

**AN ORDINANCE AMENDING CHAPTER 15 OF THE URBANA CITY CODE  
TO PROHIBIT THE UNLAWFUL POSSESSION OF CANNABIS  
AND DRUG PARAPHERNALIA**

WHEREAS, the City of Urbana, Illinois, is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6, and, as such, may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, the Mayor and City Council find that the protection of the health, safety, and welfare of the citizens of the City of Urbana are served by amending Chapter 15 of the Urbana City Code to establish certain prohibitions on the possession of cannabis and drug paraphernalia.

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

Section 1. The Urbana City Code, Chapter 15, Article IV, Division 1, is hereby amended by adding the following sections thereto:

**Section 15-66. Possession of cannabis prohibited.**

(a) *Cannabis* shall mean marihuana, hashish and other substances which are identified as including any parts 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; but 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 or cake, or the sterilized seed of such plant which is incapable of germination.

(b) No person shall knowingly possess cannabis or any substance containing cannabis unless authorized to do so pursuant to the Cannabis Control Act as amended from time to time.

(c) Any person who violates this section shall be subject to a fine as provided in the minimum fine schedule for certain violations adopted by the city council by ordinance.

State law reference: Cannabis Control Act, 720 ILCS 550/1 et seq.

**Section 15-67. Drug paraphernalia control.**

(a) **Definitions.**

*Controlled substance* shall have the meaning ascribed to it in Section 102 of the Illinois Controlled Substances Act, 720 ILCS 570/100 et seq., as amended from time to time, as if that definition were incorporated herein.

*Drug paraphernalia* shall mean all equipment, products and materials of any kind, other than methamphetamine manufacturing materials as defined in Section 10 of the Methamphetamine Control and Community Protection Act, which are intended to be used unlawfully in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body cannabis or a controlled substance in violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, as these acts are amended from time to time.

(b) **Possession of drug paraphernalia prohibited.**

No person shall knowingly possess an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing cannabis or a controlled substance into the human body or in preparing cannabis or a controlled substance for that use.

(c) **Exemptions.**

This Section shall not apply to the following:

(1) A person who is legally authorized to possess hypodermic syringes or needles under the Hypodermic Syringes and Needles Act, 720 ILCS 635/0.01 et seq., as amended from time to time.

(2) Items marked for use in the preparation, compounding, packaging, labeling, or other use of cannabis or a controlled substance as an incident to lawful research, teaching or chemical analysis and not for sale or personal use.

(3) Items marketed for, or historically and customarily used in connection with the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, or inhaling of tobacco or any other lawful substance. Items exempt under this subsection include, but are not limited to, garden hoes, rakes, sickles, baggies, tobacco pipes, and cigarette-rolling papers.

(4) Items described in subsection (a) that are marketed for decorative purposes, where such items have been rendered completely inoperable or incapable of being used as drug paraphernalia.

(d) **Considerations for trier of fact.**

In determining whether or not a particular item is an item of drug paraphernalia, as defined in subsection (a) or is an item exempt under subsection (c), the trier of fact should consider, in addition to all other logically relevant factors, the following:

(1) The general, usual, customary, and historical use to which the item involved has been put;

(2) Expert evidence concerning the ordinary or customary use of the item;

(3) Descriptive materials accompanying the object that explain or depict its use;

(4) National and local advertising concerning its use;

(5) Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(6) The manner, place, and circumstances in which the item is possessed;

(7) Statements by an owner or by anyone in control of the object concerning its use;

(8) Prior convictions, if any, of an owner or of anyone in control of the object, under any State or

Federal law relating to any controlled substance or cannabis;

(9) The proximity of the object to cannabis or controlled substances;

(10) The existence of any residue of cannabis or controlled substances on the object.

(e) **Forfeiture.**

All drug paraphernalia as defined by subsection (a) shall be subject to forfeiture as provided in 720 ILCS 550/12 and 720 ILCS 570/505 as amended from time to time.

(f) **Penalty.**

Any person who violates this section shall be subject to a fine as provided in the minimum fine schedule for certain violations adopted by the city council by ordinance.

Cross reference: Chapter 15, "Miscellaneous Offenses and Provisions," Article IV, Offenses Affecting Public Health, Safety and Decency," Division I, "Generally," Section 15-66, "Possession of cannabis prohibited."

State law references: Cannabis Control Act, 720 ILCS 550/1 et seq; Illinois Controlled Substances Act, 720 ILCS 570/100 et seq; Methamphetamine Control and Community Protection Act, 720 ILCS 646/1 et seq; Hypodermic Syringes and Needles Act, 720 ILCS 635/0.01 et seq.

Section 2. The Urbana City Code, Chapter 1, "General Provisions," Section 1-18, "Minimum fine schedule for certain violations," is hereby amended by adding the following minimum fines thereto:

Chapter 15 Miscellaneous Offenses and Provisions

Section	Section Title	Minimum Fine
15-66(b)	Possession of cannabis prohibited	\$200
15-67(b)	Possession of drug paraphernalia prohibited	\$200

Section 3. Those sections, paragraphs, and provisions of the Code of Ordinances, City of Urbana, that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Code

of Ordinances, City of Urbana, other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 4. This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 5. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage.

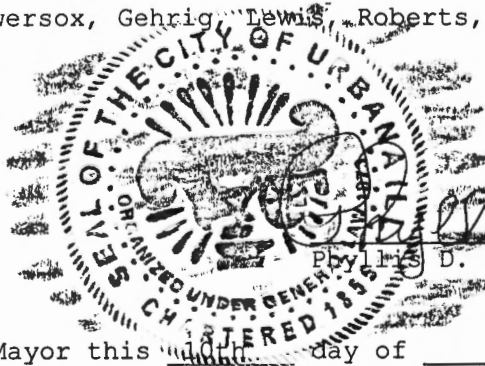
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED by the City Council this 6th day of October, 2008.

AYES: Barnes, Bowersox, Gehrig, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



*Phyllis D. Clark*  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 10th day of October, 2008.

*Dennis P Roberts*  
Laurel Lunt Prussing, Mayor  
Dennis P. Roberts, Mayor Pro-tem



## CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



I, PHYLLIS D. CLARK, certify that I am the duly elected and acting  
Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the 6th day of October, 2008,  
the Corporate Authorities of the City of Urbana passed and approved Ordinance  
No. 2008-09-103, entitled:

**"AN ORDINANCE AMENDING CHAPTER 15 OF THE URBANA CITY  
CODE TO PROHIBIT THE UNLAWFUL POSSESSION OF CANNABIS  
AND DRUG PARAPHERNALIA"**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2008-09-103 was prepared,  
and a copy of such Ordinance was posted in the Urbana City Building  
commencing on the 13th day of October, 2008, and  
continuing for at least ten (10) days thereafter. Copies of such Ordinance  
were also available for public inspection upon request at the Office of the  
City Clerk.

Dated at Urbana, Illinois, this 13th day of October,  
2008.



*Phyllis D. Clark*  
Phyllis D. Clark, City Clerk  
*by [Signature] Deputy Clerk*