



# DARIEN POLICE



JOSEPH MARCHESE  
Mayor

GREG THOMAS  
Chief of Police

EDWARD RENTKA  
Deputy Chief – Operations Commander

1710 Plainfield Road  
Darien, Illinois 60561-5044  
Administration 630.971.3999  
FAX 630.971.4326  
Police Response 9-1-1  
[www.darien.il.us](http://www.darien.il.us)

**POLICE COMMITTEE**  
**June 15, 2020**  
**6:00 P.M.**  
**Police Department Training Room**  
**1710 Plainfield Road**

1. Call to Order
2. Public Comment and Communications
3. Approval of Meeting Minutes from February 18, 2020
4. Agenda Memo – Consideration of an ordinance amending various sections of Title 8, “Police Regulations,” Chapter 7 “Cannabis Regulations” of the City of Darien city code.
5. Agenda Memo – Consideration of an ordinance amending various sections of Title 8, “Police Regulations,” Chapter 20 “Drug Paraphernalia” of the City of Darien city code.
6. Next Meeting Date – July 20, 2020
7. Adjournment



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**POLICE COMMITTEE  
February 18, 2020  
Regular Meeting Minutes  
Police Department Training Room  
1710 Plainfield Road**

1. Call to Order  
**The meeting was called to order at 6:00 p.m. In attendance were Chairman Joe Kenny, Commissioner Lester Vaughan and Chief Thomas**
2. Public Comment and Communications  
**There was no public comment or communication.**
3. Approval of Meeting Minutes from the January 20, 2020 meeting.  
**The minutes of the January 20, 2020 meeting were unanimously approved.**
4. Agenda Memo – Consideration of a resolution approving the purchase of Speer/Federal ammunition from Kiesler Supply in the amount of \$6,320.57.

Chief Thomas reviewed with the committee the reasons why Kiesler was chosen as the vendor to replenish the department's ammunition. The resolution was unanimously approved by the committee.

5. Agenda Memo - A resolution to approve an Intergovernmental Agreement between the City of Darien and the Illinois Office of the Comptroller regarding access to the Comptroller's local debt recovery program.

The committee discussed how this agreement will help the City recover uncollected debt from individuals who are delinquent. The agreement was unanimously approved by the committee.

6. Review of the Preliminary FYE2021 Police Department Budget

The committee reviewed the preliminary budget a discussion ensued regarding various aspects of the budget including police pensions.

7. Next Meeting Date – March 16, 2020

8. Adjournment

The meeting was adjourned at 6:18 p.m.

Approved: \_\_\_\_\_  
Date

Alderman: \_\_\_\_\_  
Thomas Chlystek

Chairman: \_\_\_\_\_  
Joseph Kenny

Alderman: \_\_\_\_\_  
Lester Vaughan

**AGENDA MEMO**  
**Police Committee**  
**June 15, 2020**

**ISSUE STATEMENT**

An ordinance amending various sections of Title 8, “Police Regulations,” Chapter 7 “Cannabis Regulations” of the City of Darien city code.

**BACKGROUND HISTORY**

Staff is recommending several changes to Chapter 7, “Cannabis Regulations” ordinance. A change to the State law regarding recreational marijuana came into law 01/01/2020 which requires updating to the City of Darien’s ordinances.

A redline copy and a clean copy of proposed changes are attached.

**STAFF/COMMITTEE RECOMMENDATION**

Staff recommends approval of an ordinance updating the sale, purchase and possession of tobacco products to minors.

**ALTERNATE CONSIDERATION**

As directed.

**DECISION MODE**

This item will be on the July 6, 2020, City Council agenda for formal approval.

## Chapter 7 CANNABIS REGULATIONS

### **8-7-1 CONTROLLED SUBSTANCES AND CANNABIS DEFINED:**

#### **8-7-2 VIOLATION**

#### **8-7-3 PENALTY**

### **8-7-1 CONTROLLED SUBSTANCES AND CANNABIS DEFINED:**

#### **ADULT-USE CANNABIS DISPENSARIES**

A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

#### **CANNABIS**

Includes marijuana, 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.

#### **CANNABIS REGULATION AND TAX ACT (CRTA)**

The Cannabis Regulation and Tax Act (CRTA) legalizes and regulates the production, consumption, and sale of recreational cannabis in Illinois. The CRTA allows Illinois residents over the age of twenty-one (21) to possess and privately use recreational cannabis in limited quantities; however, use of cannabis in public places is prohibited.

#### **CONTROLLED SUBSTANCE**

A drug, substance, or immediate precursor in the schedules of Article II of the Illinois Controlled Substances Act, 720 Illinois Compiled Statutes 570/201 et seq., as amended.

#### **CRAFT GROWER**

A facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, dry, cure, and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization. Craft-grower operations are not allowed in the City of Darien.

## ON-PREMISES CONSUMPTION

A unit of local government, including a home rule unit, or any non-home rule county within the unincorporated territory of the county may regulate the on-premises consumption of cannabis at or in a cannabis business establishment within its jurisdiction in a manner consistent with the CRTA. The CRTA applies the restrictions of the Smoke Free Illinois Act on smoking cannabis and provides that property owners may prohibit the use of cannabis by any guest, lessee, customer or visitor.

## DISPENSARIES

The CRTA pertains to the possession, use, cultivation, transportation, and dispensing of adult-use cannabis. The City of Darien has the authority to adopt ordinances and to promulgate rules and regulations that protect the public health, safety, and welfare of its citizens.

The City of Darien will permit adult use recreational cannabis dispensaries consistent with zoning ordinances regulating adult use recreational cannabis business establishments, including rules adopted governing the time, place, manner, and number of cannabis business establishments, and minimum distance limitations between cannabis business establishments and locations the City deems sensitive through a special use process.

The appropriate zoning ordinances, rules, and definitions shall be promulgated in the City's Unified Development Ordinance (UDO) effective January 1, 2020, as amended from time-to-time.

## 8-7-2 VIOLATION

- A. It is unlawful for any person to manufacture, deliver, or possess any and all equipment, products, and materials of any kind which are peculiar to and marketed for use 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 in the human body any controlled substance, including any and all articles listed in the Illinois Drug Paraphernalia Control Act, 720 Illinois Compiled Statutes 600, as amended.
- B. It is unlawful for any person under the age of twenty-one (21), or not in compliance with the Illinois Cannabis Regulation and Tax Act, to knowingly possess any quantity of any substance containing cannabis, except that the effect of this chapter shall be limited for purposes of municipal prosecution to persons knowingly possessing less than thirty grams (30g) of cannabis flower; five hundred milligrams (500mg) of tetrahydrocannabinol (THC) contained in cannabis-infused product; or five grams (5g) of cannabis concentrates. Unless authorized under the Illinois Compassionate Use of Medical Cannabis Pilot Program Act or the Illinois Cannabis Regulation and Tax Act, it is unlawful for any person to possess cannabis plants; except that the effect of this chapter shall be limited for purposes of municipal prosecution to persons knowingly possessing five (5) or fewer cannabis plants.
- C. The City of Darien prohibits the on-premises consumption of cannabis at or in a cannabis business establishment within its jurisdiction in a manner consistent with the Act.

### **8-7-3 PENALTY**

Any person violating this section shall be fined not less than two hundred fifty dollars (\$250.00) for the first offense and five hundred dollars (\$500.00) for a subsequent offense for possession.

**AGENDA MEMO**  
**Police Committee**  
**June 15, 2020**

**ISSUE STATEMENT**

An ordinance amending various sections of Title 8, “Police Regulations,” Chapter 20 “Drug Paraphernalia” of the City of Darien city code.

**BACKGROUND HISTORY**

Staff is recommending several changes to Chapter 20 “Drug Paraphernalia” ordinance. A change to the State law regarding recreational marijuana came into law 01/01/2020 which requires updating to the City of Darien’s ordinances.

A redline copy and a clean copy of proposed changes are attached.

**STAFF/COMMITTEE RECOMMENDATION**

Staff recommends approval of an ordinance updating the ordinance regarding Drug Paraphernalia.

**ALTERNATE CONSIDERATION**

As directed.

**DECISION MODE**

This item will be on the July 6, 2020, City Council agenda for formal approval.



**Chapter 20**  
**DRUG PARAPHERNALIA**

**8-20-1    DEFINITIONS**

**8-20-2    POSSESSION OF DRUG PARAPHERNALIA**

**8-20-3    PENALTY**

**8-20-1    DEFINITIONS**

CANNABIS: Shall have the meaning ascribed to it in Chapter 7 of the "Cannabis Regulation", as if that definition were incorporated herein.

CONTROLLED SUBSTANCE: Shall have the meaning ascribed to it in section 102 of the "Illinois Controlled Substances Act<sup>2</sup>", as if that definition were incorporated herein.

DRUG PARAPHERNALIA: All equipment, products and materials of any kind which are peculiar to or adapted for use in planting, growing, harvesting, manufacturing, producing, processing, preparing, testing, analyzing, packaging, storing, 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, [Chapter 7](#) of this Title, or similar law or local ordinance.

Drug paraphernalia shall include, but not be limited to: water, ice, air-driven, or electric pipes; miniature cocaine spoons or vials; smoking or carburetion pipes, tubes, masks, or other devices; bongs; roach clips; or any item whose purpose, as announced or described by the possessor, or whose actual use as determined by the presence of a controlled substance on, in or near the item, is for use in violating the Cannabis Control Act, the Illinois Controlled Substances Act, [Chapter 7](#) of this Title, or similar law or local ordinance. (Ord. 0-26-98, 12-7-1998)

**8-20-2    POSSESSION OF DRUG PARAPHERNALIA**

No person under the age of 21 shall knowingly possess an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing cannabis into the human body, or in preparing cannabis for that use.

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

In determining use or intent under this Section, the trier of fact can take into consideration the general, usual, customary and historical use to which the item involved has been put, and/or the proximity of the cannabis or controlled substance to the drug paraphernalia or the presence of cannabis or controlled substance on the drug paraphernalia. (Ord. 0-26-98, 12-7-1998)

### **8-20-3 PENALTY**

Any person found guilty by a court of competent jurisdiction of having violated Section [8-20-2](#) of this Chapter shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). (Ord. 0-26-98, 12-7-1998)

**Footnotes** - Click any footnote link to go back to its reference.

[Footnote 1](#): 720 ILCS 550/3.

## Chapter 20 DRUG PARAPHERNALIA

### 8-20-1 DEFINITIONS

### 8-20-2 POSSESSION OF DRUG PARAPHERNALIA

### 8-20-3 PENALTY

#### 8-20-1 DEFINITIONS

CANNABIS: Shall have the meaning ascribed to it in [Chapter 7 section 3](#) of the "Cannabis [Control Act](#)<sup>1</sup> Regulation", as if that definition were incorporated herein.

CONTROLLED SUBSTANCE: Shall have the meaning ascribed to it in section 102 of the "Illinois Controlled Substances Act"<sup>2</sup>, as if that definition were incorporated herein.

DRUG PARAPHERNALIA: All equipment, products and materials of any kind which are peculiar to or adapted for use in planting, growing, harvesting, manufacturing, producing, processing, preparing, testing, analyzing, packaging, storing, 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, [Chapter 7](#) of this Title, or similar law or local ordinance.

Drug paraphernalia shall include, but not be limited to: water, ice, air-driven, or electric pipes; miniature cocaine spoons or vials; smoking or carburetion pipes, tubes, masks, or other devices; bongs; roach clips; or any item whose purpose, as announced or described by the possessor, or whose actual use as determined by the presence of a controlled substance on, in or near the item, is for use in violating the Cannabis Control Act, the Illinois Controlled Substances Act, [Chapter 7](#) of this Title, or similar law or local ordinance. (Ord. 0-26-98, 12-7-1998)

#### 8-20-2 POSSESSION OF DRUG PARAPHERNALIA

No person [under the age of 21](#) 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.

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

In determining use or intent under this Section, the trier of fact can take into consideration the general, usual, customary and historical use to which the item involved has been put, and/or the proximity of the cannabis or controlled substance to the drug paraphernalia or the presence of cannabis or controlled substance on the drug paraphernalia. (Ord. 0-26-98, 12-7-1998)

### **8-20-3 PENALTY**

Any person found guilty by a court of competent jurisdiction of having violated Section [8-20-2](#) of this Chapter shall be fined not less than one hundred dollars (\$100.00) nor more than ~~seven~~ **five** hundred ~~fifty~~ dollars (~~\$750.00~~ \$500.00). (Ord. 0-26-98, 12-7-1998)

**Footnotes** - Click any footnote link to go back to its reference.

[Footnote 1](#): 720 ILCS 550/3.