

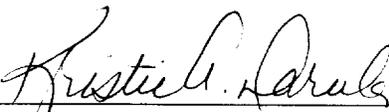
City of St. Charles, Illinois

Ordinance No. 1997-M-83

**An Ordinance Amending Title 9, "Public Peace, Morals
and Welfare," of the St. Charles Municipal Code**

**Adopted by the
City Council
of the
City of St. Charles
July 21, 1997**

**Published in pamphlet form by
authority of the City Council
of the city of St. Charles,
Kane and Du Page Counties,
Illinois, July 25, 1997**



City Clerk

(SEAL)

ORDINANCE NO. 1997-M- 83

**AN ORDINANCE AMENDING TITLE 9,
"PUBLIC PEACE, MORALS AND WELFARE" OF THE
ST. CHARLES MUNICIPAL CODE**

WHEREAS, the corporate authorities of the City of St. Charles are advised that the use of illegal drugs and drug paraphernalia a serious health hazard to the community, and further finds that the adoption of a local ordinance governing said drug paraphernalia will be helpful for the effective control and elimination of cannabis; and

WHEREAS, a drug paraphernalia control ordinance pertains to the government and affairs of the City and is an exercise of its home rule powers;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DU PAGE COUNTIES, ILLINOIS, AS FOLLOWS:

Section 1. That Title 9, "Public Peace, Morals and Welfare" of the St. Charles Municipal Code be amended by adding the following:

**"CHAPTER 9.53
DRUG PARAPHERNALIA**

Sections:

- 9.53.010 Findings.
- 9.53.020 Definitions.
- 9.53.030 Prohibition.
- 9.53.040 Application.
- 9.53.050 Violation - Penalty.

9.53.010 Findings.

The corporate authorities of the City of St. Charles are advised that there is a widespread illegal use of drugs and drug paraphernalia within the City, and further finds that the adoption of a local ordinance governing said drug paraphernalia will be helpful for the effective control and elimination of drugs and drug paraphernalia.

9.53.020 Definitions.

Unless the context otherwise requires, the following terms as used in this Chapter have the meanings ascribed to them.

A. "Controlled substance" means any drug or controlled substance as defined under any law of the State of Illinois or of the United States of America.

B. "Instrument" means a device used, designed for use, or intended for use in ingesting, smoking, administering or preparing cannabis, cocaine, phencyclidine, opium or any derivative thereof, or any other controlled substance, including but not limited to, the following:

1. Metal, wooden, acrylic, glass, stone, plastic or ceramic marijuana (Cannabis sativa) or hashish pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
2. Water pipes designed for use or intended for use with marijuana (Cannabis sativa), hashish, hashish oil, or cocaine;
3. Carburation tubes and devices;
4. Smoking and carburation masks;
5. Roach clips;
6. Separation gins designed for use or intended for use in cleaning marijuana;
7. Cocaine spoons and vials;
8. Chamber pipes;
9. Carburetor pipes;
10. Electric pipes;
11. Air-driven pipes;
12. Chillums;
13. Bongs;
14. Ice pipes or chillers; and
15. One hitters and dugout storage containers.

9.53.030 Prohibition.

It is unlawful for any person to have, possess, sell, offer to sell, dispense or give away any instrument adapted for the use of smoking, inhaling or ingesting any controlled substance.

9.53.040 Application.

The provisions of this Chapter shall not apply to:

A. Any person who has been authorized by the Department of Mental Health and Developmental Disabilities, with the approval of the Illinois State Police, to possess and deliver substances containing cannabis;

B. Persons registered under federal law to conduct research with cannabis.

9.53.050. Violation - Penalty.

Any person, firm or corporation violating any provision of this Chapter shall be fined not more than five hundred dollars for each offense, and a separate offense shall be deemed committed on each day on which a violation occurs or continues."

2. That after the adoption and approval hereof the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 21st day of July, 1997.

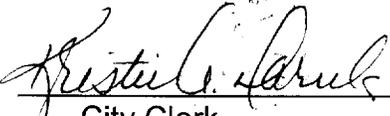
PASSED by the City Council of the City of St. Charles, Illinois, this 21st day of July, 1997.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 21st day of July, 1997.



Mayor

ATTEST:



City Clerk

COUNCIL VOTE:

Ayes: 12

Nays: 0

Absent: 0

APPROVED AS TO FORM:

Timothy J. O'Neil
City Attorney

DATE: 7/18/97

State of Illinois)
) ss.
Counties of Kane and DuPage)

Certificate

I, KRISTIE A. DARULA, certify that I am the duly elected and acting municipal clerk of the city of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on July 21, 1997, the Corporate Authorities of such municipality passed and approved Ordinance No. 1997-M-83, entitled

"An Ordinance Amending Title 9, "Public Peace,
Morals and Welfare," of the St. Charles Municipal
Code",

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

The pamphlet form of Ordinance No. 1997-M-83, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on July 25, 1997, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 23rd day of July, 1997.



Municipal Clerk

(S E A L)