

CITY OF LE ROY
COUNTY OF McLEAN, STATE OF ILLINOIS

ORDINANCE NO. 09-01-02-70

**AN ORDINANCE AMENDING TITLE 5: POLICE REGULATIONS, CHAPTER
2: GENERAL OFFENSES FOR THE CITY OF LE ROY, MCLEAN COUNTY,
ILLINOIS**

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS
19th Day of January 2009

PRESENTED: **January 19, 2009**

PASSED: **January 19, 2009**

APPROVED: **January 19, 2009**

RECORDED: **January 19, 2009**

PUBLISHED: **January 19, 2009**

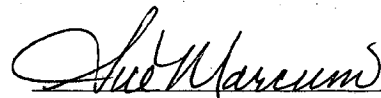
In Pamphlet Form

Voting "Aye" 8

Voting "Nay" 0

The undersigned being the duly qualified and Acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned **ordinance** and that such **ordinance** was presented, passed, approved, recorded and published as above stated.

(SEAL)



City Clerk of City of Le Roy

Dated: January 19, 2009

ORDINANCE NO. 09-01-02-70

AN ORDINANCE AMENDING TITLE 5: POLICE REGULATIONS, CHAPTER 2: GENERAL OFFENSES FOR THE CITY OF LEROY, McLEAN COUNTY, ILLINOIS

WHEREAS, the City may, pursuant to its police powers, pass regulations to protect the health and safety of its residents; and

WHEREAS, Title 5: Police Regulations, Chapter 2: General Offenses; needs revised by adding the following new sections;

NOW, THEREFORE, BE ORDAINED, by the City of Le Roy in the County of McLean, Illinois that the following violations be added to Title 5: Police Regulations, Chapter 2: General Offenses of the municipal code for the City of Le Roy.

Section 1: Definitions.

“Cannabis” means any 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, 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 seed 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.

“Drug paraphernalia” means all equipment, products, and materials of any kind which are used, intended for use, 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 into the human body a controlled substance in violation of the controlled substances laws of this state.

“Public Place” means an enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks, bars, educational facilities, health care facilities, hotel and motel lobbies, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private club is a “public place” when being used for a function to which the general public is invited. A private residence is not a “public place” unless it is used as a child care, adult day care, or health care facility.

Section 2: The following language shall be added as Title 5, Chapter 2, Section 12:

5-2-12: PROHIBITION OF SMOKING IN PUBLIC PLACES

A. Smoking shall be prohibited in all enclosed areas of public places within the City of Le Roy, including but not limited to, the following places:

1. Libraries and museums
2. Areas available to and customarily used by the general public in businesses and non-profit entities patronized by the public, including but not limited to, professional offices, banks, laundromats, hotels, and motels.
3. Bars.
4. Meeting and convention facilities.
5. Educational facilities, both public and private.
6. Elevators.
7. Facilities primarily used for exhibiting a motion picture, state, drama, lecture, musical recital, or other similar performance.
8. Health care facilities.
9. Hotel and motel lobbies.
10. Licensed child care and adult care facilities.
11. Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.
12. Polling places.

13. Private clubs when being used for a function to which the general public is invited.
14. Restaurants, including attached bars.
15. Restrooms, lobbies, reception areas, hallways, and other common-use areas.
16. Retail Stores.
17. Rooms, chambers, places of meeting or public assembly, including school buildings, under control of an agency, board, commission, committee or council of the City of Le Roy or a political subdivision of the State when a public meeting is in progress, to the extent the place is subject to the jurisdiction of the city.
18. Service lines.
19. Sports arenas, including enclosed places in outdoor arenas.

- B. It shall be the responsibility of the owner, operator, manager, or other person in control of an establishment, facility, or outdoor area to ensure compliance with all sections of this Chapter pertaining to his/her place of business. A violator of this Chapter upon conviction shall be punished as provided in Section 1-4 of this Code.
- C. If the owner, operator, manager, or other person in control of an establishment, facility, or outdoor area attempts to enforce this Chapter and a patron violates provisions of this Chapter, then the owner, operator, manager, or other person in control shall not be deemed to be in violation of this Chapter and the patron shall be subject upon conviction to be punished as provided in Section 1-4 of this Code.
- D. In addition to the fines established by this Section 1-4 of this Code, violation of this Chapter by a person who owns, manages, operates or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

Section 3. The following language shall be added as Title 5, Chapter 2, Section 13:

5-2-13: SALE OR GIFT OF ALCOHOL TO A MINOR

- A. A person commits an offense if with criminal negligence he/she sells an alcoholic beverage to a minor.
- B. A person who sells a minor an alcoholic beverage does not commit an offense if the minor falsely represents himself to be 21 years old or older by displaying an apparently valid driver's license or an identification card, containing a physical description consistent with his/her appearance for the purpose of inducing the person to sell him/her an alcoholic beverage.
- C. A person commits an offense if he/she purchases an alcoholic beverage for, or gives (makes available) an alcoholic beverage to a minor.

Section 4. The following language shall be added as Title 5, Chapter 2, Section 14:

5-2-14: POSSESSION OF DRUG PARAPHERNALIA

- A. It shall be a violation to possess any drug paraphernalia.

Section 5. The following language shall be added as Title 5, Chapter 2, Section 15:

5-2-15: POSSESSION OF CANNABIS UNDER 2.5 GRAMS

- A. It shall be unlawful for any person to possess 2.5 grams or less of any substance containing cannabis.

BE IT FURTHER ORDAINED, that this Ordinance amendment shall be in full force and effect immediately upon its adoption.

The above and forging ordinance amendment was adopted by the City of Le Roy of the County of McLean, Illinois, this 19th day of January 2009.

PASSED by the City Council of the City of Le Roy, Illinois, upon the motion made by Steve Dean, and seconded by Dawn Thompson by roll call vote on the 19th day of January, 2009 as follows

Aldermen elected 8

Aldermen Present 8

Voting Aye:

Dave McClelland, Dawn Thompson, T.A. Whitsitt, Dawn Hanafin, Steve Dean, John Haney, Shirley Chancellor, Nancy Bentley

Voting Nay:

None

Absent:

None

Abstain:

None

Other:

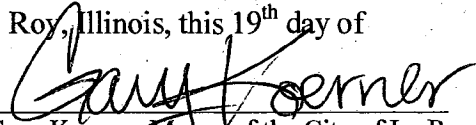
None

And deposited and filed in the office of the City Clerk in said municipality on the 19th day of January, 2009.



Sue Marcum, City Clerk of the City of Le Roy
McLean County, Illinois

APPROVED BY the Mayor of the City of Le Roy, Illinois, this 19th day of January, 2009



Gary Koerner Mayor of the City of Le Roy,
McLean County, Illinois

ATTEST: (SEAL)



Sue Marcum, City Clerk of the City of Le Roy
McLean County, Illinois

CERTIFICATE

I, Sue Marcum, certify that I am the duly appointed and acting municipal clerk of the City of Le Roy, of McLean County, Illinois.

I further certify that on **January 19, 2009** the Corporate Authorities of such municipality passed and approved **Ordinance No. 09-01-02-70** entitled:


AN ORDINANCE AMENDING TITLE 5: POLICE REGULATIONS, CHAPTER 2: GENERAL OFFENSES FOR THE CITY OF LE ROY, MCLEAN COUNTY, ILLINOIS

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

The pamphlet form of Ordinance No. **09-01-02-70**, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on **January 19, 2009** 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 Le Roy, Illinois this 19th day of January, 2009

(SEAL)


Municipal Clerk

STATE OF ILLINOIS)
) SS:
COUNTY OF MCLEAN)

I, Sue Marcum, do hereby certify that I am the duly qualified and acting City Clerk of the City of Le Roy, McLean County, Illinois, and as such City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.


I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

AN ORDINANCE AMENDING TITLE 5: POLICE REGULATIONS, CHAPTER 2: GENERAL OFFENSES FOR THE CITY OF LE ROY, MCLEAN COUNTY, ILLINOIS

I do further certify said *ordinance* was adopted by the City Council of the City of Le Roy at a regular meeting on the 19th day of January, 2009 and prior to the making of this certificate the said ordinance was on file with the permanent records of said City where it now appears and remains as a permanent record of said ordinance in the record books.

Dated this 19th day of January, 2009

(SEAL)



City Clerk