section 4: Section 36-295, entitled "Definitions" of Division 3, entitled "Tobacco Products" of Article VI, entitled "Offenses Involving Minors" of Chapter 36, entitled "Offenses and Nuisances" of the Village Code of Ordinances of the Village of Brookfield, Illinois, as amended, is hereby further amended to read as follows:

Sec. 36-295. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alternative nicotine product means a product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means. Alternative nicotine product excludes cigarettes, smokeless tobacco, or other tobacco products as these terms are defined in Section 1 of the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act (720 ILCS 675/1 et seq.) and any product approved by the United States Food and Drug Administration as a non-tobacco product for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

E-cigarette means (1) any device that employs a battery or other mechanism to heat a solution or substance to produce a vapor or aerosol intended for inhalation; (2) any cartridge or container of a solution or substance intended to be used with or in the

device or to refill the device; or (3) any solution or substance, whether or not it contains nicotine intended for use in the device. "Electronic cigarette" includes, but is not limited to, any electronic nicotine delivery system, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar product or device, and any components or parts that can be used to build the product or device. "Electronic cigarette" does not include cigarettes as defined in Section 1 of the Cigarette Tax Act and tobacco products as defined in Section 10-5 of the Tobacco Products Tax Act of 1995; tobacco product and alternative nicotine product as defined in this Section; any product approved by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose; any asthma inhaler prescribed by a physician for that condition and is being marketed and sold solely for that approved purpose; or any therapeutic product approved for use under the Compassionate Use of Medical Cannabis Program Act.

Nicotine means any form of the chemical nicotine, including any salt or complex, regardless of whether the chemical is naturally or synthetically derived.

Tobacco products means any substance containing tobacco leaf that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, and any other smokeless tobacco product which contains tobacco that is finely cut, ground, powdered, or leaf and intended to be placed in the oral cavity. "Tobacco product" includes any component, part, or accessory of a tobacco product, whether or not sold separately. "Tobacco product" does not include an electronic cigarette and alternative nicotine product as defined in this Section; or any product that has been approved by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose..

Vending machine means any mechanical, electrical or electronic self-service device that, upon the insertion of money, tokens or other forms of payment, dispenses tobacco products, electronic cigarettes or alternative nicotine products.

Section 5: Section 36-296, entitled "Prohibited Sales and Deliveries" of Division 3, entitled "Tobacco Products" of Article VI, entitled "Offenses Involving Minors" of Chapter 36, entitled "Offenses and Nuisances" of the Village Code of Ordinances of the Village of Brookfield, Illinois, as amended, is hereby further amended to read as follows:

Sec. 36-296. - Prohibited sales and deliveries.

(1) It shall be unlawful for any person, including any licensee or agent or employee of a licensee, to sell, offer for sale, give away or deliver any tobacco products, alternative nicotine products, or e-cigarettes to any person under the age of 21 years. Each retailer shall request and examine the photographic identification of any person purchasing tobacco products, electronic cigarettes or alternative nicotine products who appears without reasonable doubt to be under the age of thirty (30) years.

(2) It shall be unlawful for any person under 16 years of age to sell any tobacco product, electronic cigarette, or alternative nicotine product. This subsection does not apply to a sales clerk in a family-owned business which can prove that the sales clerk is in fact a son or daughter of the owner.

Section 6: Section 36-297, entitled "Signs Required" of Division 3, entitled "Tobacco Products" of Article VI, entitled "Offenses Involving Minors" of Chapter 36, entitled "Offenses and Nuisances" of the Village Code of Ordinances of the Village of Brookfield, Illinois, as amended, is hereby further amended to read as follows:

Sec. 36-297. - Signs required.

(a) Signs informing the public of the age restrictions provided herein shall be posted by every licensee at or near every display of tobacco products and on or upon every vending machine that offers tobacco products for sale. Each such sign shall be plainly visible and shall state:

"THE SALE, OFFERING FOR SALE, GIVING OR DELIVERING OF TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR E-CIGARETTES TO PERSONS UNDER 21 YEARS OF AGE IS PROHIBITED BY LAW."

(b) The text of such signs shall be in red letters on a white background; said letters to be at least two inches high.

Section 7: Section 36-298, entitled "Purchase by Minors Prohibited" of Division 3, entitled "Tobacco Products" of Article VI, entitled "Offenses Involving Minors" of Chapter 36, entitled "Offenses and Nuisances" of the Village Code of Ordinances of the Village of Brookfield, Illinois, as amended, is hereby further amended to read as follows:

Sec. 36-298. - Purchase by minors prohibited.

It shall be unlawful for any person under the age of 21 years to purchase or acquire by other means tobacco products, or alternative nicotine products or e-cigarettes or to misrepresent his or her identity or age, or to use any false or altered identification for the purpose of purchasing or otherwise securing tobacco products or alternative nicotine products including, but not limited to, e-cigarettes.

Section 8: Section 36-299, entitled "Possession by Minors Prohibited" of Division 3, entitled "Tobacco Products" of Article VI, entitled "Offenses Involving Minors" of Chapter 36, entitled "Offenses and Nuisances" of the Village Code of Ordinances of the Village of Brookfield, Illinois, as amended, is hereby deleted and amended to read as follows:

Sec. 36-299. Sale of Tobacco Products Other Than In Sealed Packages.

It shall be unlawful for any person to sell or distribute a tobacco product that is not contained within a sealed container, pack, or package as provided by the manufacturer, which container, pack, or package bears the health warning required by federal law, including, but not limited to, a single or loose cigarette,

Section 9: Section 36-239, entitled "Reserved" of Division 1, entitled "Generally" of Article VI, entitled "Offenses Involving Minors" of Chapter 36, entitled "Offenses and Nuisances" of the Village Code of Ordinances of the Village of Brookfield, Illinois, as amended, is hereby further amended to read as follows:

Sec. 36-239. – Contributing to the delinquency or criminal delinquency of a minor.

(a) It shall be unlawful for a person of the age of 21 years or older to knowingly cause, aid, or encourage a minor to violate, or attempted to violate, any federal or state law, or provision in this Code; to knowingly do acts which directly tend to render a minor to violate, or attempt to violate, any federal or state law, or this Code; or to knowingly compel or direct a minor in the commission of an offense against any federal or state law, or provision in this Code. For the purposes of this section, a minor shall be a person under the age of 18 years.

Section 10: Section 36-495, entitled "Definitions" of Division 2, entitled "Drug Paraphernalia" of Article IX, entitled "Controlled Substances" of Chapter 36, entitled

“Offenses and Nuisances” of the Village Code of Ordinances of the Village of Brookfield, Illinois, as amended, is hereby further amended to read as follows:

Sec. 36-495. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Close proximity means within 2,500 feet on a straight line commencing at the property lines nearest to each other.

Controlled substance means any drug or controlled substance as defined under any state or federal law.

Cannabis paraphernalia means 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.

Instrument means all equipment, products and materials of any kind, other than cannabis paraphernalia, which are intended to be used unlawfully in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, inhaling, injecting, smoking, administering or preparing cocaine, phencyclidine, opium or any derivative thereof, or any other controlled substance into one's body without a doctor's prescription, including, but not limited to, the following:

- (1) Metal, wooden, acrylic, glass, stone, plastic, or ceramic or pipes which have an inside diameter of less than five-eighths inches with or without screens, permanent screens, hashish heads, or punctured metal bowls.
- (2) Water pipes designed for use or intended for use with cocaine.
- (3) Carburetion tubes and devices.
- (4) Smoking and carburetion masks.
- (5) Roach clips.
- (6) Separation gins designed for use or intended for use in cleaning marijuana.

- (7) Cocaine spoons and vials.
- (8) Chamber, carburetor, electric and air driven pipes.
- (9) Chillums.
- (10) Bongs.
- (11) Ice pipes or chillers.

Minor means any person who has not attained 21 years of age at the time of the infraction.

Premises open to minors means any establishment which sells its wares or merchandise to minors or which permits minors to enter into its place of business.

Place of display means any museum, library, school or other similar public place upon which business is not transacted for a profit.

School means any public or private elementary, junior high school, or high school.

Section 11: Section 36-496 entitled, "Possession, Display and Sale Prohibited" of Article IX, entitled "Controlled Substances" of Chapter 36, entitled "Offenses and Nuisances" of the Village Code of Ordinances of the Village of Brookfield, Illinois, as amended, is hereby further amended to read as follows:

Sec. 36-496. - Possession, display and sale prohibited.

- (a) It shall be unlawful for any person, firm or corporation to have, possess, sell, offer to sell, display, dispense or give away any device or contrivance adapted for the use of smoking, injecting, inhaling, ingesting or otherwise introducing any controlled substance into one's body, which said device or contrivance defined herein as an instrument has been or could be used for the purpose of smoking, inhaling, ingesting, injecting or otherwise introducing a controlled substance into one's body without a doctor's prescription.
- (b) It shall be unlawful for any person to sell cannabis paraphernalia unless such person is employed and licensed as a dispensing agent by a dispensing organization.
- (c) It shall be unlawful for any person under the age of 21 years to possess, obtain, receive, accept, sell, purchase, offer to sell, display, dispense, give away, deliver, or furnish any cannabis paraphernalia, except as otherwise

provided in the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 *et seq.*) and the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 *et seq.*). It shall be unlawful for any person under the age of 21 years to misrepresent his or her age for the purpose of purchasing cannabis paraphernalia.

- (d) Except as otherwise provided in the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 *et seq.*) and the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 *et seq.*), it shall be unlawful for any person, firm or corporation to sell or display any instruments as defined in this division in or upon any premises that is a premises open to minors or is in close proximity to any public or private school, day care center, nursery, church, synagogue or other place of worship, park, or any facility holding a liquor license; unless such premises is a place of display.

Section 12: Section 36-520, entitled “Cannabis Defined” of Division 3 entitled, “Cannabis” of Article IX entitled, “Controlled Substances” of Chapter 36, entitled “Offenses and Nuisances” of the Village Code of Ordinances of the Village of Brookfield, Illinois, as amended, is hereby further amended to read as follows:

Sec. 36-520. - Cannabis defined.

The term “cannabis,” as used in this division means 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 cannabis flower, concentrate, and cannabis-infused products.

Section 13: Section 36-521, entitled “Possession prohibited” of Division 3, entitled “Cannabis” of Article IX, entitled “Controlled Substances” of Chapter 36, entitled “Offenses and Nuisances” of the Village Code of Ordinances of the Village of Brookfield, Illinois, as amended, is hereby renamed and further amended to read as follows:

Sec. 36-521. – Limitations on Use and Possession.

- (a) It shall be unlawful for any person under the age of 21 years to knowingly possess, purchase, obtain, receive, accept, sell, give, deliver, dispense, serve, or furnish any quantity of any substance containing cannabis, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 *et seq.*). It shall be unlawful for any person under the age of 21 years to misrepresent his or her age for the purpose of purchasing cannabis.
- (b) It shall be unlawful for any person who is a resident of this state to knowingly possess cannabis in excess of the following amounts:
 - (1) 30 grams, but less than 100 grams, of cannabis flower;
 - (2) 500 milligrams tetrahydrocannabinol (THC) in cannabis-infused products; and
 - (3) 5 grams cannabis concentrate.

The possession limits contained herein are to be considered cumulative.

- (c) It shall be unlawful for any person who is not a resident of this state to knowingly possess cannabis in excess of the following amounts:
 - (1) 15 grams, but less than 100 grams, of cannabis flower;
 - (2) 250 milligrams tetrahydrocannabinol (THC) in cannabis-infused products; and
 - (3) 2.5 grams cannabis concentrate.

The possession limits contained herein are to be considered cumulative.

- (d) It shall be unlawful for any person to possess cannabis, as follows:
 - (1) In a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 *et seq.*);
 - (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 (410 ILCS 130/1 *et seq.*);
 - (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; or

- (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.
- (e) It shall be unlawful for any person to use cannabis, as follows:
 - (1) In a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 *et seq.*);
 - (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 (410 ILCS 130/1 *et seq.*);
 - (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, defined as any place where a person could reasonably be expected to be observed by others, including, but not limited to, all parts of buildings owned in whole or in part, or leased, by the State of Illinois, or the Village of Brookfield. "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; 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 (410 ILCS 130/1 *et seq.*).
- (f) It shall be unlawful for any person to smoke cannabis in any place where smoking is prohibited under the Smoke Free Illinois Act and in retail tobacco stores, as defined in Section 26-82 of the Brookfield 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 Brookfield Code, the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 *et seq.*), including the sale, delivery, or furnishing of cannabis to any person under the age of 21 years.
- (h) It shall be unlawful for any person to transfer cannabis to any person contrary to the Brookfield Code, the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 *et seq.*).

- (i) It shall be unlawful for any person to knowingly permit the consumption of cannabis by a person under the age of 21 years in his or her residence or any other private property under his or her control except when authorized by a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 *et seq.*).
- (j) It shall be unlawful for any person to cultivate cannabis unless permitted to cultivate cannabis pursuant to the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 *et seq.*).
- (k) It shall be unlawful for any person pursuant to the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 *et seq.*) to cultivate more than five (5) cannabis plants in excess of five (5) inches tall.
- (l) It shall be unlawful for any person permitted to cultivate cannabis pursuant to the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 *et seq.*) to cultivate cannabis in a place that is not an enclosed, locked space or to store cannabis plants in a location that is subject to ordinary public view.

Section 14: Section 54-173, entitled "Offenses Subject to Motor Vehicle Seizure and Impoundment" of Subdivision II, entitled "Vehicles Used in Commission of Criminal Offenses" of Division 5, entitled "Immobilization, Towing and Impoundment" Article II, entitled "Administration and Enforcement" of Chapter 54, entitled "Traffic and Motor Vehicles" of the Village Code of Ordinances of the Village of Brookfield, Illinois, as amended, is hereby renamed and further amended to read as follows.:

Sec. 54-173. - Offenses subject to motor vehicle seizure and impoundment.

Any motor vehicle operated or used by an offender on any public highway or roadway within the village during the commission of, or in furtherance of, any of the following criminal offenses shall be subject to seizure and impoundment by the village:

- (1) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense for which a motor vehicle may be seized and forfeited pursuant to 720 ILCS 5/36-1;
- (2) Driving under the influence of alcohol, another drug or drugs, an intoxicating compound or compounds, or any combination thereof, in violation of 625 ILCS 5/11-501;

- 3) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a felony or in violation of the Cannabis Control Act, 720 ILCS 550/1 *et seq.*;
- 4) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of the Controlled Substances Act, 720 ILCS 570/100 *et seq.*;
- 5) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, the unlawful use of a weapon as prohibited by 720 ILCS 5/24-1, the reckless discharge of a firearm as prohibited by 720 ILCS 24-1.5, or the unlawful possession of firearms and firearm ammunition as prohibited by 720 ILCS 24-3.1;
- 6) Driving while a driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked as prohibited by 625 ILCS 5/6-303; except that vehicles shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing;
- 7) Operation or use of a motor vehicle while illegally soliciting or attempting to solicit cannabis, possessing cannabis in excess of 100 grams, or soliciting, attempting to solicit or possessing a controlled substance, as defined by the Cannabis Control Act, 720 ILCS 550/1 *et seq.*, or the Illinois Controlled Substances Act, 720 ILCS 570/100 *et seq.*;
- 8) Operation or use of a motor vehicle with an expired driver's license, in violation of 625 ILCS 5/6-101, if the period of expiration is greater than one year;
- 9) Operation or use of a motor vehicle without ever having been issued a driver's license or permit, in violation of 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;
- 10) Operation or use of a motor vehicle by a person against whom a warrant has been issued by a circuit clerk in the state for failing to answer charges that the driver violated 625 ILCS 5/6-101, 625 ILCS 5/6-303, or 625 ILCS 5/11-501;
- 11) Operation or use of a motor vehicle in the commission of, or in the attempt to commit theft and related offenses in violation of 720 ILCS 5/16-1 *et seq.*, or retail theft in violation of 720 ILCS 5/16-25 *et seq.*; or
- 12) Operation or use of a motor vehicle in the commission of, or in the attempt to commit prostitution in violation of 720 ILCS 5/11-14, advancing prostitution in violation of 720 ILCS 5/11-14.3(a)(1), patronizing a

prostitute in violation of 720 ILCS 5/11-18, or patronizing a juvenile prostitute in violation of 720 ILCS 5/11-18.1.

Section 15. All ordinances or parts of ordinances in conflict with these ordinance revisions and additions are repealed insofar as a conflict may exist.

Section 16: This Ordinance shall be in full force and effect 10 days after its passage, approval and publication in pamphlet form as provided by law.

ADOPTED this 10th day of February 2020, pursuant to a roll call vote as follows:

Ayes: Trustees Gilhooley, Garvey, Conroy, Cote, Kaluzny, and LeClere	_____
Nays: None	_____
Absent: None	_____

ABSTENTION: _____

APPROVED by me this 10th day of February 2020.



 Kit P. Ketchmark, President of the
 Village of Brookfield, Cook County, Illinois

ATTESTED and filed in my office,
this 10th day of February 2020.



 Brigid Weber, Village Clerk
 Village of Brookfield, Cook County, Illinois