ORDINANCE NO. 2020-xx

AN ORDINANCE AMENDING TITLE 5, "POLICE REGULATIONS," BY ADDING A NEW CHAPTER 5 ENTITLED, "CANNABIS REGULATIONS," TO THE MUNICIPAL CODE OF THE TOWN OF CORTLAND TO INCLUDE CANNABIS ENFORCEMENT

WHEREAS, the Board of Trustees of the Town of Cortland has the authority to adopt ordinances and to promulgate rules and regulations that protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Town Board of Trustees believe it is in the best interest of the Town and its residents to amend the Town of Cortland Municipal Code as it relates to the use of cannabis.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Cortland as follows:

SECTION 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. Public Safety. Title 5, "Police Regulations," of the Municipal Code of the Town of Cortland shall be amended by the addition of Chapter 5 entitled, "Cannabis Regulations," that will read as follows:

CHAPTER 5. CANNABIS REGULATIONS

5-5-1: Use of Cannabis
5-5-2: Growing Cannabis
5-5-3: Cannabis Possession
5-5-4: Vehicles
5-5-5: Penalty

5-5-1. Use of Cannabis.

A. It shall be unlawful to possess or use cannabis on a school bus, grounds of any childcare, primary, or secondary school, unless used by a qualifying patient or caregiver pursuant to the Compassionate Use or Medical Cannabis Pilot Program Act.

B. It shall be unlawful to possess or use cannabis in a private residence used at any time to provide licensed childcare.

C. It shall be unlawful to use cannabis in any motor vehicle, in any public place, or in any place where smoking is prohibited under the Smoke Free Illinois Act.

D. It shall be unlawful to knowingly use cannabis in close proximity to anyone under the age of twenty-one (21) who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Pilot Program Act.

5-5-2. Growing Cannabis.
It shall be unlawful to grow cannabis unless authorized by the Compassionate Use of Medical Cannabis Pilot Program Act.

5-5-3. Cannabis Possession.

A. It shall be unlawful for a person who is twenty-one (21) years or older and a resident of Illinois to possess more than:
   1. Thirty grams (30 g) of cannabis flower;
   2. Five Hundred milligrams (500 mg) of THC contained in a cannabis-infused product; or
   3. Five grams (5 g) of cannabis concentrate.

B. It shall be unlawful for a nonresident of Illinois to possess more than:
   1. Fifteen grams (15 g) of cannabis flower;
   2. Two Hundred Fifty milligrams (250 mg) of THC contained in a cannabis-infused product; or
   3. Two and one-half grams (2.5 g) of cannabis concentrate.

C. It shall be unlawful for a person who is younger than twenty-one (21) years old to possess any form of cannabis, cannabis-infused product, or cannabis concentrate in any amount, unless such person between the ages of eighteen (18) and twenty-one (21) is a registered cannabis patient under the Compassionate Use of Medical Cannabis Pilot Program Act.

5-5-4. Vehicles.
It shall be unlawful for a parent or guardian to knowingly permit his or her residence or any other private property under his or her control, or any vehicle under his or her control to permit the consumption of cannabis by a person under the age of twenty-one (21).

5-5-5. Penalty.
Any person, firm, or corporation violating any provision of this Chapter shall be fined as provided in Section 1-4-1 of this Code for each offense.

SECTION 3. Severability. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

PASSED BY THE BOARD OF TRUSTEES of the Town of Cortland, Illinois, at a regular meeting thereof held on the ___ day of _____, 2020, and approved by me as Town President on the same day.

AYE:
NAY:
ABSENT:

_____
Russell C. Stokes, Town President

ATTEST:

_____
Cheryl Aldis, Town Clerk

CERTIFICATE

STATE OF ILLINOIS)
) SS.
COUNTY OF DEKALB)

I, Cheryl Aldis, certify that I am the duly appointed and acting Town Clerk of the Town of Cortland, DeKalb County, Illinois.

I further certify that on _____ __, 2019, the Corporate Authorities of such municipality passed and approved Ordinance No. 2019-___, entitled **AN ORDINANCE AMENDING TITLE 5, "POLICE REGULATIONS," BY ADDING A NEW CHAPTER 5 ENTITLED, "CANNABIS REGULATIONS," TO THE MUNICIPAL CODE OF THE TOWN OF CORTLAND TO INCLUDE CANNABIS ENFORCEMENT** including a cover sheet thereof prepared, and a copy of such Ordinance was posted in the Town Hall, commencing on _____ __, 2019, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request of the municipal clerk.

Dated at Shabbona, Illinois, this __th day of _____, 2019.

(SEAL)

_____
Cheryl Aldis, Town Clerk