

ORDINANCE MCO - 15 - 2023

**An Ordinance Amending
Section 51.53 entitled “Possession of Cannabis Prohibited” of
Chapter 51 entitled “Offenses Against Public Peace, Safety and Morals” of
the Municipal Code of Ordinances of the City of Elmhurst, Illinois**

WHEREAS, the City of Elmhurst (the “City”) is a home-rule unit of local government under Article VII, Section 6 of the 1970 Illinois Constitution and, except as limited by such Section, it may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City is authorized by the Illinois Municipal Code (65 ILCS 5/1-1-1 *et seq.*) to adopt necessary ordinances to protect the health, safety, and general welfare of the citizens of the City; and

WHEREAS, the corporate authorities of the City find it desirable and in the best interest of the City to amend Section 51.53 entitled “Possession of Cannabis Prohibited” of Chapter 51 entitled “Offenses Against Public Peace, Safety and Morals” of the Municipal Code of the City of Elmhurst.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Elmhurst, DuPage and Cook Counties, Illinois, as follows:

Section 1: The foregoing recital clauses to this Ordinance are adopted as the findings of the corporate authorities of the City of Elmhurst and are incorporated herein by specific reference.

Section 2: That Section 51.53 entitled “Possession of Cannabis Prohibited” of Chapter 51 entitled “Offenses Against Public Peace, Safety and Morals” of the Municipal Code of the City of Elmhurst is hereby amended to read as follows:

“51.53 Possession of cannabis prohibited.

(a) For purposes of this Section, cannabis is defined as follows:

Cannabis 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, as well as THC acetate ester (THCO), which includes Delta-8 THCO and Delta-9 THCO, a synthetic tetrahydrocannabinol having similar chemical structure and pharmacological activities to those contained in the Cannabis plant."

Section 3: That the remainder of Section 51.53 entitled "Possession of Cannabis Prohibited" of Chapter 51 entitled "Offenses Against Public Peace, Safety and Morals" of the Municipal Code of the City of Elmhurst shall remain in full force and effect and unchanged.

Section 4: That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5: This Ordinance shall be in full force and effect after its passage, approval and publication in the manner provided by law.

ADOPTED this 6th day of November, 2023, pursuant to a roll call vote as follows:

AYES: 12

NAYS: 0

ABSENT: 2

ABSTENTION: 0

APPROVED by me this 6th day of November, 2023.



Scott M. Levin, Mayor of the City of Elmhurst,
DuPage and Cook Counties, Illinois

ATTESTED and filed in my office,
this 6th day of November, 2023.



Jackie Haddad-Tamer, City Clerk of the City of
Elmhurst, DuPage and Cook Counties, Illinois

COUNCIL ACTION SUMMARY

SUBJECT: An Ordinance Amending Section 51.53 entitled "Possession of Cannabis Prohibited" of Chapter 51 entitled "Offenses Against Public Peace, Safety and Morals" of the Municipal Code of the City of Elmhurst

ORIGINATOR: City Attorney

DESCRIPTION OF SUBJECT MATTER:

Pursuant to the recommendation of the Public Affairs & Safety Committee, City Attorney prepared an ordinance amending the City's municipal code to modify Section 51.53 entitled "Possession of Cannabis Prohibited" of Chapter 51 entitled "Offenses Against Public Peace, Safety and Morals" of the Municipal Code of the City of Elmhurst to include THC Acetate Ester (THCO), which includes Delta-8 THCO and Delta-9 THCO, a synthetic tetrahydrocannabinol having similar chemical structure and pharmacological activities to those contained in the Cannabis plant.