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**PUBLIC SAFETY COMMITTEE MEETING AGENDA**



MEETING DATE: Monday, March 6, 2017

MEETING TIME: 6:30 p.m.

MEETING LOCATION: North Aurora Village Hall (25 E. State St., North Aurora, IL 60542)

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**CALL TO ORDER**

**ROLL CALL**

**AUDIENCE COMMENTS**

**APPROVAL OF MINUTES**

1. Approval of Public Safety Committee Meeting Minutes dated October 3, 2016

**NEW BUSINESS**

1. Discussion of the Addition of Chapter 9.38 to the Village's Code of Ordinances in Reference to Prohibiting the Possession of Cannabis and Drug Paraphernalia

**OLD BUSINESS**

**OTHER INFORMATION**

**TRUSTEE COMMENTS**

**ADJOURN**

**VILLAGE OF NORTH AURORA  
PUBLIC SAFETY COMMITTEE MEETING MINUTES  
OCTOBER 3, 2016**

**CALL TO ORDER**

Trustee Gaffino called the meeting to order.

**ROLL CALL**

**In attendance:** Trustee Mark Gaffino, Trustee Mark Carroll, Trustee Mike Lowery, Police Chief Dave Summer, Mayor Dale Berman.

**AUDIENCE COMMENTS** - None

**APPROVAL OF MINUTES**

**1. Approval of Public Safety Committee Meeting Minutes dated April 4, 2016**

Motion for approval made by Trustee Carroll and seconded by Trustee Lowery. All in favor.

**Motion approved.**

**NEW BUSINESS**

**1. Discussion of Contractual Agreement between Village of North Aurora and Hexagon Safety and Infrastructure for Computer Aided Dispatch (CAD), Field Based Reporting (FBR), and Records Management (RMS)**

Chief Summer stated that he would be seeking approval for an upcoming contract with a records management company that the City of Aurora has already signed up to do business with for their records management. In 2015, Aurora decided to upgrade their records management system to be more efficient.

Chief Summer explained that the CAD takes the phone call from 911 and puts it into the officer's car through the laptop. The field base reporting then takes the data from the CAD without duplicate entry, creates police reports which will then be added onto which then makes it to RMS. In this workflow the data is only touched once by one person and is never duplicated. It is an effective and efficient way to do business. Summer said that this would keep officers available to do other things. The NAPD has been in an agreement with the Village of Montgomery to use records management software, New World, which is housed with the Village of Montgomery. The setup is less than ideal now. The cost of doing business with Montgomery is \$13,000/year and the T1 line comes in at about \$3,300/year. To be more effective and efficient, Summer suggested abandoning the relationship with Montgomery. We would enter into an agreement to assure us that we always have access to our information that sits on their server.

With the new contract, the City of Aurora and their IT Department will host all servers. North Aurora would connect into that server. The contract to consider is \$72,629 which is payable as the project rolls in and is not required to be a lump sum payment. This is a one-time cost and there will be no recurring costs.

The committee was in favor of moving forward.

**OLD BUSINESS** - None

**OTHER INFORMATION** - None

**TRUSTEE COMMENTS** - None

**ADJOURNMENT**

Motion made by Trustee Lowery and seconded by Trustee Carroll to adjourn the meeting. All in favor. **Motion approved.**

Respectfully Submitted,

Lori J. Murray  
Village Clerk



**POLICE DEPARTMENT**

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**DAVID N. SUMMER**  
CHIEF OF POLICE

To: **Trustee Mark Gaffino (Chairperson) and Public Safety Committee**

From: **David N. Summer, Chief of Police**

Cc: **Steven Bosco, Village Administrator**

Date: **March 3, 2017**

Subject: **Addition of Chapter 9.38 to the Village's Code of Ordinances in reference to prohibiting the possession of cannabis and drug paraphernalia.**

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**Issue**

The State of Illinois changed statues in regards to possession of minor amounts of cannabis and drug paraphernalia. This has allowed communities, such as North Aurora, to pass ordinances regulating possession, methods of enforcement, and penalties.

After surveying area communities and working with our village attorney, we are presenting the attached ordinance for consideration of the Public Safety Committee. Staff feels this ordinance adequately addresses the issue of minor amounts of cannabis and possession of drug paraphernalia. The prosecution would be handled by way of Administrative adjudication as opposed to criminal prosecution. With this being said, the fine amounts may range from \$75.00 to \$750.00 by ordinance. Staff would like the input of the public safety committee for the range of fines.

**Conclusion**

Staff will follow the direction of Public Safety Committee and bring those recommendations to the next village board meeting for approval.

Sincerely,

David N. Summer  
Chief of Police

THE VILLAGE OF NORTH AURORA

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 9 OF THE NORTH AURORA CODE TO ADD CHAPTER 9.38 PROHIBITING THE POSSESSION OF CANNABIS AND DRUG PARAPHERNALIA IN THE VILLAGE OF NORTH AURORA**

**WHEREAS**, the State of Illinois, through the Cannabis Control Act, 720 ILCS 550/ et. seq., has prohibited the possession of cannabis (a/k/a marijuana or marihuana) including growing cannabis, and provides certain penalties therefore; and

**WHEREAS**, the State of Illinois, through recent amendment to the Cannabis Control Act and specifically, 720 ILCS 550/4, has determined that it is in the best interest of the State of Illinois to provide for a meaningful and realistic penalty system which is responsive to the current state of scientific knowledge concerning cannabis; realistic in application to the individual consumers and possessors of small quantities of cannabis; and that duly considers the extreme burden upon the time and financial resources of law enforcement for cannabis related arrests, detention, and court proceedings; and

**WHEREAS**, certain items designed or marketed for use with illegal drugs, including cannabis, may be used and sold in the Village of North Aurora; and

**WHEREAS**, it is in the best interest of the health, safety, and welfare of the citizens of the Village of North Aurora to prohibit the use and sale of items intended for use or designed for use with cannabis or illegal drugs within the Village;

**WHEREAS**, 720 ILCS 600/7 provides for local prosecution of certain offenses occurring within the corporate limits of the Village; and

**WHEREAS**, the Village of North Aurora deems it desirable and in the best interest of the public health, safety, welfare, and best interest of the Village to provide for a meaningful and realistic penalty system to prosecute the possession of small amounts of cannabis and the possession and sale of items designed for use with cannabis or illegal drugs locally;

**NOW, THEREFORE, BE IT ORDAINED** by the President and Trustees of the Village of North Aurora, Illinois, as follows:

**Section One:** That the recitals set forth above are incorporated herein by reference the same as if they were set forth herein verbatim and they are adopted as the findings of the Village Board of the Village of North Aurora.

**Section Two:** That Title 9 of the North Aurora Code be and hereby is amended by adding a new Chapter 9.38, entitled “Cannabis and Paraphernalia Control” to read as follows:

**Chapter 9.38**

**CANNABIS AND PARAPHERNALIA CONTROL**

**9.38.010 Definitions.**

For purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires different meaning:

A. CANNABIS: 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 or as otherwise defined in 720 ILCS 550/1, as amended.

B. CASUAL DELIVERY: the delivery of not more than 10 grams of any substance containing cannabis without consideration.

C. CONTROLLED SUBSTANCE: a drug, substance, immediate precursor, analog substance, or synthetic drug as defined in the “Illinois Controlled Substances Act” 720 ILCS 570/100 et. seq. as amended.

D. PARAPHERNALIA: all equipment, products and materials of any kind which are used, intended or designed 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 a controlled substance or cannabis as defined in 720 ILCS 550/1 et seq., as amended, 720 ILCS 570/100 et. seq., as amended, 720 ILCS 570/204 through 570/219 et seq., as amended, into the human body.

E. PARAPHERNALIA includes, but is not limited to:

1. Kits used or intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or cannabis or from which a controlled substance or cannabis can be derived;
2. Kits used or intended to be used unlawfully in manufacturing, compounding, converting, producing, processing or preparing cannabis;
3. Isomerization devices intended to be used unlawfully in increasing the potency of any species of plant which is cannabis or a controlled substance;
4. Testing equipment used or intended to be used, unlawfully in a private home for identifying or in analyzing the strength, effectiveness or purity of cannabis or controlled substances;
5. scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances or cannabis.
6. separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana.
7. diluents and adulterants intended to be used unlawfully for cutting cannabis or a controlled substance by private persons;

8. capsules, balloons, envelopes and other containers used, or intended for use, in packaging small quantities of cannabis or controlled substances;

9. containers and other objects used, or intended for use in storing or concealing cannabis or controlled substances;

10. hypodermic syringes, needles and other objects used, or intended for use, in parenterally injecting cannabis or controlled substances into the human body;

11. objects intended to be used unlawfully in ingesting, inhaling, or otherwise introducing cannabis, hashish, hashish oil or a synthetic drug product into the human body including, where applicable, the following items:

- a. water pipes;
- b. carburetion tubes and devices;
- c. smoking and carburetion masks;
- d. carburetor pipes;
- e. electric pipes;
- f. air-driven pipes;
- g. chillums;
- h. bongs;
- i. ice pipes or chillers;

12. any item where the purpose of its use, as announced or described by the seller, is for use in violation of this Ordinance.

F. In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

1. Statements by an owner or by anyone in control of the object concerning its use.
2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any State or Federal law relating to any controlled substance.
3. The proximity of the object, in time and space, to a direct violation of this Section.
4. The proximity of the object to controlled substances.
5. The existence of any residue of controlled substances on the object.
6. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this Chapter. The innocence of an owner, or of anyone in control of the object, as to a direct violation of this Chapter shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.
7. Instructions, oral or written, provided with the object concerning its use.
8. Descriptive materials accompanying the object which explain or depict its use.
9. National and local advertising concerning its use.
10. The manner in which the object is displayed for sale.

11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.

12. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise.

13. The existence and scope of legitimate uses for the object in the community.

14. Expert testimony concerning its use.

**9.38.020 Possession or delivery of Cannabis.**

It shall be unlawful for any person to knowingly possess Cannabis or engage in the Casual Delivery of Cannabis. Any person who violates this section with respect to not more than 10 grams of Cannabis shall be fined a minimum of \_\_\_\_ and a maximum of \_\_\_\_.

**9.38.030 Possession of Drug Paraphernalia.**

It shall be unlawful for any person to possess Paraphernalia in violation of this Chapter. Any person who violates this section may be fined up to \_\_\_\_.

**9.38.040 Manufacture or Delivery of Paraphernalia.**

It shall be unlawful for any person to manufacture, deliver, casually deliver or possess with intent to deliver Paraphernalia in violation of this Chapter. Any person who violates this Section may be fined up to \_\_\_\_.

**9.38.050 Advertisement of Paraphernalia.**

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 Paraphernalia. Any person who violates this section may be fined up to \_\_\_\_.

**9.38.060 Civil Forfeiture.**

All Paraphernalia manufactured, delivered or possessed in violation of this Chapter shall be seized without a warrant by a peace officer, and the same shall be subject to forfeiture, pursuant to appropriate procedures as set forth in 720 ILCS 600/5 and 720 ILCS 550/12, as now or hereafter amended.

**9.38.070 Administrative Adjudication.**

The Village is authorized to enforce the provisions of this chapter through administrative adjudication proceedings (title 2, chapter 2.70 of this code), or to initiate legal action in any court of competent jurisdiction. Use of administrative adjudication without resolution does not preclude the Village from subsequent enforcement in a court of competent jurisdiction.

**Section Three:** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, or any part thereof. The Village Board of Trustees hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that anyone or more sections,



subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

**Section Four:** This Ordinance shall take immediate full force and effect from and after its passage, approval, publication and such other acts as required by law.

Presented to the Board of Trustees of the Village of North Aurora, Kane County, Illinois this \_\_\_\_ day of February, 2017, A.D.

Passed by the Board of Trustees of the Village of North Aurora, Kane County, Illinois this \_\_\_\_ day of February, 2017, A.D.

Mark Carroll	_____	Laura Curtis	_____
Chris Faber	_____	Mark Gaffino	_____
Mark Guethle	_____	Michael Lowery	_____

Approved and signed by me as President of the Board of Trustees of the Village of North Aurora, Kane County, Illinois this \_\_\_\_\_ day of February, 2017, A.D.

ATTEST:

\_\_\_\_\_  
Dale Berman, Village President

\_\_\_\_\_  
Lori Murray, Village Clerk