

VILLAGE OF DONNELLSON, ILLINOIS

ORDINANCE NO. 2019-03

**AN ORDINANCE ADDING ARTICLE IV TO
CHAPTER 7 OF THE
REVISED CODE OF ORDINANCES
FOR THE
VILLAGE OF DONNELLSON, ILLINOIS**

**ADOPTED BY THE
VILLAGE BOARD
OF THE
VILLAGE OF DONNELLSON, ILLINOIS**

THIS 12TH DAY OF NOVEMBER, 2019

Published in pamphlet form by authority of the Mayor and the Village Board of the Village of Donnellson, Illinois this 12th day of November, 2019.

ORDINANCE NO. 2019-03

AN ORDINANCE ADDING ARTICLE IV "CANNABIS REGULATIONS" TO CHAPTER 7 ENTITLED "BUSINESS CODE" OF THE REVISED CODE OF ORDINANCES.

WHEREAS, the Illinois General Assembly has recently enacted a law allowing the sales of cannabis pursuant to state statutes, and

WHEREAS, pursuant to the law, villages may license approved cannabis sales businesses; and

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DONNELLSON, ILLINOIS, THAT:

SECTION 1: Amendment. The following exhibit shall amend Chapter 7 of "The Revised Code of Ordinances" of the Village of Donnellson, Illinois" and shall be as follows:

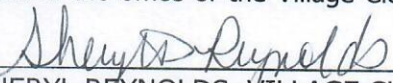
SEE EXHIBIT "A" FOLLOWING

SECTION 2: Severability of Provisions. Each section, paragraph, sentence, clause and provision of this Ordinance is severable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 3: Conflicting Ordinances. Any conflicting ordinances, code provisions or pertinent portions thereof in effect at the time this ordinance takes effect are hereby repealed.

SECTION 4: Effective. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

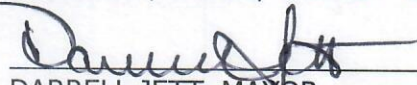
SECTION 4: Passed this 12th day of November, 2019 by the Village Board of Trustees of the Village of Donnellson, Illinois, and deposited and filed in the office of the Village Clerk in said Village on that date.



SHERYL REYNOLDS, VILLAGE CLERK
DONNELLSON, ILLINOIS

NAME	AYE	NAY	ABSTAIN	ABSENT
Nelda Adkisson	✓			
Kenneth Buckingham	✓			
Robert Hoxsey	✓			
Fran Jett	✓			
Gary Long	✓			
Pamella Short	✓			

Approved by the Mayor of the Village of Donnellson, Illinois, this 12th day of November, 2019.



DARRELL JETT, MAYOR
DONNELLSON, ILLINOIS

ATTEST:

Sheryl Reynolds
SHERYL REYNOLDS, VILLAGE CLERK
DONNELLSON, ILLINOIS

(SEAL)

VILLAGE CLERK'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF MONTGOMERY/BOND) ss. CITY CLERK'S OFFICE
VILLAGE OF DONNELLSON)

I, Sheryl Reynolds, Village Clerk of the Village of Donnellson, do hereby certify that the following Ordinance of the Village of Donnellson, Illinois, published by authority of the Village Board of Trustees was duly passed by the Village Board of Trustees of the Village of Donnellson, Illinois, approved by the Mayor, and published in pamphlet form according to law on this date, and that this ordinance is a true and perfect copy of the ordinance, as passed, approved, and now of record and on file in my office as provided by law.

In witness whereof, I have set and affixed the Corporate Seal of the Village of Donnellson, Illinois, this 12th day of November, 2019.

Sheryl Reynolds
SHERYL REYNOLDS, VILLAGE CLERK
DONNELLSON, ILLINOIS

(SEAL)

EXHIBIT "A"

ARTICLE IV – CANNABIS REGULATIONS

7-4-1 **BUSINESSES DEFINED.** The descriptions of various cannabis businesses shall be as follows:

(A) **Adult-Use Cannabis Business Establishment.** An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

(B) **Adult-Use Cannabis Craft Grower.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(C) **Adult-Use Cannabis Cultivation Center.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(D) **Adult-Use Cannabis Dispensing Organization.** A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(E) **Adult-Use Cannabis Infuser Organization or Infuser.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(F) **Adult-Use Cannabis Processing Organization or Processor.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(G) **Adult-Use Cannabis Transporting Organization or Transporter.** An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

7-4-2 ADULT-USE CANNABIS.

(A) **Purpose and Applicability.** It is the intent and purpose of this Section to provide regulations regarding the cultivation, processing and dispensing of adult-use cannabis occurring within the corporate limits of the Town. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (Act), as it may be amended from time to time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

(B) **Approval of Location.** Adult-Use Cannabis Business Establishment facilities, as defined herein, shall require the approval of the Town Board as to the proposed location.

(C) **Adult-Use Cannabis Facility Components.** In determining compliance with this Article, the following components of the Adult-Use Cannabis Facility shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:

- (1) Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
- (2) Proposed structure in which the facility will be located, total square footage, security installations/security plan and building code compliance, if applicable.
- (3) Hours of operation and anticipated number of customers/employees.
- (4) Anticipated parking demand and available private parking supply.
- (5) Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
- (6) Site design, including access points and internal site circulation.
- (7) Proposed signage plan.
- (8) Compliance with all requirements provided in Section 4 (Adult-Use Cannabis Craft Grower); Section 5 (Adult-Use Cannabis Cultivation Center); Section 6 (Adult-Use Cannabis Dispensing Organization); Section 7 (Adult-Use Cannabis Infuser Organization); Section 8 (Adult-Use Cannabis Processing Organization); or Section 9 (Adult-Use Cannabis Transporting Organization), as applicable.
- (9) Other criteria determined to be necessary to assess compliance, with this Article.

(D) **Adult-Use Cannabis Craft Grower.** In those areas in which an Adult-Use Cannabis Craft Grower may be located, the proposed facility must comply with the following:

- (1) Facility may not be located within **one thousand five hundred (1,500) feet** of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Article.
- (2) Facility may not be located within **one thousand five hundred (1,500) feet** of the property line of a pre-existing property used for residential purposes.
- (3) Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

- (4) Petitioner shall file an affidavit with the Town affirming compliance with this Article as provided herein and all other requirements of the Act.

(E) **Adult-Use Cannabis Cultivation Center.** In those areas in which an Adult-Use Cannabis Cultivation Center may be located, the proposed facility must comply with the following:

- (1) Facility may not be located within **one thousand five hundred (1,500) feet** of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Article.
- (2) Facility may not be located within **one thousand five hundred (1,500) feet** of the property line of a pre-existing property used for residential purposes.
- (3) Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- (4) Petitioner shall file an affidavit with the Town affirming compliance with this Article as provided herein and all other requirements of the Act.

(F) **Adult-Use Cannabis Dispensing Organization.** In those areas in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:

- (1) Facility may not be located within **one thousand five hundred (1,500) feet** of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Article.
- (2) Facility may not be located in a dwelling unit or within **two hundred fifty (250) feet** of the property line of a pre-existing property used for residential purposes.
- (3) At least **seventy-five percent (75%)** of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food for consumption on the premises other than as authorized below in the same tenant space.
- (4) Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- (5) Facility may be issued a permit to host on-site consumption of cannabis if located in a freestanding structure occupied solely by the dispensing organization and smoke from the facility does not migrate into an enclosed area where smoking is prohibited. The security plan for the facility required (Additional Requirements) shall also reflect adequate provisions to respond to disruptive conduct and over-consumption. The on-site consumption permit shall be reviewed annually and may be suspended or revoked

following notice and hearing as provided in the Revised Municipal Code.

- (6) Petitioner shall file an affidavit with the Town affirming compliance with this Article as provided herein and all other requirements of the Act.

(G) **Adult-Use Cannabis Infuser Organization.** In those areas in which an Adult-Use Cannabis Infuser Organization may be located, the proposed facility must comply with the following:

- (1) Facility may not be located within **one thousand five hundred (1,500) feet** of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Article.
- (2) Facility may not be located in a dwelling unit or within **two hundred fifty (250) feet** of the property line of a pre-existing property zoned or used for residential purposes.
- (3) At least **seventy-five percent (75%)** of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- (4) Petitioner shall file an affidavit with the Town affirming compliance with this Article as provided herein and all other requirements of the Act.

(H) **Adult-Use Cannabis Processing Organization.** In those areas in which an Adult-Use Cannabis Processing Organization may be located, the proposed facility must comply with the following:

- (1) Facility may not be located within **one thousand five hundred (1,500) feet** of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Article.
- (2) Facility may not be located in a dwelling unit or within **two hundred fifty (250) feet** of the property line of a pre-existing property zoned or used for residential purposes.
- (3) At least **seventy-five percent (75%)** of the floor area of any tenant space occupied by an processing organization shall be devoted to the activities of the processing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- (4) Petitioner shall file an affidavit with the Town affirming compliance with this Article as provided herein and all other requirements of the Act.

(I) **Adult-Use Cannabis Transporting Organization.** In those areas in which an Adult-Use Cannabis Transporting Organization may be located, the proposed facility must comply with the following:

- (1) Facility may not be located within **one thousand five hundred (1,500) feet** of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Article.
- (2) Facility may not be located in a dwelling unit or within **two hundred fifty (250) feet** of the property line of a pre-existing property zoned or used for residential purposes.
- (3) The transporting organization shall be the sole use of the tenant space in which it is located. Facilities may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- (4) Petitioner shall file an affidavit with the Town affirming compliance with this Article as provided herein and all other requirements of the Act.

(J) **Additional Requirements.** Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the conditional use permit, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an Adult-Use Cannabis Business Establishment and the site on which it is located, consistent with the requirements of the Act.

(K) **Co-Location of Cannabis Business Establishments.** The Town may approve the co-location of an Adult-Use Cannabis Dispensing Organization with an Adult-Use Cannabis Craft Grower Center or an Adult-Use Cannabis Infuser Organization, or both, subject to the provision of the Act and the criteria within the Revised Code. In a co-location, the floor space requirements shall not apply, but the co-located establishments shall be the sole use of the tenant space.

7-4-3 ANNUAL FEE. The annual fee for any of the businesses listed in **Section 7-4-2** shall be **Five Hundred Dollars (\$500.00)** per year. The fee shall be payable on or before **January 1st** of each calendar year.

7-4-4 COMPLIANCE WITH STATE REGULATIONS. All licensed businesses shall comply with all the regulations established by state statutes authorizing the sale of cannabis product.