

**AMENDING THE MUNICIPAL CODE OF THE CITY OF DEKALB, ILLINOIS, CHAPTER 52, "OFFENSES AGAINST PUBLIC PEACE" PERTAINING TO POSSESSION OF CANNABIS OR DRUG PARAPHERNALIA FOR THE CITY OF DEKALB, ILLINOIS.**

**WHEREAS**, the City of DeKalb, DeKalb County, Illinois is a home rule community with those powers granted under the provisions of the Illinois Constitution and the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et. seq.*; and,

**WHEREAS**, the Corporate Authorities have previously established a set of fines for possession of cannabis or drug paraphernalia, and wish to encourage the promotion of more swift and efficient use of the City and the judicial system's resources to process such matters; and,

**WHEREAS**, the Corporate Authorities have previously established a City Code of Ordinances for the City that impose the foregoing fines, and have previously found that the City Code protects the public health, welfare, safety and morals and that imposing sanctions for violations of City Ordinances are appropriate;

**NOW THEREFORE BE IT ORDAINED** by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, as follows;

**SECTION ONE: SECTION 52.400 AND 52.410 AMENDED**

Section 52.400 of the City Code shall be amended with the revision of subsection (c) as provided below:

52.400 Possession of Cannabis

(c) Penalty: Any person violating this Section shall be fined not less than Seven Hundred Fifty Dollars (\$750.00) nor more than One Thousand Dollars (\$1,000.00). *Notwithstanding the foregoing, in the event that a violation of this Section is processed and paid as a 'mail-in' citation within the timeline for said mail-in process (and before the initiation of a ordinance violation case in the Circuit Court), the Chief of Police shall be authorized to establish a lesser fine for said violation, being not less than Three Hundred and Fifty Dollars (\$350.00).*

Section 52.410 of the City Code shall be amended with the revision of subsection (c) as provided below:

52.410 Possession of Drug Paraphernalia

(c) Penalty: Any person violating this Section shall be fined not less than Seven Hundred Fifty Dollars (\$750.00) nor more than One Thousand Dollars (\$1,000.00). *Notwithstanding the foregoing, in the event that a violation of this Section is processed and paid as a 'mail-in' citation within the timeline for said mail-in process (and before the initiation of a ordinance violation case in the Circuit Court), the Chief of Police shall be authorized to establish a lesser fine for said violation, being not less than Three Hundred and Fifty Dollars (\$350.00).*

**SECTION TWO: GENERAL PROVISIONS**

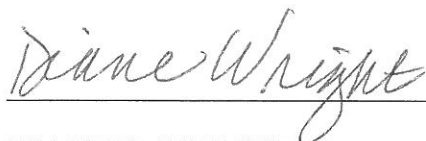
**REPEALER:** All ordinances or portions thereof in conflict with this Ordinance are hereby temporarily suspended during the term that this Ordinance remains enforceable.

**SEVERABILITY:** Should any provision of this Resolution be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Resolution.

This Ordinance shall be in full force and effect on and after its approval, passage and publication in pamphlet form as provided by law. On the tenth day after the date of publication, this Ordinance shall be in full force and effect. Publication date: January 15, 2012. Effective date: January 25, 2012.

**ADOPTED BY THE CITY COUNCIL** of the City of DeKalb, Illinois at a regular meeting thereof held on the 14<sup>th</sup> day of January, 2012 and approved by me as Mayor on the same day. Second reading waived. Roll call vote 7-0-1. Aye: Jacobson, Teresinski, Lash, Gallagher, Naylor, O'Leary, Povlsen. Absent: Baker.

**ATTEST:**



**DIANE K. WRIGHT**, Deputy City Clerk



**KRIS POVLSSEN**, Mayor

