**ORDINANCE AMENDING ADMINISTRATIVE ADJUDICATION, CANNABIS AND GENERAL PENALTY REGULATIONS CODIFIED IN THE VILLAGE CODE**

**WHEREAS**, the Village of Barrington Hills (hereinafter the "Village") is a duly organized and existing Illinois home rule municipality pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

**WHEREAS,** the Village is authorized and empowered, under the Municipal Code and the Code of Ordinances of the Village of Barrington Hills, to adopt regulations applicable to administrative adjudication of Village Code and Ordinance violations, cannabis possession, use, and transfer and the general penalty for Village Code and Ordinance violations; and

**WHEREAS**, the Village Board has determined that, due to the Village's implementation of its system of administrative adjudication and due to the passage of the Illinois Cannabis Regulation and Tax Act, it is in the best interest of the Village to amend its regulations concerning its administrative adjudication system, cannabis regulations, and general penalty as fully set forth in Exhibits A and B to this Ordinance.

**WHEREAS,** the Village President and Board of Trustees have reviewed the amendments recommended and deem it prudent and necessary to adopt the amendment.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Barrington Hills, Cook, Kane, Lake and McHenry Counties, Illinois, as a home rule municipality, the following:

**SECTION ONE**: That the forgoing recitals are hereby incorporated by reference as if fully set forth herein.

**SECTION TWO:** That Title 8, Chapter 2, Section 8-2-8 and Section 8-2-16 shall be repealed and replaced in their entirety as set forth in Exhibit A to this Ordinance.

**SECTION THREE:** That Title 1, Chapter 4, Section 1-4-1; Title 1, Chapter 11, Section 1-11-11; Title 9, Chapter 9, Section 9-9-3 shall be amended by deleting the stricken language and adding the underlined language as set forth in Exhibit B to this Ordinance.

**SECTION FOUR**: That all other ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, expressly repealed.

**SECTION FIVE**: That this Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form as provided by law.

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| Ayes: | 5 (Zubak, Jacobsen, Croll, Cecola, Konicek) |
| Nays: | 0 |
| Absent: | 1 (Buettner) |
| Abstain: | 1 (McLaughlin) |

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Barrington Hills, this 29th day of March, 2021.

APPROVED:

Village President

ATTEST:

Village Clerk

**EXHIBIT A**

**8-2-8: UNLAWFUL POSSESSION, USE AND TRANSFER OF CANNABIS:**

(A) Definitions.

1. "Cannabis" shall mean means marijuana, hashish, and other substances that are identified as including any parts of the plant Cannabis sativa and including derivatives or subspecies, such as indica, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination as defined in the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 *et seq.*) as amended from time to time.

"Cannabis" also means cannabis flower, concentrate, and cannabis-infused products.

"Cannabis" *does not* include industrial hemp as defined and authorized under the Industrial Hemp Act.

2. "Public place" shall mean any place where a person could reasonably be expected to be observed by others. "Public place" includes all parts of buildings owned in whole or in part, or leased, by the State or a unit of local government. "Public place" does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises.

(B) Cannabis possession is prohibited as follows:

1. It shall be unlawful for any person who is twenty-one (21) years of age or older to knowingly possess cannabis, in excess of the following quantities:
   a. More than thirty (30) grams of cannabis flower; or
   b. More than five hundred (500) milligrams of THC contained in cannabis infused product; or
   c. More than five (5) grams of cannabis concentrate.

2. It shall be unlawful for any person to knowingly possess any quantity of any substance containing cannabis while:

a. In a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act; or

b. On the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act; or

c. In a vehicle not open to the public unless the cannabis is in a reasonably secured, sealed container and reasonably inaccessible while the vehicle is moving; or

d. In a private residence that is used at any time to provide licensed child care or other similar social service care on the premises.

3. It shall be unlawful for any person under the age of twenty-one (21) years to possess any amount of cannabis and any person under the age of twenty-one (21) with cannabis in his or her possession is guilty of a civil law violation except when otherwise authorized by law.

(C) Cannabis use is prohibited as follows:

1. In any public place; or

2. Knowingly in close physical proximity to anyone under twenty-one (21) years of age who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Program Act; or

3. Smoking cannabis in any place where smoking is prohibited under the Smoke Free Illinois Act; or

4. While operating, navigating, or while physically controlling any motor vehicle, aircraft, or motorboat or being under the influence of cannabis in violation of Section 11-501 or 11-502.1 of the Illinois Vehicle Code; or

5. Facilitating the use of cannabis by any person who is not allowed to use cannabis under the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Program Act.

(D) The transfer of cannabis to any person contrary to the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Program Act is strictly prohibited.

(E) It shall be unlawful for any parent or guardian to knowingly permit his or her residence, any other private property under his or her control, or any vehicle, conveyance, or watercraft under his or her control to be used by an invitee of the parent's child or the guardian's ward, if the invitee is under the age of 21, in a manner that constitutes a

violation of this Section. A parent or guardian is deemed to have knowingly permitted his or her residence, any other private property under his or her control, or any vehicle, conveyance, or watercraft under his or her control to be used in violation of this Section if he or she knowingly authorizes or permits consumption of cannabis by underage invitees.

**8-2-16: DRUG PARAPHERNALIA:**

(A) Possession of Drug Paraphernalia: Except as otherwise provided in the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 *et seq.*) or the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 *et seq.*), it shall be unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance as defined in 720 ILCS 550/1 *et seq.* and 720 ILCS 570/100 *et seq.*

(B) Manufacture, Sale or Delivery of Drug Paraphernalia: Except as otherwise provided in the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 *et seq.*) or the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 *et seq.*), it is unlawful for any person to manufacture, sell, offer for sale, display, furnish, deliver, possess with intent to deliver, drug paraphernalia, knowing or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance as defined in 720 ILCS 550/1 *et seq.* and 720 ILCS 570/100 *et seq.*

(C) Advertisement of Drug Paraphernalia: Except as otherwise provided in the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 *et seq.*) or the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 *et seq.*), it is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

**EXHIBIT B**

**1-4-1: GENERAL PENALTY:**

Any person convicted of or found liable for a violation of any section of this code shall be fined in a sum not less than one hundred dollars ($100.00) and not to exceed seven hundred fifty dollars ($750.00) for any one offense, excepting any specific section of this code wherein the maximum fine is limited to a lesser amount.

Any condition caused or permitted to exist in violation of any of the provisions of this code or any ordinance of the Village shall be deemed a public nuisance.

Each and every offense in violation of the provisions of this code, or ordinances of the Village, shall constitute a separate and distinct offense each day such unlawful act continues to persist.

Injunctive relief: In addition to, and not in lieu of, any penalty or other remedy provided in the code, the hearing officer or the circuit court, whatever the case may be, may enter an order enjoining any ongoing or repeated violation of the code or otherwise mandating compliance with the code. If there is any conflict between this section and any other section of the code concerning the availability of injunctive relief, this section shall control.

**1-11-11: DETERMINATION:**

At the conclusion of the hearing, the Hearing Officer shall make a determination on the basis of the evidence presented at the hearing as to whether or not a Code or ordinance violation exists. The determination shall be in writing. The final determination shall include: a) a finding as to liability on the violation and if liability is determined; b) the issuance of an applicable fine and/or an order of compliance.

In the event the Hearing Officer makes a finding of liability on a Code or ordinance violation, each Respondent shall pay an administrative adjudication assessment in the amount of $100.00, which assessment is intended to defray prosecution costs and expenses. The administrative adjudication assessment is in addition to the issuance of any applicable fines.

Any sanctions imposed under this title shall be subject to the penalty provisions in this Code applicable to the specific violation. Otherwise, such sanctions shall be governed by the penalty provisions set forth in chapter 4 of this title as amended from time to time. A copy of the determination shall be served on the defendant within five (5) days after it is issued. Service of determination may be made by personal service upon a party or its employees or agents, by mail to a party's address or by electronic mail to the party's electronic mail address. For the purpose of judicial review, the date of service shall constitute the date

upon which the determination was personally served upon the party or the date upon which the determination was deposited in the mail addressed to the party.

**9-9-3: MINOR VIOLATIONS:**

(A) Any person subject topursuant to the issuance of a compliance code or ordinance violation citation, who is accused of violating an offense listed in subsection (C) or (D) of this section, may settle and compromise claims against him by paying to the village.:

1. wWithin ten (10) days of the time such alleged offense was committed, the sum of one hundredof fifty dollars ($50100.00)., and by presenting to the village proof of compliance with the section allegedly violated; or

2. If after ten (10) days but before twenty one (21) days after such alleged offense was committed, the sum of seventy five dollars ($75.00), and by presenting to the village proof of compliance with the section allegedly violated; or

3. If after twenty (20) days after such alleged offense was committed, the sum of one hundred dollars ($100.00), and by presenting to the village proof of compliance with the section allegedly violated. (Ord. 14-05, 3-24-2014)

(B) A receipt shall be issued for all monies received in compromising settlement of the claim as set forth in this section and such money shall be promptly turned over to the village treasurer, to be used in the manner provided for the disposition of fines for traffic violations. The members of the police department are hereby authorized to refrain from instituting a court action for the alleged offense involved. (Ord. 92-12, 7-27-1992)

(BC) Any violations of the following sections of the code shall be subject to the procedures described herein:

Section 3-3-2, "Permit Requirement", of this code.

Section 9-1-8, "Unauthorized Use Of Public Way For Sale Of Vehicle", of this title.

Section 9-8-3, "Mandate Of Single File Bicycle Riding", of this title.

Section 9-8-4, "Negligent Operation Of Bicycles", of this title.

(CD) Any violation of the following 625 Illinois Compiled Statutes, known as the Illinois vehicle code already adopted, in its entirety, by section 9-1-1 of this title, shall be subject to the procedures described herein:

| Section | Subject |
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| 5/3-112 | Failure to transfer title. |
| 5/3-401 | No valid registration. |
| 5/3-413(a) | No front registration plate. |
| 5/3-413(b) | Improper display of registration plates. |
| 5/3-413(f) | Operation of vehicle with expired registration plates or sticker. |
| 5/3-416 | Failure to notify the secretary of state of a change of address/name (registration). |

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| 5/3-701 | No valid registration. |
| 5/5-202(e) | Failure to display "tow truck" plate (towed vehicle). |
| 5/6-112 | Failure to carry/exhibit driver's license. |
| 5/6-116 | Failure to notify the secretary of state of name/address (driver's license). |
| 5/11-1301 | Stopping, standing or parking outside of business or residence district. |
| 5/11-1301.1 | Handicapped person parking privileges exemptions. |
| 5/11-1301.2 | Special decals for handicapped parking. |
| 5/11-1301.3 | Unauthorized use of parking places reserved for handicapped persons. |
| 5/11-1303 | Stopping, standing or parking prohibited in specified places. |
| 5/11-1304 | Additional parking regulations. |
| 5/11-1401 | Unattended motor vehicle left illegally. |
| 5/11-1403(c) | Illegal handlebars on a motorcycle. |
| 5/11-1404 | Riding a motorcycle without special equipment. |
| 5/11-1405 | No passenger footrests on a motorcycle. |
| 5/11-1406 | Driver's view or driving mechanism obstructed. |
| 5/11-1407 | Opening and closing vehicle doors. |
| 5/11-1410 | Coasting on downgrade. |
| 5/11-1411 | Following fire apparatus. |
| 5/11-1413 | Depositing injurious material on the roadway. |
| 5/11-1419.01 | Motor fuel tax I.D. card. |
| 5/11-1501 | Application of rules. |
| 5/11- | Traffic laws apply to persons riding bicycles. |

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| 5/11-1503 | Riding on bicycles. |
| 5/11-1504 | Clinging to vehicle. |
| 5/11-1505 | Position of bicycles and motorized pedal cycles on roadways - riding on roadways and bicycle paths. |
| 5/11-1505.1 | Riding bicycles or motorized pedal cycles on roadways. |
| 5/11-1506 | Carrying articles. |
| 5/11-1507 | Lamps and other equipment on bicycles. |
| 5/11-1508 | Bicycle identifying number. |
| 5/11-1509 | Inspecting bicycles. |
| 5/11-1510 | Left turns. |
| 5/11-1511 | Turn and stop signals. |
| 5/11-1512 | Bicycles on sidewalks. |
| 5/11-1513 | Bicycle parking. |
| 5/11-1514 | Bicycle racing. |
| 5/12-101 | Driving vehicle which is in unsafe condition or improperly equipped. |
| 5/12-201(a) | Driving without a lighted headlamp (motorcycle). |
| 5/12-201(b) | Driving without lights when required, no taillight or only one taillight. |
| 5/12-201(c) | No rear registration plate light. |
| 5/12-202 | Insufficient clearance, identification, or side marker lights. |
| 5/12-204 | Lamp or flag on projecting load. |
| 5/12-205 | Failure to display the safety lights required. |
| 5/12-210 | Failure to dim headlights. |
| 5/12-211 | Improper lighting. Only one headlight. |
| 5/12-401 | Use of illegal tires (studded). |

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| 5/12-405(c) | Use of unsafe tire (bald). |
| 5/12-502 | Mirrors. |
| 5/12-503(a) | Obstructed windshield or front side windows. |
| 5/12-503(c) | Obstructed rear window. |
| 5/12-503(e) | Defective windshield, side, and/or rear window. |
| 5/12-601 | Defective horn. |
| 5/12-602 | Defective muffler - loud or no muffler. |
| 5/12-603 | No seat belts. |
| 5/12-603.1 | Failure to wear a properly adjusted and fastened seat/safety belt (driver and front seat passenger). Specifically excludes violations of the child restraint act. |
| 5/12-604.1 | Television in a motor vehicle. |
| 5/12-606(a) | No sign or name attached to each side of a tow truck. |
| 5/12-606(b) | Required equipment. Broom, shovel, trash can, fire extinguisher. |
| 5/12-606(c) | Failure to remove debris, or spread oil absorbing material on the roadway. |
| 5/12-607.1 | Unlawful frame or floor height. |
| 5/12-608(a) | No bumper, or unlawful bumper height. |
| 5/12-610 | Wearing a stereo headset while driving. |
| 5/12-702 | Certain vehicles to carry flares or other warning devices. |
| 5/12-710 | Splash guards. |
| 5/13-111 | No valid safety test. |
| 5/15-102 | Width of vehicles. |
| 5/15-103 | Height of vehicles. |
| 5/15-104 | Repealed. |
| 5/15-105 | Improper projecting load. First division vehicle. |
| 5/15-106 | Loose protruding member - all vehicles. |
| 5/15-107 | Length of vehicles. |
| 5/15-109.1 | Covers or tarpaulins required for certain loads. |
| 5/15- | Towed vehicles - safety chains. |

110(b)

~~(E) The issuance of an compliance ordinance violation citation shall be a courtesy in lieu of instituting a prosecution in court for the alleged violation. Any compliance ordinance violation citation which remains unpaid for over 30 days or in which the alleged violator has not appeared within the thirty (30) day period from the date of issuance to request a court date, may be converted to a uniform traffic complaint and a court date may be issued for the alleged offense or the village may use other legal remedies including, but not limited to, processing a citation for civil action or referral to a collection agency. In the event a uniform traffic complaint is issued, pursuant to this section, the individual charged shall be subject to those penalties applicable to the particular offense set forth in said uniform traffic complaint. (Ord. 14-05, 3-24-2014)~~