

CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET
NOTICE

PUBLIC AFFAIRS COMMITTEE

Monday, April 23, 2018
7:00 P.M. – Council Chambers

AGENDA

1. Call to Order, Roll Call, and Establishment of a Quorum
2. Approval of Minutes
 - A. Public Affairs Committee of March 26, 2018
3. Public Participation / Presentations
4. Items for Consent
 - A. Ordinance No. 18-O-0016 – Amending Chapter 11, Article II, Division 7, AFFECTING SEX, MORALS, AND PUBLIC DECENCY and Division 13, DRUG PARAPHERNALIA CONTROL of the West Chicago Code of Ordinances.
 - B. Ordinance No. 18-O-0017 – Amending Chapter 1, GENERAL PROVISIONS and Chapter 8, Article I, ADMINISTRATIVE ADJUDICATION SYSTEM of the West Chicago Code of Ordinances
 - C. Ordinance No. 18-O-0018 – Authorizing the Disposal of Surplus Equipment, Stock Inventory, and/or Personal Property Owned By the City of West Chicago.
 - D. Resolution No. 18-R-0028 – Contract Award – Signarama West Chicago (JRC Enterprises, LLC) for Fabrication and Installation of Entrance Signs for City Hall, Police Station, Water Treatment Plant, and the Regional Wastewater Treatment Plant
5. Items for Discussion
 - A. Raising the Tobacco buying Age to 21
6. Unfinished Business
7. New Business
8. Reports from Staff
 - A. West Chicago Police Department Monthly and Annual Report
9. Adjournment

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Michael L. Guttman
CITY ADMINISTRATOR

DRAFT

MINUTES

PUBLIC AFFAIRS COMMITTEE

Monday, March 26, 2018 7:00 P.M.

1. Call to Order, Roll Call, and Establishment of a Quorum.

Chairman Chassee called the meeting to order at 7:00pm. Roll Call found Brown, Hallett, Garcia, Birch Ferguson and Gagliardi.

Alderman Meissner was not present.

2. Approval of Minutes.

A. Public Affairs Committee Minutes of February 26, 2018. Alderman Garcia made a motion, seconded by Alderman Birch Ferguson to approve the minutes of the Public Affairs Committee meeting with no changes. Voting Aye: Chairman Chassee, Alderman Brown, Hallett, Garcia, Birch Ferguson and Gagliardi. Voting Nay: 0. Motion carried.

3. Items for Discussion.

A. Review of the Results of the Video Gaming Referendum. Alderman Birch Ferguson made a motion, seconded by Alderman Garcia. Voting Aye: Chairman Chassee, Alderman Brown, Hallett, Garcia, Birch Ferguson and Gagliardi. Voting Nay: 0. Motion carried. It was voted that Video Gaming is prohibited in the City of West Chicago.

4. Public Participation / Presentations.

5. Items for Consent.

A. Traffic Safety Assessment Report - Intersection of Prince Crossing Road and Hawthorne Lane. Alderman Gagliardi made a motion, seconded by Alderman Garcia to direct this item to City Council for approval. Voting Aye: Chairman Chassee, Alderman Brown, Hallett, Garcia, Birch Ferguson and Gagliardi. Voting Nay: 0. Motion carried.

B. ABD Cycling. Alderman Gagliardi made a motion, seconded by Alderman Garcia to direct this item to City Council for approval. Voting Aye: Chairman Chassee, Alderman Brown, Hallett, Garcia, Birch Ferguson and Gagliardi. Voting Nay: 0. Motion carried.

C. Master's Memorial Weekend Races. Alderman Gagliardi made a motion, seconded by Alderman Garcia to direct this item to City Council for approval. Voting Aye: Chairman Chassee, Alderman Brown, Hallett, Garcia, Birch Ferguson and Gagliardi. Voting Nay: 0. Motion carried.

6. Unfinished Business.

7. New Business.

8. Reports from Staff.

A. West Chicago Monthly Police Report

9. Adjournment. Alderman Gagliardi made a motion to adjourn, seconded by Alderman Hallett. The motion was approved by voice vote, and the meeting adjourned at approximately 7:07pm.

Respectfully submitted,

Yahaira Bautista

Administrative Assistant to Chief of Police
West Chicago Police Department

CITY OF WEST CHICAGO

PUBLIC AFFAIRS COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE: Ordinance No. 18-O-0016

Amending Chapter 11, Article II, Division 7, AFFECTING SEX, MORALS AND PUBLIC DECENCY and Division 13, DRUG PARAPHERNALIA CONTROL of the West Chicago Code of Ordinances

AGENDA NO. 4.A.

FILE NO. _____

AGENDA DATE: April 23, 2018

COUNCIL AGENDA DATE: May 7, 2018

STAFF REVIEW: Michael Uplegger, Chief of Police

SIGNATURE _____

APPROVED BY CITY ADMINISTRATOR: Michael Guttman

SIGNATURE _____

ITEM SUMMARY:

Staff would like to revise the City Code with regards to the fine for the following Ordinance violations:

Chapter 11, Division 7, Section 11-93, Possession of Cannabis

Chapter 11, Division 7, Section 11-94, Possession of Synthetic alternative drugs

Chapter 11, Division 13, Section 11-170.3, Possession of drug paraphernalia

All three of the above violations carry a fine of \$750.00 each. Staff would like to change this and have these violations be subject to the penalty set forth in Chapter 1 Section 1.8- General Penalty.

Sec. 1-8. - General penalty.

(a) *Amount.* The violation of or failure to comply with any provision of this Code shall constitute an offense against the City of West Chicago, and shall subject the offender, upon conviction, to a fine not to exceed seven hundred fifty dollars (\$750.00) nor to be less than one hundred five dollars (\$105.00) for the first offense; a fine not to exceed seven hundred fifty dollars (\$750.00) nor to be less than two hundred fifty dollars (\$250.00) for the second offense; a fine not to exceed seven hundred fifty dollars (\$750.00) nor to be less than five hundred dollars (\$500.00) for the third offense; and a fine of seven hundred fifty dollars (\$750.00) for the fourth offense and every subsequent offense thereafter.

ACTIONS PROPOSED:

Staff recommends adoption of Ordinance No. 18-O-0016.

COMMITTEE RECOMMENDATION:

ORDINANCE NO. 18-O-0016

**AN ORDINANCE AMENDING CHAPTER 11, ARTICLE II, DIVISION 7,
AFFECTING SEX, MORALS AND PUBLIC DECENCY and DIVISION 13, DRUG
PARAPHERNALIA CONTROL, OF THE WEST CHICAGO CODE OF ORDINANCES**

WHEREAS, the City of West Chicago (hereinafter referred to as "City") is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the City is authorized and empowered, under the Illinois Municipal Code, 65 ILCS 5/11-20-5 to regulate for the public health; and

WHEREAS, the City is authorized, pursuant to its police power, 65 ILCS 5/11-1-1, to carry out the powers delegated to it under its grants of authority; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of West Chicago, DuPage County, Illinois, as follows:

Section 1: That Chapter 11, OFFENSES AND MISCELLANEOUS PROVISIONS, Article II. OFFENSES, Division 7, AFFECTING SEX, MORALS AND PUBLIC DECENCY and Division 13, DRUG PARAPHERNALIA CONTROL of the Code of Ordinances of the City of West Chicago be amended to read as follows:

Chapter 11 OFFENSES AND MISCELLANEOUS PROVISIONS

"Article II

DIVISION 7. - AFFECTING SEX, MORALS AND PUBLIC DECENCY

Sec. 11-91. - Public indecency.

- (a) Any person of the age of seventeen (17) years and upwards who performs any of the following acts in a public place in the city commits a public indecency:
- (1) Any act of sexual intercourse, or
 - (2) Any act of deviate sexual conduct, or
 - (3) Any lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of the person, or
 - (4) A lewd fondling or caress of the body of another person of either sex.
- (b) For purposes of this section "public place" means any place where the conduct may reasonably be expected to be viewed by others.

(Ord. No. 879, Art. VII, § 1, 5-17-65)

Sec. 11-92. - Prostitution, solicitation, pandering, patronizing a prostitute, keeping place of prostitution, or pimping.

- (a) *Prostitution:* Any person who performs, offers or agrees to perform any of the following acts for money within the city commits an act of prostitution:

- (1) Any act of sexual intercourse.
 - (2) Any act of deviate sexual conduct.
- (b) *Soliciting*: Any person who performs any of the following acts within the city commits soliciting for prostitution:
- (1) Solicits another for the purposes of prostitution, or
 - (2) Arranges or offers to arrange a meeting of persons for the purpose of prostitution, or
 - (3) Directs another to a place knowing the direction is for the purpose of prostitution.
- (c) *Pandering*: A person who performs any of the following acts within the city for money commits pandering:
- (1) Compels a female to become a prostitute.
 - (2) Arranges for, or offers to arrange, a situation in which a female may practice prostitution.
- (d) *Keeping place of prostitution*: Any person who has or exercises control over the use of any place which could offer seclusion or shelter for the practice of prostitution within the city, who performs any of the following acts, keeps a place of prostitution:
- (1) Knowingly grants or permits the use of such place for the purpose of prostitution, or
 - (2) Grants or permits the use of such place under circumstances from which he could reasonably know that the place is used or is to be used for purposes of prostitution, or
 - (3) Permits the continued use of a place after becoming aware of facts or circumstances from which he should reasonably know that the place is being used for purposes of prostitution.
- (e) *Patronizing a prostitute*: Any person who performs any of the following acts within the city with a person not his spouse commits the offense of patronizing a prostitute:
- (1) Engages in an act of sexual intercourse or deviate sexual conduct with a prostitute, or
 - (2) Enters or remains in a place of prostitution with intent to engage in an act of sexual intercourse or deviate sexual conduct.
- (f) *Pimping*: Any person who receives money or other property from a prostitute not for a lawful consideration, knowing it was earned in whole, or in part, from practice of prostitution within the city commits pimping.
- (g) *Lewdness*: Any person doing any of the following within the city shall be guilty of lewdness:
- (1) Staging, contracting for or taking part in a lewd or indecent show or exhibit.
 - (2) Lewdly or indecently exposing himself or any portion of the human anatomy.

(Ord. No. 879, Art. VII, § 2, 5-17-65)

Sec. 11-93. - Possession of Cannabis.

- (a) *Cannabis defined*: 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 seed 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 cake or the sterilized seed of such plant which is incapable of germination.

- (b) *Possession unlawful*: It shall be a violation of this section for any person knowingly to possess any quantity of any substance containing Cannabis, except that the effect of this section shall be limited to persons knowingly possessing less than thirty (30) grams of any substance containing Cannabis.
- (c) *Penalty*: ~~The court, upon making a finding of guilty for this offense, in addition to any sentencing alternatives elected by the court, shall impose of a fine of not less than seven hundred fifty dollars (\$750.00) for each such offense.~~ In addition to any other relief granted by the courts or the Administrative Law Judge, any person violating any of the provisions of this section shall be subject to a fine per section 1-8, general penalty, of this Code.

(Ord. No. 1442, § 1, 10-15-79; Ord. No. 05-O-0097, § 4, 12-5-2005)

Sec. 11-94. - Synthetic alternative drugs.

- (a) *Definitions.* For purposes of this article, the following definitions shall apply unless the context clearly indicates or requires different meaning:

A product containing a synthetic alternative drug means any product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen, as those terms are defined herein.

Synthetic cannabinoid means any laboratory-created compound that functions similar to the active ingredient in marijuana, tetrahydrocannabinol (THC), including, but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog (including isomers, esters, ethers, salts, and salts of isomers) containing a cannabinoid receptor agonist, such as:

- (1) JWH-007 (1-penty1-2-methyl-3-(1-naphthoyl)indole);
- (2) JWH-015 ((2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone);
- (3) JWH-018 (1-penty1-3-(1-naphthoyl)indole);
- (4) JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole);
- (5) JWH-073 (naphthalen-1-yl-(1-butylindol-3-yl)methanone);
- (6) JWH-081 (4-methoxynaphthalen-1-yl-(1-penty1indol-3-yl)methanone);
- (7) JWH-098 (4-methoxynaphthalen-1-yl-(1-penty1-2-methylindol-3-yl)methanone);
- (8) JWH-122 (1-Penty1-3-(4-methyl-1-naphthoyl)indole);
- (9) JWH-164 (7-methoxynaphthalen-1-yl-(1-penty1indol-3-yl)methanone);
- (10) JWH-200 (1-(2-morpholin-4-ylethypindol-3-yl)-naphthalen-1-ylmethanone);
- (11) JWH-203 (2-(2-chlorophenyl)-1-(1-penty1indol-3-yl)thanone);
- (12) JWH-210 (4-ethylnaphthalen-1-yl-(1-penty1indol-3-yl)methanone);
- (13) JWH-250 (1-penty1-3-(2-methoxyphenylacetypindole);
- (14) JWH-251 (1-penty1-3-(2-methylphenylacetypindole);
- (15) JWH-398 (1-penty1-3-(4-chloro-1-naphthoypindole);
- (16) HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol);
- (17) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol);
- (18) HU-308 ([[(1R,2R,5R)-242,6-dimethoxy-4-(2-methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol);
- (19) HU-331 ((3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-penty1-2,5-cyclohexadiene-1,4-dione);
- (20) CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl) cyclohexyl]-5-(2-methyloctan-2-yl)phenol);
- (21) CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol) and its homologues;
- (22) WIN 55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-de)-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone);

- (23) RCS-4 ((4-methoxyphenyl)(1-pentyl-1H-indol-3-yl)methanone);
- (24) RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenyl)ethanone).

Synthetic stimulant means any compound that mimics the effects of any federally controlled Schedule I substance such as cathinone, methcathinone, MDMA and MDEA, including, but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog (including salts, isomers, and salts of isomers) containing substances which have a stimulant effect on the central nervous system, such as:

- (1) 3-Fluoromethcathinone;
- (2) 4-Fluoromethcathinone (other name: flephedrone);
- (3) 3,4-Methylenedioxymethcathinone (other name: methylone, MDMC);
- (4) 3,4-Methylenedioxypropylone (other name: MDPV);
- (5) 4-Methylmethcathinone (other names: mephedrone, 4-MMC);
- (6) 4-Methoxymethcathinone (other names: methedrone, bk-PMMA, PMMC);
- (7) 4-Ethylmethcathinone (other name: 4-EMC);
- (8) Ethcathinone;
- (9) Beta-keto-N-methylbenzodioxolylpropylamine (other names: butylone, bk-MBDB);
- (10) Naphthylpropylone (other names: naphyrone, NRG-1);
- (11) N,N-dimethylcathinone (other name: metamfetamine);
- (12) Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);
- (13) 4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);
- (14) 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);
- (15) Alpha-pyrrolidinopropiophenone (other name: alpha-PVP);
- (16) 6,7-dihydro-5H-indeno(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);
- (17) Any compound that is structurally derived from 2-amino-1-phenylpropanone by modification or substitution in any of the following ways:
 - a. In the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl, or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents;
 - b. At the 3-position with an alkyl substituent;
 - c. At the nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or
 - d. By inclusion of the nitrogen atom in a cyclic structure.

Synthetic psychedelic/hallucinogen means any compound that mimics the effects of any federally controlled Schedule I substance, including but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog (including salts, isomers, esters, ethers and salts of isomers) containing substances which have a psychedelic/hallucinogenic effect on the central nervous system and/or brain, such as:

- (1) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);
- (2) 2-(2,5-dimethoxy-4-methylphenyl)ethanamine (2C-D);

- (3) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);
- (4) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);
- (5) 2-(4-(Ethylthio)-2,5-dimethoxyphenyl)ethanamine (2C-T-2);
- (6) 2-(4-(Isopropylthio)-2,5-dimethoxyphenyl)ethanamine (2C-T-4);
- (7) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
- (8) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);
- (9) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).

- (b) *Sale or delivery unlawful.* It shall be a violation of this section for any person to sell, offer for sale or deliver any product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen including, but not limited to, the following:

POW	Wicked X	XTREME Spice
Spice Gold	K2 Summit	Stinger
Swagger Grape	Love Strawberry	Pulse
Spice Gold	Shanti Spice Blueberry	Mystery
Pulse	Aztec Midnight Wind	Bad 2 the Bone
Black Mamba	Tezcatlipoca	Dragon Spice
Naughty Nights	Sativah	Samurai Spirit
K2 Watermelon	Mid-Atlantic Exemplar	Buzz
Black Mamba	(K2 Summit)	Midnight Chill
Green Monkey Chronic Salvia	Aztec Gold	K Royal
Voodoo Remix	K2 Summit	Spicylicious
G Greenies Caramel Crunch	Ultra Cloud 10	Shanti Spice
Black Diamond	Colorado Chronic	K3 Grape
Blueberry Hayze	K3 Kryptonite	K3 Strawberry
Eruption Spice	Funky Monkey XXXX	K3 Blueberry

Love Strawberry	K2 Blue	Earthquake
Voodoo Child	K2 Blonde	Ocean Blue
Mid-Atlantic Exemplar	K2 Pink	G Four
K2 Summit	K2 Citron K2	Wood Stock
Magic Dragon Platinum	Mellon K2	K3 Legal
Fire Bird Ultimate	Pineapple	Who Dat
Strength Cinnamon	K2 Standard	Dark Night II
Nitro	K2 Summit	Spike 99 Ultra
Black Magic Salvia	Si. S Werve	2010
Black Mamba	Chronic Spice	Zombie World
K2 Strawberry	K3 Mango	SYN Swagg
K2 Blueberry	K3 Original	SYN Smooth
SYN Spearmint	Magic Spice	SYN Incense Smooth
SYN Spearmint #2	Voodoo Magic	SYN Incense Spearmint
SYN Chill	Texas Gold	SYN Incense LemonLime
SYN Suave	Demon	Super Summit
Heavenscent Suave	K3	D-Rail
SYN Vanilla	K2 Pink Panties	K2 Peach
SYN Vanilla #2	Heaven Improved	Funky Monkey
SYN Lemon Lime	K3 Sun	K2 Summit Coffee Work
SYN Lemon Lime #2	K3 Dusk	K3 Legal - Original (Black)

New K3 Improved	K3 Original Improved	K3 Legal - Sun (Black)
C4 Herbal Incense	K2 Summit	K3 Legal - Sea (silver)
New Improved K3 Cosmic Blend	New K3 Heaven	K3 Legal - Earth (silver)
New Improved K3 Dynamite	New K3 Earth	K2 Cloud 9
New Improved K3 Kryptonite	New K3 Sea Improved	Greenies Strawberry
Utopia	New-Kron Bomb	K2 Blonde
Utopia-Blue Berry	Cherry Bomb	K2 Standard
Euphoria	Rebel Spice	K2 Citron
Who Dat Herbal Incense	Mega Bomb	K2 (unknown variety)
Love Potion 69	Mr. Smiley's	K2 Summit Space
Legal Eagle	Summer Skyy	K2 Blue
K2 Standard	Moe Joe Fire	K2 Pink
Super Kush	Fully Loaded	K2 Latte
Bayou Blaster	Da Block	K2 Mint
Paradise	Back Draft	K2 Silver
Red Bird	K1 Orbit	K2 Peach
K1 Gravity	C3	Spike Gold
Spike Maxx	Banana Cream Nuke	Humboldt Gold
Spike Diamond	K4 Silver	K2 Orisha Regular
Spike Silver	K4 Gold	K2 Orisha Max
K2 Strawberry	K3 Heaven Improved	K2 Orisha Super

K2 Pineapple Express	K3 Heaven Legal	K2 Amazonian Shelter
K2 Blueberry	K3 Sun Legal	K2 Solid Sex on the Mountain
K2 Pink	K3 Sun Improved	Midnight Chill
K2 Blonde	K3 Kryptonite	Unknown cigarette
K2 Summit	K3 XXX	Freedom
K2 Citron	K3 Cosmic Blend	K2 Sex
K2 Ultra	K3 Original	K2 Orisha White Magic Super
K2 Blue	C4	K2 Orisha Black Magic Max
MNGB Tropical Thunder	K1 Gravity	K2 Thai Dream
MNGB Pinata Colada	K1 Orbit	K4 Bubble Bubble
MNGB Almond/Vanilla	K2 Pina Colada	MTN-787
MNGB Peppermint	K3 Kryptonite	K2 Kryptonite
MNGB Spear Mint	K3 XXX	Legal Eagle Apple
p.e.p. pourri Twisted Vanilla	K3 Cosmic Blend	Pie K4 Purple Haze
p.e.p. pourri Original Spearmint	K3 Original	K4 Summit Remix
p.e.p. pourri Love Strawberry	Rasta Citrus Spice	8-Ball
p.e.p. pourri X Blueberry	Kind Spice	C4
K2 Summit	Time Warp	K2
Voo Doo Remix (orange package)	Rasta Citrus Spice	Tribal Warrior
Voo Doo Remix (black package)	Pink Tiger	Spike99
exSES	Spice Gold	Spice Gold

Yucatan Fire Smoke	Cill Out	Spice Diamond
Skunk	Smoke	Spice Silver
Sence	Forest Humus	Genie
EX-SES Platinum Blueberry	Scope Vanilla	Spike 99
EX-SES Platinum Cherry	Scope Wildberry	Jamaican Gold
EX-SES Platinum Strawberry	Chill X	Potpourri
EX-SES Platinum Vanilla	Space	Winter Boost
Magic Silver	Silent Black	Citrus
Spice Artic Synergy	Sence	Spice Gold
Spice Diamond	Smoke	Spicey XXX
Spice Gold	Caneff	Spike 99
Spice Tropical Synergy	Spice Gold	Ex-SES Platinum
Spicey Regular XXX Blueberry	Gold Spirit Spice	Magic Gold
Spicey Regular XXX Strawberry	Yucatan Fire	Bombay Blue
Spicey Ultra Strong XXX Vanilla	Spice Diamond	Dream
Spicey Ultra Strong XXX Strawberry	Smoke Plus	Spice Tropical Synergy
Spike 99 Ultra Blueberry	Magic Silver	Diamond Spirit
Spike 99 Ultra Cherry	Mojo	Platinum Strawberry
Spike 99 Ultra Strawberry	EX-SES	Spicey Ultra Strong XXX Vanilla
Spike 99 Ultra Strawberry		

- (c) *Possession unlawful.* It shall be a violation of this section for any person to knowingly possess a product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen.
- (d) *Use unlawful.* It shall be a violation of this section for any person to be under the influence of a synthetic cannabinoid, stimulant or psychedelic/hallucinogen.
- (e) *Penalty.* ~~Violation of any provision of section 11-94 shall result in a fine of not less than seven hundred fifty dollars (\$750.00) for each such offense. Each violation of this section, or everyday a violation continues to exist, shall constitute a new and separate violation. In addition to any other relief granted by the courts or the Administrative Law Judge, any person violating any of the provisions of this section shall be subject to a fine per section 1-8, general penalty, of this Code~~

(Ord. No. 11-O-0064, § 2, 12-5-2011)

Secs. 11-95—11-100. - Reserved..”

DIVISION 13. - AFFECTING SEX, MORALS AND PUBLIC DECENCY

Sec. 11-170.1. - Definitions.

As used in this division, unless the context otherwise requires:

- (a) The term "cannabis" shall have the meaning ascribed to it in Section 3 of the "Cannabis Control Act", 720 ILCS 550/3, as if that definition were incorporated herein.
- (b) The term "controlled substance" shall have the meaning ascribed to it in Section 102 of the "Illinois Controlled Substances Act", 720 ILCS 570/102, as if that definition were incorporated herein.
- (c) "Deliver" or "delivery" means the actual, constructive or attempted transfer of possession, with or without consideration, whether or not there is an agency relationship.
- (d) "Drug paraphernalia" means all equipment, products and materials of any kind which are intended to be used unlawfully 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 cannabis or a controlled substance in violation of the "Cannabis Control Act" 720 ILCS 550/1 et seq., or the "Illinois Controlled Substances Act" 720 ILCS 570/100 et seq. It includes, but is not limited to:
 - (1) Kits intended to be used unlawfully in manufacturing, compounding, converting, producing, processing or preparing cannabis or a controlled substance;
 - (2) Isomerization devices intended to be used unlawfully in increasing the potency of any species of plant which is cannabis or a controlled substance;
 - (3) Testing equipment intended to be used unlawfully in a private home for identifying or in analyzing the strength, effectiveness or purity of cannabis or controlled substances;
 - (4) Diluents and adulterants intended to be used unlawfully for cutting cannabis or a controlled substance by private persons;
 - (5) Objects intended to be used unlawfully in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, hashish oil, methamphetamine or other controlled substances, as defined by law, into the human body including, where applicable, the following items:
 - (A) Water pipes;

- (B) Carburetion tubes and devices;
- (C) Smoking and carburetion masks;
- (D) Miniature cocaine spoons and cocaine vials;
- (E) Carburetor pipes;
- (F) Electric pipes;
- (G) Air-driven pipes;
- (H) Chillums;
- (I) Bongs;
- (J) Ice pipes or chillers;
- (K) Glass pipes.

- (6) Any item whose purpose, as announced or described by the seller, is for use in violation of this Act.

(Ord. No. 07-O-0029, § 1, 4-2-2007)

Sec. 11-170.2. - Sale or delivery; penalty; public nuisance.

- (a) No person shall keep for sale, offer for sale, sell, or deliver for any commercial consideration any item of drug paraphernalia. No person eighteen (18) years of age or older shall sell or deliver for any commercial consideration any item of drug paraphernalia to a person under eighteen (18) years of age.
- (b) No person shall sell or deliver for commercial consideration any item of drug paraphernalia to a woman he knows to be pregnant.
- (c) Any store, place, or premises from which or in which any item of drug paraphernalia is kept for sale, offered for sale, sold, or delivered for any commercial consideration is declared to be a public nuisance.
- (d) In addition to any other penalties already provided for by law and this division, a person or store owner convicted of selling drug paraphernalia will automatically have their license to sell tobacco revoked, as required under chapter 9, article XXIV, section 9-686 of the City of West Chicago Code of Ordinances.

(Ord. No. 07-O-0029, § 1, 4-2-2007)

Sec. 11-170.3. - Possession of drug paraphernalia.

- (a) A person who knowingly possesses 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, -shall be subject to a fine per section 1-8. general penalty, of this Code ~~fined seven hundred fifty dollars (\$750.00)~~. This subsection (a) does not apply to a person who is legally authorized to possess hypodermic syringes or needles under the Hypodermic Syringes and Needles Act.
- (b) In determining intent under subsection (a), the trier of fact may take into consideration the proximity of the cannabis or controlled substances to drug paraphernalia or the presence of cannabis or a controlled substance on the drug paraphernalia.

(Ord. No. 07-O-0029, § 1, 4-2-2007)

Sec. 11-170.4. - Exemptions.

This division shall not apply to the following:

- (a) Items used in the preparation, compounding, packaging, labeling, or other use of cannabis or a controlled substance as an incident to lawful research, teaching, chemical analysis, use in law enforcement activities and which is not offered for sale.
- (b) Items historically and customarily used in connection with, the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, or inhaling of tobacco or any other lawful substance.

Items exempt under this subsection include, but are not limited to, garden hoes, rakes, sickles, baggies, tobacco pipes, and cigarette-rolling papers.

- (c) Items which are used for decorative purposes, when such items have been rendered completely inoperable or incapable of being used for any illicit purpose prohibited by this Act.
- (d) A person who is legally authorized to possess hypodermic syringes or needles under the Hypodermic Syringes and Needles Act.

In determining whether or not a particular item is exempt under this subsection, the trier of fact should consider, in addition to all other logically relevant factors, the following:

- (1) The general, usual, customary, and historical use to which the item involved has been put;
- (2) Expert evidence concerning the ordinary or customary use of the item and the effect of any peculiarity in the design or engineering of the device upon its functioning;
- (3) Any written instructions accompanying the delivery of the item concerning the purposes or uses to which the item can or may be put;
- (4) Any oral instructions provided by the seller of the item at the time and place of sale or commercial delivery;
- (5) Any national or local advertising concerning the design, purpose or use of the item involved, and the entire context in which such advertising occurs;
- (6) The manner, place and circumstances in which the item was displayed for sale, as well as any item or items displayed for sale or otherwise exhibited upon the premises where the sale was made;
- (7) 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;
- (8) The existence and scope of legitimate uses for the object in the community.

(Ord. No. 07-O-0029, § 1, 4-2-2007)

Sec. 11-170.5. - Legislative intent; inference of legitimacy.

This Act is intended to be used solely for the suppression of the commercial traffic in and possession of items that, within the context of the sale or offering for sale, or possession, are clearly and beyond a reasonable doubt intended for the illegal and unlawful use of cannabis or controlled substances. To this end all reasonable and common-sense inferences shall be drawn in favor of the legitimacy of any transaction or item.

(Ord. No. 07-O-0029, § 1, 4-2-2007)

Section 2. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed

Section 3. That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED this 7th day of May 2018.

Alderman J. Beifuss	_____	Alderman L. Chassee	_____
Alderman J. Sheahan	_____	Alderman H. Brown	_____
Alderman A. Hallett	_____	Alderman Ferguson	_____
Alderman Birch Ferguson	_____	Alderman S. Dimas	_____
Alderman K. Meissner	_____	Alderman M. Garling	_____
Alderman R. Stout	_____	Alderman G. Garcia	_____
Alderman N. Ligino-Kubinski	_____	Alderman B. Gagliardi	_____

APPROVED as to form: _____
City Attorney

APPROVED this 7th day of May 2018.

Mayor, Ruben Pineda

ATTEST:

City Clerk, Nancy M. Smith

PUBLISHED: _____

CITY OF WEST CHICAGO

PUBLIC AFFAIRS COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE: Ordinance No. 18-O-0017
Amending Chapter 1, GENERAL PROVISIONS and Chapter 8,
Article I, ADMINISTRATIVE ADJUDICATION SYSTEM of the
West Chicago Code of Ordinances

AGENDA NO. 4.B.

FILE NO. _____

AGENDA DATE: April 23, 2018

COUNCIL AGENDA DATE: May 7, 2018

STAFF REVIEW: Michael Uplegger, Chief of Police

SIGNATURE _____

APPROVED BY CITY ADMINISTRATOR: Michael Guttman

SIGNATURE _____

ITEM SUMMARY:

Staff would like to revise the City Code with regards to the Administrative Adjudication System so that it includes a section on what types of violations will be classified as Compliance Violations (non-moving traffic violations) and what the associated fine will be.

ACTIONS PROPOSED:

Staff recommends adoption of Ordinance No. 18-O-0017.

COMMITTEE RECOMMENDATION:

ORDINANCE NO. 18-O-0017

AN ORDINANCE AMENDING CHAPTER 1, GENERAL PROVISIONS and CHAPTER 8, ARTICLE I, ADMINISTRATIVE ADJUDICATION SYSTEM, OF THE WEST CHICAGO CODE OF ORDINANCES

WHEREAS, the City of West Chicago (hereinafter referred to as "City") is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the City is authorized and empowered, under the Illinois Municipal Code, 65 ILCS 5/11-20-5 to regulate for the public health; and

WHEREAS, the City is authorized, pursuant to its police power, 65 ILCS 5/11-1-1, to carry out the powers delegated to it under its grants of authority; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of West Chicago, DuPage County, Illinois, as follows:

Section 1: That Chapter 1, GENERAL PROVISIONS and Chapter 8, ADMINISTRATIVE ADJUDICATION SYSTEM, Article I. ADMINISTRATIVE ADJUDICATION SYSTEM of the Code of Ordinances of the City of West Chicago be amended to read as follows:

Chapter 1 - GENERAL PROVISIONS

"Sec. 1-1. - How Code designated and cited.

The following chapters and sections shall constitute and be designated the "Code of Ordinances of the City of West Chicago, Illinois," and may be so cited.

Sec. 1-2. - Rules of construction.

In the construction of this Code, and of all ordinances, the following rules shall be observed, unless the context clearly indicates otherwise:

City. The term "the city" or "this city" shall be construed as if the words "of West Chicago" followed it and shall extend to and include its several officers, agents and employees.

City council. Whenever the words "city council" are used, they shall be construed to mean the City Council of the City of West Chicago.

Computation of time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.

Corporate limits. Whenever in this Code an act is prohibited, declared unlawful, required to be performed, directly or by implication, such references shall imply "within the corporate limits of the City of West Chicago."

County. The words "the county" or "this county" shall mean the County of DuPage.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one person or thing.

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases, the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

Officer or office. Reference to any office or officer of the city, state or county includes any person authorized by law to perform the duties of such office or officer.

Or, and. "Or" may be read "and," and "and" may be read "or" if the sense requires it.

Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.

Person. The word "person" shall include and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

Personal property. Personal property includes every species of property except real property.

State. The words "the state" shall be construed to mean the State of Illinois.

Tense. Words used in the present or past tense include the future as well as the present and past.

Sec. 1-3. - Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be the titles of such sections, nor as any part of the sections, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Sec. 1-4. - Effect of repeal of ordinances.

The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance repealed.

Sec. 1-5. - Severability of parts of Code.

The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

Sec. 1-6. - Amendments to Code.

All ordinances passed subsequent to this Code of Ordinances which amend, repeal or in any way affect this Code of Ordinances, may be numbered in accordance with the numbering system of this Code and printed for inclusion therein, or in the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omissions from reprinted pages affected thereby, and the subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this

Code of Ordinances and subsequent ordinances numbered or omitted are readopted as a new code of ordinances by the city council.

Amendments to any of the provisions of this Code should be made by amending such provisions by specific reference to the section of this Code in substantially the following language: "That section _____ of the Code of Ordinances of the City of West Chicago, Illinois, is hereby amended to read as follows: " The new provisions may then be set out in full as desired.

In the event a new section not heretofore existing in the Code is to be added, the following language may be used: "That the Code of Ordinances of the City of West Chicago, Illinois, is hereby amended by adding a section (or article or chapter) to be numbered as follows _____, which said section shall read as follows:" The new section may then be set out in full as desired.

When the city council desires to enact an ordinance of a general and permanent nature on a subject not heretofore existing in the Code, which said council desires to incorporate into the Code, a section in substantially the following language may be made a part of the ordinance:

"Section _____. It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of West Chicago, Illinois, and the sections of this ordinance may be renumbered to accomplish such intention."

All sections, articles, chapters or provisions of this Code desired to be repealed should be specifically repealed by section number or chapter number, as the case may be.

Sec. 1-7. - Altering Code.

It shall be unlawful for any person, firm or corporation in the city to change or amend, by additions or deletions, any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of West Chicago to be misrepresented thereby. Any person, firm or corporation violating this section shall be punished as provided in section 1-8 hereof.

Sec. 1-8. - General penalty.

- (a) *Amount.* The violation of or failure to comply with any provision of this Code unless the violation is specifically listed in Section 8-4(c) shall constitute an offense against the City of West Chicago, and shall subject the offender, upon conviction, to a fine not to exceed seven hundred fifty dollars (\$750.00) nor to be less than one hundred five dollars (\$105.00) for the first offense; a fine not to exceed seven hundred fifty dollars (\$750.00) nor to be less than two hundred fifty dollars (\$250.00) for the second offense; a fine not to exceed seven hundred fifty dollars (\$750.00) nor to be less than five hundred dollars (\$500.00) for the third offense; and a fine of seven hundred fifty dollars (\$750.00) for the fourth offense and every subsequent offense thereafter.

Any condition caused or permitted to exist in violation of any of the provisions of this Code or any ordinance of the city shall be deemed a public nuisance and shall be subject to abatement by the city.

Each and every act, action or thing done in violation of the provisions of this Code, or ordinance of the city, shall be construed, deemed and taken as a separate and distinct violation of such provisions of this Code, and in every event that a violation of this Code, or any of the provisions hereof, shall continue, each day of such continuance shall be deemed, construed and taken as a separate and distinct violation of the provisions of this Code that such condition so allowed to continue shall violate.

The failure to timely pay any invoice due to the city shall be deemed and taken as a separate and distinct violation of the provisions of this Code, and in every event, the provisions of this section 1-8 shall apply.

The provisions of this section 1-8 shall apply to all violations of the City's Amusement Tax Ordinance, Chapter 16, Article VI of this Code.

The provisions of this section 1-8 shall apply to all violations of the City's Truancy Ordinance, Chapter 11, Article VI of this Code.

The provisions of this section 1-8 shall apply to all violations of Chapter 10 of this Code.

(b) *Notice of violation*

- (1) Whenever any city officer or official is authorized to charge a person or arrest a person without a warrant for a violation of the law in respect to any of the subjects enumerated in subsection (2) of this section, the city officer or official may, in lieu of filing a complaint in court, issue the alleged violator a notice of violation which shall comply with the provisions of this section.
- (2) The authority of a city officer or official to issue a notice of violation in lieu of a complaint in court is specifically limited to the following subjects and laws in regulation thereof:
 - a. Regulating stopping, standing or parking of a vehicle.
 - b. Regulating refuse.
 - c. Regulating nuisances.
 - d. Requiring the owner or occupant of every house, building or structure to place figures showing the address number thereon.
 - e. Regulating public sidewalks, public streets and public ways.
 - f. Regulations regarding weeds.
 - g. Regulating the construction of buildings.
 - h. Regulating water usage.
 - i. Regulating certain zoning uses and restrictions.
 - j. Regulating animals and fowl.
- (3) The notice of violation provided for in subsection (b)(1) herein shall have printed thereon statements which in substance:
 - a. Advise the person that he has violated a specific ordinance;
 - b. Request him to make payment in an amount applicable to the alleged violation as set forth in subsection (7) of this section as settlement of the violation claim; and
 - c. Inform him that upon failure to so settle, a complaint may be filed in a court of competent jurisdiction, charging him with the violation.
- (4) Pursuant to the notice of violation specified in this section, the person accused of the violation may settle and compromise the violation claim by paying to the city the applicable amount as shown in the schedule set forth in subsection (7) of this section within a period to be specified in the notice of violation. Such payment may be made at the city hall and a receipt shall be issued for all money so received, and such money shall promptly be turned over to the administrative services director.
- (5) Should the city be required to serve a final notice to compel collection of a fine alleged to be due hereunder for any violation, the person accused of said violation may settle and compromise the claim against him by paying to the city a sum equal to two (2) times the applicable amount as shown in the schedule set forth in subsection (7) of this section for each such violation in the manner provided above.

If any person fails or refuses to settle and compromise any claim against him within the time specified in any final notice, the city may do either of the following:

- a. Place any such claim with a collection agency approved by the mayor and city council. Should the city elect to place any claim with a collection agency, the person accused of said violation may settle and compromise the claim against him by paying to said collection agency a sum equal to three (3) times the applicable amount as shown in the schedule set forth in subsection (7) of this section for each said violation under such reasonable terms as the city may from time to time provide; or
- b. Serve a summons or notice to appear on said person requiring him to appear in a court of competent jurisdiction. Should the city be required to serve a summons or notice to appear on said person to compel the collection of any fine alleged to be due hereunder, the amount of such fine shall be a sum equal to three (3) times the applicable amount as shown in the schedule set forth in subsection (7) of this section for each said violation exclusive of court costs.

For the purposes of calculating the total amount due under this subsection (5), the amount of any permit fees or late fees required in subsection (7) of this section shall not be doubled or tripled. The police chief, or his designee, is hereby authorized to refrain from instituting a prosecution for the alleged offense involved.

- (6) For the purposes of this section, registration with the secretary of state or with a municipality of a vehicle involved in any violation and the owner of record disclosed by such registration shall be prima facie evidence that the owner of record in such registration is the violator and that he was in control of or was the operator of the automobile or motor vehicle at the time of the alleged violation.
- (7) Settlement of a violation claim established by notice of violation may be made prior to the issuance of a final notice by payment of the appropriate settlement fee as provided in the following schedule (the numbers in this schedule in parentheses represent the section or subsection of this code where regulations are set forth):
 - a. Violations with respect to prohibiting and restricting the stopping, standing or parking of a vehicle:
 - Displaying vehicles "For Sale" (Sec. 10-22) \$50.00
 - Vehicle parked on premises in state of major disassembly or disrepair (ICC International Property Maintenance Code, Sec. 302.8) 50.00
 - Prohibited parking or storage of a recreational vehicle or trailer or boat (Appendix A, Sec. 7.8) 50.00
 - Unlawful off-street parking of a vehicle on other than a driveway, parking pad or other approved off-street parking area (Appendix A, Sec. 13.1-13(A)(1)) 50.00
 - Unlawful storage or parking of a vehicle in a residential district (Appendix A, Sec. 13.1-13(A)) 50.00
 - b. Violations with respect to regulation of refuse:
 - Placing of landscape waste containers, garbage containers, recyclable containers and bulk items sooner than 7:00 p.m. on the date prior to scheduled collection (Sec. 9-142(d)(6)) \$50.00

Permitting the storage of or storing of any refuse in such a way as to create a fire hazard (Sec. 7-16; IPMC 703.1) 50.00

Unauthorized collection of recyclable materials (Sec. 9-142(e)) 50.00

Unauthorized dumping of refuse (Sec. 9-142(c)) 50.00

- c. Violations with respect to any nuisances (Sec. 10-1 and 10-2, but not including violations of Sec. 10-25) 50.00

- d. Violations with respect to the failure of the owner or occupant to have placed upon every house, building or structure, so as to be clearly visible from the street, figures showing the number of the house, building or structure (Sec. 7-16; IPMC 304.3) 50.00

- e. Violations with respect to public sidewalks, public streets and public ways:

Deposit of, or permitting the deposit of, dirt, mud, garbage, refuse or other material on public sidewalks or streets (Sec. 11-116(2); Sec. 4-7) \$50.00

Unlawful discharge of storm water (Sec. 7-16; IPMC 507.1) 50.00

Unlawful discharge of wastewater (Sec. 18-55) 50.00

- f. Violations with respect to weeds:

Failure of owners of land within the city to maintain such property free of weeds or plant growth in excess of eight (8) inches (Sec. 10-3(a)) \$50.00

Failure of owners of land within the city to maintain the parkway abutting such property free of weeds or plant growth in excess of eight (8) inches (Sec. 10-3(a)) 50.00

Planting or permitting the growth of European barberry or its varieties (Sec. 10-3(b)) 50.00

- g. Violations with respect to the construction of buildings and accessory structures:

Failure to purchase a building permit (Sec. 4-2 ICC International Building Code 105.1) \$50.00

Failure to properly maintain fences or other accessory structures (Sec. 7-16; IPMC 302.7) 50.00

- h. Violations with respect to the unlawful use of water (Sec. 18-26) 50.00

- i. Violations with respect to zoning:

Failing to obtain sign permit (Appendix A, Sec. 12.5-2) \$50.00

Prohibited signs (Appendix A, Sec. 12.4-1) 50.00

Temporary signs (Appendix A, Sec. 12.4-4(B)) 50.00

General standards for signs (Appendix A, Sec. 12.3) 50.00

Violation of general provisions relating to signs with respect to signs located on property zoned for residential use (Appendix A, Sec. 12.4-3) 50.00

Conducting prohibited home occupations (Appendix A, Sec. 7.2) 75.00

Failure to comply with home occupation standards (Appendix A, Sec. 7.2) 50.00

j. Violations with respect to animals and fowl:

Prohibited animals (Sec. 11-78) \$50.00

Dogs running at large (Sec. 11-79) 50.00

- (c) *Application.* The penalty provided in this section shall be applicable to every section of this Code the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this Code where any duty is prescribed or obligation imposed, or where any act which is of a continuing nature or declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this Code.

In all cases where the same offense is made punishable or is created by different clauses or sections of this Code, the prosecuting officer may elect under which to proceed but not more than one (1) recovery shall be had against the same person for the same offense; provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this Code and there shall be no fine or penalty specifically declared for such breach, the provision of this section shall apply and a separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues.

- (d) *Liability of officers.* No provision of this Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the city council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.
- (e) *Injunctive relief.* In addition to, and not in lieu of, any penalty or other remedy provided in the Code, the administrative law judge or the circuit court, whatever the case may be, may enter an order enjoining any ongoing or repeated violation of the Code or otherwise mandating compliance with the Code upon due notice of such violation. The injunctive remedy set forth herein shall apply to violations of the Code that were in existence before the effective date of this amendment. If there is any conflict between this section and any other section of the Code concerning the availability of injunctive relief, this section shall control.

(Ord. No. 1640, § 1, 2-22-83; Ord. No. 4280, § 1, 2-21-2000; Ord. No. 03-O-0085, §§ 1, 2, 10-6-2003; Ord. No. 04-O-0064, § 1, 8-2-2004; Ord. No. 07-O-0017, § 2, 4-16-2007; Ord. No. 13-O-0036, § 2, 12-2-2013)

Sec. 1-9. - Right of entry.

Whenever any officer or employee of the city is required or authorized by any state law, the provisions of this Code, or any ordinance or resolution, or rules and regulations or orders issued thereunder, in order to carry out his duties thereunder, to enter any premises or vehicle for the purpose of making an inspection thereof or of anything therein contained or for the purpose of carrying out his duties, such officer or employee shall have the right to enter any such premises or vehicle at any reasonable time in pursuance of such duties; provided, that such entry and inspection shall be made in a lawful manner.

Sec. 1-10. - Ordinances.

The style of all ordinances shall be: "BE IT ORDAINED by the City Council of the City of West Chicago, Illinois..." as is provided by statute.

All ordinances imposing any penalty for a violation thereof or making any appropriation shall be published as required by statute, either in a newspaper or in pamphlet form, in which case the ordinance in its pamphlet form shall be displayed for a reasonable period in a public place in city hall.

No ordinance that must be published to comply with this section shall go into effect until ten (10) days after it is so published unless a statement of the urgency of the ordinance is contained in it and it achieves passage by a two-thirds vote of the corporate authorities then holding office. In all other cases, the ordinance shall go into effect upon the passage thereof, as provided by statute, even though the operation of the ordinance may not take effect until a later date.

(Ord. No. 4218, § 1, 9-7-99)

Sec. 1-11. - Certification of payment of fines, fees, and other charges relating to real estate.

- (a) Prior to the conveyance or transferring of any interest in any real estate by deed, lease, or other instrument, all fees, fines, and other charges due and owing to the city, past or delinquent, that were assessed or charged as the result of the enforcement of any provision of this Code against or relative to the use, occupancy, or condition of such property or for the provision of water, sewer, or other city services to such property shall be paid in full by money order, cashier's check, certified check, credit card or cash. With no less than twenty-four (24) hours notice, the city clerk shall certify payment of such by affixing a seal, stamp, or other impression, in a form and with such wording and devices as the city council shall approve, to the document in a conspicuous location on the cover or first page. There shall be no charge or fee for such certification or for the seal, stamp, or other impression.
- (b) Except as provided for in subsection (c), no deed, lease, or other instrument conveying or transferring real property within the corporate limits of the city shall be recorded by the Recorder of DuPage County, unless such shall bear the seal, stamp, or other impression approved by the city council as provided for herein.
- (c) This section shall not apply to transfers of interests relating to mortgages, liens or other security interests in such real estate, or to conveyances or transfer of interests in trust, unless the real estate shall be used, managed by, or occupied by the mortgagee, lienholder, other secured interest holder, or trustee. This section shall also not apply to deeds of correction or to conveyances by joint tenants or tenants in common that are exclusively between or among themselves.
- (d) Any person who conveys or transfers an interest in real estate or to whom such an interest is conveyed or transferred in violation of this section shall be subject to a fine of three hundred dollars (\$300.00) for each such conveyance or transfer. This fine shall be in addition to all amounts due and owing, past due, or delinquent. In addition to the transferor or person conveying or transferring such interest, any transferee or person to whom such interest is transferred in violation of this section shall be liable for the full amount of such due and owing, past due, or delinquent fines, fees, or charges. Additionally, the city shall refuse issuance of all occupancy and other permits for the real estate as provided for in this Code and water, sewer, garbage collection and other city services for the real estate for so long as all such fines, fees, and charges shall remain unpaid.
- (e) The city shall have no liability to any person in relation to the certification provided for herein, nor shall any person have any claim, action, or cause of action against the city for any loss or injury alleged to arise from or be related to such certification.

- (f) The provisions of this section shall be in addition to and not in lieu of other provisions of this Code relating to the inspection and permitting of real estate.

(Ord. No. 06-O-0003, § 1, 2-6-2006; Ord. No. 06-O-0077, § 2, 9-5-2006; Ord. No. 15-O-0020, § 1, 6-15-2015)

Sec. 1-12. - Delinquency fees.

A delinquency fee shall be imposed for all outstanding fees, debts and penalties owed to the City of West Chicago in relationship to development fees, engineering fees, legal fees, costs and/or penalties, and any other debt owed to the city and outstanding for thirty (30) or more days. Said delinquency fee shall be the lesser of twenty (20) percent of the principal amount outstanding or seven hundred fifty dollars (\$750.00), for each month that said delinquency remains due and owing. The city shall be entitled to recover any and all costs and fees associated with said recovery under this section expended in the collection of delinquency fees and penalties.

So long as the person owing the city money has an ownership interest in the property, in addition to any delinquency fee imposed, the city shall place a lien on any property for which such delinquency exists for more than ninety (90) days, after which no additional delinquency fees shall be charged.

(Ord. No. 08-O-0026, § 2, 5-5-2008; Ord. No. 11-O-0007, § 2, 5-16-2011)

State Law reference— Authority granted, 65 ILCS 5/11-13 et seq.

Sec. 1-13. - Freedom of Information Act.

The city shall adhere to the provisions of the Freedom of Information Act (5 ILCS 140) as may be amended from time to time by the state.

(Ord. No. 11-O-0036, § 17, 6-20-2011)”

Chapter 8 ADMINISTRATIVE ADJUDICATION SYSTEM

“Article I – Administrative Adjudication System

Sec. 8-1. - Creation of administrative adjudication system.

- (a) Pursuant to Division 2.1 of the Illinois Municipal Code, 65 ILCS 5/1-2.1-1, et seq., which authorizes municipalities to implement a system of administrative adjudication, there is created a system of administrative adjudication of charges of Code violations for the City of West Chicago. The system will authorize an administrative law judge to conduct adjudicatory hearings of cases instituted by city departments.
- (b) The city adopts Division 2.1 of the Illinois Municipal Code, 65 ILCS 5/1-2.1-1, et seq., as it may be amended from time to time. In the event of a conflict between said statutes and this article, this article shall prevail.
- (c) The adoption of this article does not preclude the city from using other lawful methods to enforce the provisions of this Code.

(Ord. No. 07-O-0061, § 2, 8-6-2007)

Sec. 8-2. - Purpose.

The purpose of the administrative adjudication system for Code violations is to provide a procedure by which charges of Code violations can be equitably and efficiently adjudicated administratively by an administrative law judge.

(Ord. No. 07-O-0061, § 2, 8-6-2007)

Sec. 8-3. - Jurisdiction.

Those matters subject to the administrative adjudication system provided for by this article are charges of violation of any regulation of the City of West Chicago, excluding traffic violations that regulate the movement of vehicles, so long as the relief sought is not a penalty of incarceration or a total fine in excess of fifty thousand dollars (\$50,000.00), excluding allowable costs. The fifty thousand dollars (\$50,000.00) limitation shall not apply to those cases brought to enforce the collection of any tax imposed and collected by the city.

(Ord. No. 07-O-0061, § 2, 8-6-2007)

Sec. 8-4. - Administrative hearings supervisor.

- (a) There is hereby established the office of administrative hearings. That office shall be directed by an administrative hearings supervisor, who shall be the city administrator, or his/her designee. The administrative hearings supervisor's function is to expedite the prosecution and/or correction of Code violations subject to the jurisdiction of the administrative adjudication system. The administrative hearings supervisor is authorized to manage the administrative adjudication process in the manner provided for in this article, which shall include determining the qualifications of administrative law judges, appointing administrative law judges, upon the appointment by the mayor and with the advice and consent of the city council; and establishing such rules and regulations, as may be necessary for the effective operation of the administrative adjudication system. The city administrator may also appoint other persons to assist with the administrative adjudication system provided for in this article.
- (b) Any violation prosecuted under administrative adjudication which is not listed in the below table is subject to the general penalty provisions of Chapter 1 Section 1.8 of this Code.
- (c) Any offense listed in the below table of this Chapter may be settled, comprised and paid in the respective amounts and within the respective time frames set forth in the below Table of Offenses and Fines.

Chapter/Section	Title/Offenses	Minimum Fine/ Fine Paid Before Hearing	Maximum Fine
Chapter 17 Article I.Sec.17-1	West Chicago Vehicle and Traffic Code. Adoption by Reference of the Illinois Vehicle Code (IVC)		
5/3-401	No Valid Registration	\$50	\$100
5/3-413(a)	No front/rear registration plate	\$50	\$100

5/3-413(b)	Improper display of license plate	\$50	\$100
5/3-413(f)	Operation of vehicle w/expired registration	\$50	\$100
5/3-413(g)	Use of license plate cover	\$50	\$100
5/3-701	Inoperable odometer under mileage plates	\$50	\$100
5/1-100 et. Seq.	Miscellaneous Traffic Code Violations	\$50	\$100
5/6-112	Driver's license not on person	\$50	\$100
5/6-116	Failure to notify Secretary of State— Change of address	\$50	\$100
5/12-713	Improperly marked vehicles— Contractor	\$50	\$100
5/12-101	Unsafe equipment	\$50	\$100
5/12-201(a)	Driving motorcycle w/out lighted headlight	\$50	\$100
5/12-201(b)	Driving w/out lights when required	\$50	\$100
5/12-201(b)	Only one tail light	\$50	\$100
5/12-201(c)	No rear license plate light	\$50	\$100
5/12-204	Improper lamp or flag on projected load	\$50	\$100
5/12-207	Improper use of spot lamp/aux driving lamps	\$50	\$100
5/12-208	No stop lights	\$50	\$100
5/12-209(c)	Defective back-up lights	\$50	\$100
5/12-210	Failure to dim headlights	\$50	\$100
5/12-211	Only one headlight	\$50	\$100
5/12-301	Defective brakes	\$50	\$100
5/12-405(c)	Use of unsafe tire	\$50	\$100
5/12-502	No rear view mirror	\$50	\$100

5/12-503(a)	Illegally Tinted Windows	\$50	\$100
5/12-503(c)	Obstructed windshield	\$50	\$100
5/12-503(d)	Obstructed windows—Snow, ice, moisture	\$50	\$100
5/12-503(d)	No windshield clearing device (wipers)	\$50	\$100
5/12-601(a)	Defective or no horn	\$50	\$100
5/12-602	Loud muffler—Excessive noise	\$50	\$100
5/12-603.1	Failure to Wear Properly Adjusted Seat Belt	\$50	\$100
5/12-608	No bumper or unlawful bumper height	\$50	\$100
5/12-610.2	Use of Mobile Telephones	\$50	\$100
5/12-611	Illegal operation of sound amplification—75'	\$50	\$100
5/12-702	No flags, flares, warning devices carried	\$50	\$100
5/12-710	Inadequate or no splash guards (mud flaps)	\$50	\$100

(Ord. No. 07-O-0061, § 2, 8-6-2007)

Sec. 8-5. - Qualifications of administrative law judge.

Prior to conducting administrative adjudication proceedings under this article, the administrative law judges shall have successfully completed a formal training program that includes the following:

- (a) Instruction on the rules of procedure of the administrative hearings over which the administrative law judges shall preside;
- (b) Orientation to each subject area of the code violations they will adjudicate;
- (c) Observation of administrative hearings; and
- (d) Participation in hypothetical cases, including ruling on evidence and issuing final orders.

In addition, an administrative law judge must be an attorney licensed to practice law in the State of Illinois for at least three (3) years, and be in good standing with the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois. An administrative law judge may not be a resident of the City of West Chicago.

(Ord. No. 07-O-0061, § 2, 8-6-2007)

Sec. 8-6. - Scope of authority of administrative law judges.

Administrative law judges shall preside over adjudicatory hearings. The authority of an administrative law judge shall encompass all acts necessary to conduct fair and impartial adjudicatory hearings, including, but not limited to:

- (a) Hearing testimony and accepting evidence that is relevant to the existence of the code violation.
- (b) Administering oaths and affirmations to witnesses.
- (c) At the request of any party or on the administrative law judge's own motion, issuing subpoenas for the attendance of relevant witnesses and/or the production of relevant books, records, or other information. Subpoena issuance shall be at the discretion of the administrative law judge, where it is determined that the requested witness or document is material to the defense of the allegations and does not constitute a needless presentation and that the elements of the defense sought to be proved could not otherwise be established without the production of the requested evidence.
- (d) Preserving the record of the hearing, including all exhibits and evidence admitted into the record at the hearing.
- (e) Issuing a determination based upon a review of the notice of violation, citation, other charging document (hereinafter, "charging document") and on the evidence admitted, which determination shall be final for purposes of judicial review under the Illinois Administrative Review Act. The determination shall be in writing, shall be signed by the administrative law judge, shall be designated as findings(s), decision, and order, and shall include the fine, penalty or action with which the respondent must comply.
- (f) Upon finding a respondent liable for violating one (1) or more charged Code provisions:
 - (1) Imposing penalties as provided by the governing penalty provision, except, however, that in no event shall an administrative law judge have authority to (i) impose a penalty of incarceration, or (ii) impose a fine in excess of fifty thousand dollars (\$50,000.00), excluding allowable costs. When applicable, each day a Code provision is found to have been violated by the respondent shall constitute a separate offense, and each separate offense subjects the respondent to the penalty provided by the governing penalty provision.
 - (2) Imposing, in addition to fines, administrative and/or enforcement costs and, when applicable, imposing costs incurred by the city for effecting compliance with Code provision(s) for which a respondent has been found liable.
 - (3) Ordering, notwithstanding fines imposed or costs assessed, the respondent to comply with Code provision(s) found to have been violated, and, if appropriate, ordering the respondent to post a compliance bond as provided by subsection 8-11(b).
 - (4) Ordering, regardless of fines imposed or costs assessed, the respondent to perform a term of community service.
- (g) Adhering to the policies, procedures, and legislation set forth in the City Code, except where discretion is specifically vested in the administrative law judge. However, an administrative law judge is authorized to waive the fine and/or costs that otherwise would be imposed upon finding a respondent liable for one (1) or more Code violations when the administrative law judge specifically finds as a matter of fact that the violation(s) occurred under such circumstances that, as a reasonable person, would constitute an excuse for the violation(s).
- (h) Asking questions of the parties and witnesses, if necessary, to ensure the clarity and completeness of the testimony and the record.

- (i) Regulating the course of the hearing in accordance with this article, the rules adopted by the administrative hearings supervisor for the conduct of administrative hearings, and other applicable law.
- (j) Hearings on appeals from the orders of the administrative hearings supervisor, or his designee.

(Ord. No. 07-O-0061, § 2, 8-6-2007)

Sec. 8-7. - Administrative hearings.

- (a) All administrative hearings conducted by an administrative law judge are open to the public and shall be presided over by a duly appointed administrative law judge who is charged with providing the parties a full and fair opportunity to be heard.
- (b) The city shall not be represented by an employee or other representative of the office of administrative hearings. However, documentary evidence, prepared by another department of the city and submitted to the administrative law judge, may be presented at the hearing by the administrative hearing supervisor.
- (c) All administrative hearings shall be conducted on the date set for hearing. In rare instances and for good cause shown, a continuance may be granted at the discretion of the administrative law judge. The purpose of administrative hearings is to provide a prompt resolution of alleged Code violations. Accordingly, the request for, and the grant of, continuances shall be curtailed to the extent fairness permits. Lack of preparation shall not be grounds for a continuance. Continuances shall not be granted for more than two (2) months or twice per case, unless good cause is shown.
- (d) The administrative law judge may issue subpoenas.
- (e) The formal and technical rules of evidence may be waived in the conduct of the hearing. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.
- (f) The administrative law judge shall permit persons to contest the merits of an alleged violation subject to the administrative adjudication procedures of this article without attending a hearing. Any person, who wishes to contest a vehicular violation, must file a notarized statement of facts specifying grounds for contesting the violation notice, which must be filed with the office of administrative hearings, postmarked within ten (10) days of the issuance of the notice of violation. The request shall be deemed filed, if postmarked by such due date. The submission of a notarized statement of facts is a waiver of the person's right to a personal appearance and the administrative law judge will make his/her decision based upon the notarized statement of facts submitted by the person and the facts contained in the notice of violation(s).
- (g) No violation may be established except upon proof by a preponderance of the evidence. However, the original or a legible copy of the charging document, issued in accordance with the applicable provisions of this Code, shall be prima facie evidence of the correctness of the facts specified in the document.
- (h) The administrative hearings supervisor shall determine the manner in which the record shall be preserved. Such preservation may be made by tape recording or other appropriate means, in accordance with the Illinois Open Meetings Act. Recording by any means by any member of the public is prohibited unless expressly authorized by the administrative hearings supervisor. The record of all hearings before an administrative law judge shall include a copy of the findings, decision, and order of the administrative law judge's final determination.

- (i) At the conclusion of a hearing, the administrative law judge shall issue his/her final determination. If the administrative law judge issues a final determination of liability, he or she may impose fines, assess costs, and make orders, all as provided by subsection 8-6(f), and as are consistent with the specific Code provision(s) found to have been violated.
- (j) At the conclusion of the hearing, the administrative law judge shall inform the parties orally and in writing of his determination. Such determination shall constitute a final determination for purposes of judicial review and is subject to review under the Illinois Administrative Review Act. Based on the charging document and the evidence admitted, the administrative law judge may issue the following determinations: liable, not liable, or liable upon a plea of no contest. The administrative law judge also may dismiss the case with or without prejudice or grant a properly made motion by the city voluntarily dismissing the case.

(Ord. No. 07-O-0061, § 2, 8-6-2007)

Sec. 8-8. - Procedure.

All matters to be adjudicated by the administrative law judge shall be commenced against the party alleged to have violated one (1) or more Code provisions by issuing and serving upon that party a charging document and shall be conducted in accordance with the following procedures:

- (a) The charging document shall be issued by a city officer or employee so authorized and served as provided for in subsection 8-8(c).
- (b) (1) any charging document issued pursuant to this section 8-8 shall contain the following information:
 - a. The name; city department; position; and identification number, if applicable, of the person issuing the charging document;
 - b. The name and address of the person or entity being charged with one (1) or more Code violations ("respondent");
 - c. The name and address of the person to whom the charging document is given if that person is not the respondent;
 - d. The section(s) of the Code alleged to have been violated;
 - e. The date, time, and place of the alleged violation(s);
 - f. A legally sufficient description of the activity or conduct alleged to constitute a violation of each Code section set forth in the charging document or a legally sufficient description of the facts giving rise to the allegations set forth in the charging document;
 - g. The complainant's name if the complainant is not the issuing city officer or employee.

The city officer or employee shall certify the correctness of the information required by this subsection (b)(1) by signing his/her name to the charging document to be issued. Compliance with this subsection (b)(1) shall establish a prima facie case.

- (2) A charging document issued pursuant to subsection (b)(1) also shall set forth (a) the date, time and place of the adjudicatory hearing to be held with respect to the violation(s) alleged in the charging document and (b) the legal authority and jurisdiction under which the hearing will be held.
- (c) (1) The hearing shall be scheduled with reasonable promptness, provided that for hearings scheduled in all nonemergency situations, the respondent shall have at least fifteen (15) days after service of process to prepare for a hearing, if requested by the respondent. For