

ORIGINAL

**ORDINANCE NO. CO-2015-26**

**AN ORDINANCE AMENDING TITLE XIII (GENERAL OFFENSES),  
CHAPTER 130 (GENERAL OFFENSES; DRUG-RELATED OFFENSES) OF  
THE MAYWOOD VILLAGE CODE RELATIVE TO THE POSSESSION OF CANNABIS**

**WHEREAS**, the Village of Maywood (the "Village") is a home rule municipality, having all of the powers and authority granted to such municipalities pursuant to Article VII, Section 6 of the Illinois Constitution of 1970, including the right to exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, pursuant to the powers and authority granted to the Village by the applicable police powers and code enforcement provisions of the Illinois Municipal Code (65 ILCS 5/1-2, 5/1-2-1.1 and 5/11-1 *et seq.*) and its home rule authority under Article VII, Section 6 of the Illinois Constitution of 1970, the President and Board of Trustees of the Village of Maywood find that the below Village Code amendments further the public health, welfare and safety, and are in the best interests of the Village, its residents and the public.

**BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE  
VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION 1:** Each Whereas paragraph set forth above is incorporated by reference into this Section 1.

**SECTION 2:** Title XIII (General Offenses), Chapter 130 (General Offenses; Drug-Related Offenses) of the Maywood Village Code is amended to add a new Section 130.93 (Possession of Cannabis), which shall read in its entirety as follows:

**130.93: Possession of Cannabis**

(A) For purposes of this Section, the term CANNABIS shall include marijuana, hashish, and other substances which are identified as including any part 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, derivative, 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. However, this term 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 cake; or the sterilized seed of such plant which is incapable of germination.

(B) Possession of cannabis prohibited. It shall be unlawful for any person to knowingly possess cannabis within the limits of the Village. This chapter shall not be construed as conflicting with or limiting enforcement of the Illinois Cannabis Control Act, 720 ILCS 550/, as amended from time to time.

(C) Any person who violates this Chapter by possessing not more than thirty (30) grams (30g) of cannabis shall be issued a notice of violation. The notice of violation shall direct the individual to appear at an administrative hearing for the Village.

(D) Persons possessing more than thirty (30) grams (30g) of cannabis and who are cited for violations of Illinois Cannabis Control Act, 720 ILCS 550/ will have such citations adjudicated in the Circuit Court of Cook County as felony offenses.

(E) The observations of a Maywood Police Officer with regard to the sight or smell of a substance, or the use of a field testing process, such as the Rapid Modified Duquenois–Levine test, or another established screening test for the presence of cannabis in a particular substance, shall provide *prima facie* evidence that the substance in possession of the individual contains the presence of cannabis.

(F) Any person appearing before the Village's administrative hearing and found to have violated this section of this chapter by possessing not more than thirty (30) grams (30g) of cannabis shall be fined not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for each violation, and, in the discretion of the Hearing Officer, may be referred to a suitable drug education, counseling or rehabilitation program, or ordered to perform community service.

(G) This Section shall not be applicable to any individual who legally possesses any substance containing Cannabis, as a Medical Cannabis Cardholder, Cultivator or Dispenser, as defined by the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/.

**SECTION 3:** To the extent necessary, all tables of contents, indexes, headings, and internal references or cross-references to sections that need to be amended or deleted within the Maywood Code of Ordinances, as amended, as a consequence of the above Code Amendments, shall be amended by the Village's codifier so as to be consistent with the terms of this Ordinance.

**SECTION 4:** All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

**SECTION 5:** Each section, paragraph, clause and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

**SECTION 6:** Except as to the Code amendments set forth above in this Ordinance, all Chapters and Sections of the Maywood Village Code, as amended, shall remain in full force and effect.

**SECTION 7:** This Ordinance shall be in full force and effect from and after its adoption, approval, and publication in pamphlet form as provided by law.

**ADOPTED** this 15<sup>th</sup> day of September, 2015, pursuant to a roll call vote as follows:

**AYES:** Mayor Edwenna Perkins, Trustee(s) H. Yarbrough, Sr., I Brandon, A. Dorris, M. Rogers, M. Lightford, and R. Rivers

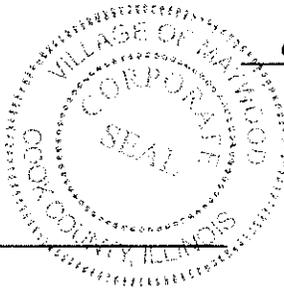
**NAYS:** None

**ABSENT:** None

**APPROVED** by me as President this 16<sup>th</sup> day of 2015, and attested to by the Village Clerk this same day.

**ATTEST:**

  
\_\_\_\_\_  
VILLAGE CLERK



  
\_\_\_\_\_  
VILLAGE PRESIDENT

Published by me in pamphlet form this 16<sup>th</sup> day of September, 2015.

  
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VILLAGE CLERK

STATE OF ILLINOIS        )  
                                      ) SS  
COUNTY OF COOK        )

**CLERK'S CERTIFICATE**

I, Viola Mims, Clerk of the Village of Maywood, in the County of Cook and State of Illinois, certify that the attached and foregoing is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

**ORDINANCE NO. CO-2015-26**

**AN ORDINANCE AMENDING TITLE XIII (GENERAL OFFENSES), CHAPTER 130 (GENERAL OFFENSES; DRUG-RELATED OFFENSES) OF THE MAYWOOD VILLAGE CODE RELATIVE TO THE POSSESSION OF CANNABIS**

which Ordinance was passed by the Board of Trustees of the Village of Maywood at a Regular Village Board Meeting on the 15<sup>th</sup> day of September, 2015, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 16<sup>th</sup> day of September, 2015.

I further certify that the vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Maywood was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Maywood, and that the result of said vote was as follows, to-wit:

**AYES:** Mayor Edwenna Perkins, Trustee(s) H. Yarbrough, Sr., I Brandon, A. Dorris, M. Rogers, M. Lightford, and R. Rivers

**NAYS:** None

**ABSENT:** None

I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Maywood, this 16<sup>th</sup> day of September, 2015.



  
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Village Clerk