

Ordinance No. 14-01

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, ILLINOIS AMENDING THE DEFINITION OF THE OFFENSE OF SALE OF DRUG PARAPHERNALIA AND ADDING EXEMPTIONS FROM THE DRUG PARAPHERNALIA CONTROL ACT INTO THE VILLAGE'S DRUG PARAPHERNALIA REGULATIONS**

**WHEREAS**, the Village of East Dundee (the "*Village*") is a duly organized and validly existing home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

**WHEREAS**, the Drug Paraphernalia Control Act (720 ILCS 600/1 et seq.) includes offenses and exemptions regarding drug paraphernalia which are not included in the Village's drug paraphernalia regulations; and,

**WHEREAS**, the Village desires to include those offenses and exemptions as part of the Village's drug paraphernalia regulations.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of East Dundee, Kane and Cook Counties, Illinois, as follows:

**Section 1:** That the East Dundee Municipal Code, as amended, be and is hereby amended by amending section 133.102(A) to read as follows:

“(A) It shall be unlawful for any person to keep for sale, offer for sale, sell or deliver for any commercial consideration any item of drug paraphernalia.”

**Section 2:** That the East Dundee Municipal Code, as amended, be and is hereby amended by adding section 133.102(C) to read as follows:

“(C) It shall be unlawful for any person to 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.”

**Section 3:** That the East Dundee Municipal Code, as amended, be and is hereby amended by adding section 133.103 to read as follows:

**“133.103 EXEMPTIONS.**

Section 133.102 does not apply to:

(a) Items used 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.

(b) Items 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.

(c) Items which are used for decorative purposes, when such items have been rendered completely inoperable or incapable of being used for any illicit purpose prohibited by this Chapter.

(d) A person who is legally authorized to possess hypodermic syringes or needles under the Hypodermic Syringes and Needles Act.”

**Section 4:** This Ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law.

Passed this 13 day of January, 2014.

AYES: Trustees Lynam, Skillicorn, Selep and Wood

NAYS: Ø

ABSENT: Trustee Ruffalo

Present: Trustee Gorman

Approved this 13 day of Jan, 2014.

[Signature]  
Village President

Attest:  
[Signature]  
Village Clerk

Published in pamphlet form:

January 14, 2014