

**CITY OF SANDWICH  
DEKALB AND KENDALL COUNTY, ILLINOIS**

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**CITY OF SANDWICH  
ORDINANCE NO. 2023-21**

**AN ORDINANCE AMENDING VARIOUS PROVISIONS OF THE MUNICIPAL CODE  
OF THE CITY OF SANDWICH TO ASSIST THE SANDWICH POLICE  
DEPARTMENT IN ENFORCING THE LAWS OF THE CITY DUE TO CHANGED  
CIRCUMSTANCES AND CHANGES IN THE LAW INCLUDING CHAPTER 14,  
“ANIMALS”; CHAPTER 42, “LAW ENFORCEMENT”; AND CHAPTER 50,  
“OFFENSES AND MISCELLANEOUS PROVISIONS”**

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**ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
OF THE CITY OF SANDWICH**

**This \_\_\_\_ day of \_\_\_\_\_, 2023**

**Effective date: \_\_\_\_\_, 2023**

Published in pamphlet form by the authority of the Mayor and City Council of the City of Sandwich, DeKalb and Kendall County, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 2023.

## ORDINANCE 2023-21

### AN ORDINANCE AMENDING VARIOUS PROVISIONS OF THE MUNICIPAL CODE OF THE CITY OF SANDWICH TO ASSIST THE SANDWICH POLICE DEPARTMENT IN ENFORCING THE LAWS OF THE CITY DUE TO CHANGED CIRCUMSTANCES AND CHANGES IN THE LAW INCLUDING CHAPTER 14, “ANIMALS”; CHAPTER 42, “LAW ENFORCEMENT”; AND CHAPTER 50, “OFFENSES AND MISCELLANEOUS PROVISIONS”

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Sandwich as follows:

#### Section 1. BACKGROUND.

The City of Sandwich (“**City**”) has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret, and amend its ordinances, rules, and regulations. The City has the authority to enact ordinances for the preservation of the health, welfare, and safety of the community and the residents of the City. The City desires to amend various provisions of the Municipal Code of the City of Sandwich to assist the Sandwich Police Department in enforcing the laws of the City and to make appropriate revisions based on changed circumstances in the City and in the law.

#### Section 2. AMENDMENT.

A. Chapter 14, “Animals,” Article II, “County Animal Control Officials,” of the Municipal Code of Sandwich, Illinois is hereby amended as follows (additions in **bold and underline**, deletions in ~~bold and strikethrough~~):

#### ~~ARTICLE II. -- COUNTY ANIMAL CONTROL OFFICIALS~~

##### ~~Sec. 14-36. -- Duties.~~

~~The city police officers shall cooperate with the county animal control officials in carrying out the provisions of this chapter. The county animal control officials shall, in the case of a dog or animal bite, submit all required forms and reports to respective agencies.~~

B. Chapter 42, “Law Enforcement,” Article II, “Police Department,” Section 42-25, “Telecommunications,” of the Municipal Code of Sandwich, Illinois is hereby amended as follows (additions in **bold and underline**, deletions in ~~bold and strikethrough~~):

##### Sec. 42-25. - Reserved.

##### ~~Sec. 42-25. -- Telecommunications.~~

- ~~(a) Positions generally. There is hereby created the position of telecommunications for the police department.~~
- ~~(b) Lead telecommunications operator. There is hereby created the position of lead telecommunications operator for the police department.~~
- ~~(c) Duties. The duties of all telecommunications personnel shall be established by and incorporated into the personnel ordinance of the city, as may be amended from time to time.~~

C. Chapter 50, "Offenses and Miscellaneous Provisions," Article VI, "Controlled Substances," Section 50-166, "Possession of Drug Paraphernalia," of the Municipal Code of Sandwich, Illinois is hereby amended as follows (additions in **bold and underline**, deletions in **~~bold and strikethrough~~**):

#### **50-166. - Possession of drug paraphernalia.**

- (a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Controlled substance* shall have the meaning ascribed to it in section 2(b) of the Drug Paraphernalia Control Act, 720 ILCS 600/2(d), as amended.

*Drug paraphernalia* shall have the meaning ascribed to it in section 2(d) of the Drug Paraphernalia Control Act, 720 ILCS 600/2(d), as amended.

- (b) *Unlawful possession of drug paraphernalia.*

(1) It shall be unlawful for a person who knowingly possesses an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing a controlled substance into the human body, or in preparing a controlled substance for that use. This prohibition shall not apply to a person who is legally authorized to possess hypodermic syringes or needles under the Hypodermic Syringes and Needles Act or anyone who is in lawful possession of paraphernalia as an authorized cardholder in accordance with the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 et seq., or a successor statute, **or anyone using an item of drug paraphernalia as it relates to the lawful use of cannabis as contained in the Cannabis Control Act, 720 ILCS 550.**

(2) In determining intent under subsection (b)(1) of this section, the trier of fact may take into consideration, in addition to all other logically relevant factors, the proximity of the controlled substances to drug paraphernalia or the presence of a controlled substance on the drug paraphernalia, statements by any person in control of the object concerning its use, direct or circumstantial evidence of the intent of any person in control of the object, and the existence and scope of legitimate uses for the object.

- (c) If a person is found to have violated this section, then such person shall be fined in an amount not less than \$250.00 nor more than \$750.00 for each such violation.

D. Chapter 50, "Offenses and Miscellaneous Provisions," Article VI, "Controlled Substances," Division 1., "Generally," Section 50-82, "Damaging Property; Trespass; Parental Responsibility," Subparagraph (c), "Offenses," of the Municipal Code of Sandwich, Illinois is hereby amended as follows (additions in **bold and underline**, deletions in ~~**bold and strikethrough**~~):

**Sec. 50-82. - Damaging property; trespass; parental responsibility.**

- (c) *Offenses.* Within the corporate limits the following acts shall be prohibited:

- (1) It shall be unlawful for any person to commit a trespass within the city upon either public or private property.
- (2) Without constituting any limitation upon the provisions of subsection (a) any of the following acts by any person shall be deemed included among those that constitute trespasses in violation of the provisions of subsection (a) and appropriate action may be taken here under at any time, or from time to time, to prevent or suppress any violation or violations of this ordinance, the aforesaid annumerated acts so included being as follows:
  - a. any entry upon the premises, or any part thereof, of another including any public property in violation of a notice posted or exhibited at the main entrance to said premises or at any approach or entry or in violation of any notice, warning or protest given orally or in writing, by any owner or occupant thereof, or
  - b. a failure or refusal to depart from the premises of another in case of being requested, either orally or in writing, to leave by any owner or occupant thereof, or
  - c. any entry into or upon any vehicle or aircraft or watercraft made without the consent of the person having the right to possession or control thereof, or a failure or refusal to leave any such vehicle, aircraft, or watercraft after being requested to leave by the person having such right.

**(3) It shall be unlawful to knowingly damage or deface the real property or personal property of another, or property owned by a public entity.**

Section 3.      SEVERABILITY.

Each section, paragraph, sentence, clause, and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof, other than the part affected by such decision.

Section 4.      SUPERSEDER.

All sections, ordinances, resolutions, motions, or orders in conflict herewith shall be, and the same hereby are, repealed to the extent of such conflict, and except as to the amendment heretofore mentioned, all chapters and sections of the Municipal Code of Sandwich, Illinois, shall remain in full force and effect.

Section 5.      EFFECTIVE DATE.

That this Ordinance shall, by authority of the City Council of the City of Sandwich, Illinois, be published in pamphlet form. From and after ten (10) days after said publication, this Ordinance shall be in full force and effect.

**PASSED BY THE CITY COUNCIL** of the City of Sandwich, Illinois, at a regular meeting thereof held on the \_\_\_\_ day of \_\_\_\_\_, 2023, and approved by me as Mayor on the same day.

AYES:

NAYS:

ABSENT:

\_\_\_\_\_  
Todd Latham, Mayor

Attest:

\_\_\_\_\_  
Denise Li, City Clerk