

VILLAGE OF BRADLEY

ORDINANCE NO. O-4-14-2


**AN ORDINANCE CRIMINALIZING THE POSSESSION OF
MARIJUANA UNDER 10 GRAMS WITHIN THE VILLAGE OF BRADLEY, ILLINOIS**

ADOPTED BY THE
BOARD OF TRUSTEES
VILLAGE OF BRADLEY

This 28 day of April, 2014

Published in pamphlet form by authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois, this 28 day of April, 2014.

CERTIFICATE:


Michael J. LaGesse, Village Clerk

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AN ORDINANCE CRIMINALIZING THE POSSESSION OF MARIJUANA UNDER 10 GRAMS WITHIN THE VILLAGE OF BRADLEY, ILLINOIS

WHEREAS, a significant number of court prosecutions for the offense of possession of cannabis under ten (10) grams are being dismissed in Kankakee County and therefore have a limited deterrent effect, in addition to consuming the Village's police resources without a corresponding public benefit; and

WHEREAS, the Village of Bradley and its residents have an interest in ensuring that those who violate the law are punished; and

WHEREAS, the prosecution of such offenses in the Village's Administrative Adjudication Hearings, in situations not involving aggravating factors, will free up precious police resources, result in a more robust punitive and deterrent effect, and better protect the taxpayer's funds; and

WHEREAS, significant benefits can also be achieved by using fines collected from successful administrative prosecutions for anti-drug efforts; now, therefore:

BE IT ORDAINED BY THE VILLAGE,

Sec. 30-385---30-389 Reserved.

SECTION 1. Chapter 30 of the Village Code of Ordinances is hereby amended by adding a new Article VII as follows:

ARTICLE VII - POSSESSION OF CANNABIS

Sec. 30-390 Prohibited

It shall be unlawful for any person to knowingly possess 10 grams or less of non-lawfully prescribed cannabis as defined by the Cannabis Control Act, 720 ILCS 550/et seq. Any person in possession of 10 grams or less of cannabis in violation of the Cannabis Control Act shall be taken into custody and transported to the Village Police Department for a criminal history check.

Sec. 30-391 Penalties

If the criminal history check reveals no outstanding warrants, previous drug possession or sale/intent to deliver convictions, previous drug paraphernalia convictions, a possible probation violation, or any other basis that would necessitate criminal processing, the following shall apply:

- (a) unless otherwise provided, any person taken into custody for possession of 10 grams or less of cannabis in violation of the Cannabis Control Act may, at the discretion of the arresting officer, be issued an ordinance violation citation.

(b) any person violating any section of this division may be: (1) fined not less than \$200 and not more than \$750.00; (2) ordered to attend and complete a drug awareness or drug education program at their own expense; and/or (3) ordered to complete public service work. Any person under the age of eighteen (18) found to have violated §30-390 shall be ordered to attend and complete a drug awareness or drug education program and shall be ordered to complete public service work, in addition to any fine that may be assessed consistent with this section.

(c) Citations shall not be issued under this section for violations of §30-390 occurring on the grounds of, or within 1000' of, a school, church, or public park. Such violations shall be criminally processed.

(d) A portion of the fines collected pursuant to section 30-391(c) above shall be designated and used for drug enforcement purposes, and shall be deposited into the drug seizure fund of the Village of Bradley.

SECTION 2. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All existing ordinances of the Village of Bradley are hereby repealed insofar as they may be inconsistent with the provisions of this Ordinance.

SECTION 3. Effective Date. The Clerk of the Village of Bradley shall certify to the adoption of this Ordinance and shall cause it to be published in pamphlet form and this Ordinance shall take effect upon its approval and publication in pamphlet form as so certified.

PASSED this 28 day of April, 2014

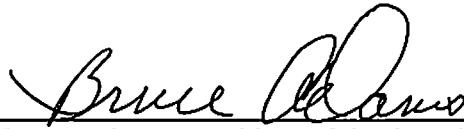
TRUSTEES:

Jerry Balthazor:	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
Robert Redmond:	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
Lori Gadbois:	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
George Golwitzer:	Aye - <input type="checkbox"/>	Nay - <input checked="" type="checkbox"/>	Absent - <input type="checkbox"/>
Melissa Carrico:	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
Eric Cyr:	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>

Bruce Adams: Aye - Nay - Absent -

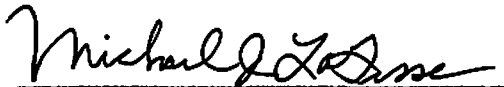
TOTALS: AYE - 5 NAY - 1 ABSENT - 0

APPROVED this 28 day of April, 2013



Bruce Adams, President of the Board of Trustees of the Village of Bradley

ATTEST:



Michael J. LaGesse, Village Clerk