

ORDINANCE 2017-022

PASSED: APRIL 24, 2017

AMENDING CHAPTER 52, "OFFENSES AGAINST PUBLIC PEACE – SAFETY AND MORALS", RELATING TO THE POSSESSION OF CANNABIS OR DRUG PARAPHERNALIA.

WHEREAS, the City of DeKalb is a home rule municipality with the power and authority conferred thereupon by the Illinois Constitution of 1970, the Illinois Municipal Code, the Illinois Liquor Control Act, and the City of DeKalb City Code; and

WHEREAS, the City regulates the conduct of certain offenses categorized as local ordinance violations based upon their adverse impact on public peace, safety or morals; and

WHEREAS, the City Council has determined that it is necessary and advantageous to amend Chapter 52 to address certain changes in the regulation of cannabis and drug paraphernalia.

THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, as follows:

Section 1. Revisions to Chapter 52 Adopted:

The City Council hereby adopts the following revisions to Chapter 52 of the City Code of the City of DeKalb:

A. 52.400 Amended.

Section 52.400 of the City Code shall be amended with the revision of the subsections outlined below, and all other subsections shall remain unchanged:

a) No person shall possess any substance containing cannabis, in an amount of ~~2.5~~ 10 grams or less.

c) Penalty: Any person violating this Section shall be fined not less than ~~Three Hundred Dollars (\$300.00)~~ for a first-time violation and not less than Seven Hundred and Fifty Dollars (\$750.00) nor more than One Thousand Dollars (\$1,000.00) for second or subsequent violations charged. Notwithstanding the foregoing, in the event that a violation of this section is processed and paid as a "mail-in" citation within the timeline for said mail-in process (and before the initiation of an ordinance violation case in the Circuit Court), the ~~Chief of Police shall be authorized to establish a lesser fine for said violation shall be Two Hundred Dollars (\$200.00), being not less than Three Hundred and Fifty Dollars (\$350.00).~~

B. 52.410 Amended.

Section 52.410 of the City Code shall be amended with the revision of the subsections outlined below, and all other subsections shall remain unchanged:

c) Penalty: Any person violating this Section shall be fined not less than Three Hundred Dollars (\$300.00) for a first-time violation and not less than Seven Hundred and Fifty Dollars (\$750.00) nor more than One Thousand Dollars (\$1,000.00) for second or subsequent violations charged. Notwithstanding the foregoing, in the event that a violation of this section is processed and paid as a "mail-in" citation within the timeline for said mail-in process (and before the initiation of an ordinance violation case in the Circuit Court), the ~~Chief of Police shall be authorized to establish a lesser fine for said violation shall be Two Hundred Dollars (\$200.00), being not less than Three Hundred and Fifty Dollars (\$350.00).~~

Section 2. All ordinances or portions thereof in conflict with this ordinance, including the prior versions of the ordinances included above, are hereby repealed.

Section 3. Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

Section 4. This Ordinance shall be in full force and effect after passage and publication pursuant to law. Publication date: April 25, 2017. Effective date: May 4, 2017.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 24th day of April, 2017 and approved by me as Mayor on the same day. First Reading April 10, 2017. Passed by an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Faivre, Rey.

ATTEST:


JENNIFER JEEP JOHNSON, City Clerk


JOHN A. REY, Mayor

