

CITY OF WEST CHICAGO

ORDINANCE NO. 19-O-0036

**AN ORDINANCE OF THE CITY OF WEST CHICAGO, DUPAGE COUNTY,
ILLINOIS, ADDING ARTICLE XXVIV *PROHIBITING ADULT USE CANNABIS
BUSINESS ESTABLISHMENTS OTHER THAN MEDICAL CANNABIS CULTIVATION
CENTERS AND MEDICAL CANNABIS DISPENSING ORGANIZATIONS*, TO
CHAPTER 9 OF THE CODE OF ORDINANCES OF THE CITY OF WEST CHICAGO**

**ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF WEST CHICAGO
November 4, 2019**

Published in pamphlet form by the authority of the City Council of the City of West Chicago,
DuPage County, Illinois, on the 5th day of November, 2019.

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AN ORDINANCE OF THE CITY OF WEST CHICAGO, DUPAGE COUNTY, ILLINOIS, ADDING ARTICLE XXVIV PROHIBITING ADULT USE CANNABIS BUSINESS ESTABLISHMENTS OTHER THAN MEDICAL CANNABIS CULTIVATION CENTERS AND MEDICAL CANNABIS DISPENSING ORGANIZATIONS, TO CHAPTER 9 OF THE CODE OF ORDINANCES OF THE CITY OF WEST CHICAGO

WHEREAS, the City of West Chicago (hereinafter referred to as the "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, Article VII, Section 6, of the Constitution of the State of Illinois of 1970, provides that municipalities of more than twenty five thousand (25,000) in population are home rule units and, subject to the specific limitations of Illinois law, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City is an existing Illinois home rule municipality pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the City possesses the authority, pursuant to the Illinois Municipal Code, to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and that protect the public health, safety and welfare of its citizens; and

WHEREAS, the City Council of the City (hereinafter referred to as the "City Council") is the corporate authority for the City and is authorized by law to exercise all powers and to control the affairs of the City; and

WHEREAS, the City Council possesses full power and authority to approve and pass all necessary ordinances, resolutions, rules and regulations necessary for carrying into effect the objects for which the City was formed, in accordance with the Illinois Municipal Code; and

WHEREAS, as an Illinois home rule municipality, the City has the authority, among other things, to regulate, limit and prohibit businesses and uses which the City deems contrary to the public health, safety, comfort and welfare of its citizens and

WHEREAS, the City Council has determined that recreational cannabis business establishments are unique and dissimilar to medical cannabis cultivation centers and medical cannabis dispensing business establishments in that the number of consumers for the recreational cannabis business can be significantly greater than those of medical cannabis businesses in that no medical prescription or authorization is required for recreational cannabis; and

WHEREAS, the City Council has legislatively determined that Appendix A to the West Chicago Zoning Ordinance, Section 6.7 does not apply to the prohibition against adult use cannabis businesses; and

WHEREAS, the number of customers of recreational cannabis business establishments can result in an increase in traffic volume, and congestion; impact nearby properties; alter the character of the neighborhoods in which said establishments are located; impacting the property values of nearby property, without any measurable gain to the public; and

WHEREAS, this Ordinance is adopted pursuant to the provisions of the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027, by which the City is authorized to prohibit the location of adult use cannabis business establishments within the City; and

WHEREAS, the City has determined that the operation of adult use cannabis business establishments would present adverse impacts upon the health, safety and welfare of the citizens, and additional costs, burdens and impacts upon law enforcement and regulatory operations of the City of West Chicago; and

WHEREAS, the City Council has determined that passage of this ordinance prohibiting the location of adult use cannabis business establishments within the City is in the best interests of the City and the public; and

WHEREAS, nothing herein shall be deemed to conflict with or in any way impede or impact the provisions set forth in the West Chicago Municipal Code pertaining to Medical Cannabis, including but not limited to Medical Cannabis Cultivation Centers and Medical Cannabis Dispensing Organizations; and

WHEREAS, the City Council has considered this matter and determined that the proposed amendment to the Code of Ordinances of the City of West Chicago prohibiting adult use cannabis business establishments, as set forth herein, is a proper exercise of its home rule legislative authority; is in accordance with the Cannabis Regulation and Tax Act authorizing Illinois Municipalities to prohibit such cannabis businesses by ordinance and is in the best interest in the public health, safety and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST CHICAGO, DUPAGE COUNTY, ILLINOIS, in exercise of its legislative home rule authority and in regular session assembled, as follows:

SECTION 1: That the Code of Ordinances of the City of West Chicago be amended by adding a new Article XIX titled "*Prohibiting Adult Use Cannabis Business Establishments Other Than Medical Cannabis Cultivation Centers and Medical Cannabis Dispensing Organizations*" as follows:

“ARTICLE XIX - CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED

Sec. 9-744. Definitions.

The following words and phrases shall, for the purposes of this Article, have the meanings respectively ascribed to them by this section, as follows:

Adult Use Cannabis Business Establishments: Cannabis Business Establishments include: Adult Use Cannabis Cultivation Centers (not including Medical Cannabis Cultivation Centers as set forth in the West Chicago Zoning Code), Adult Use Cannabis Craft Growers, Adult Use Cannabis Processing Organizations, Adult Use Cannabis Dispensing Organizations (not including Medical Cannabis Dispensing Organizations as set forth in the West Chicago Zoning Code), and Adult Use Cannabis Transporting Organizations.

Adult Use Cannabis Craft Grower: An Adult Use Cannabis Craft Grower is 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 definition of Craft Grower as set forth in the Cannabis Regulation and Tax Act, (P.A.101-0027), as may be amended from time-to-time, and regulations promulgated thereunder.

Adult Use Cannabis Cultivation Center: An Adult Use Cannabis Cultivation Center is 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 definition of Cultivation Center as set forth in the Cannabis Regulation and Tax Act, (P.A.101-0027), as may be amended from time-to-time, and regulations promulgated thereunder. Adult Use Cannabis Cultivation Center does not include Medical Cannabis Cultivation Centers as set forth in the West Chicago Zoning Code.

Adult Use Cannabis Dispensing Organization: An Adult Use Cannabis Dispensing Organization is 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 may be amended from time-to-time, and regulations promulgated thereunder. Adult Use Cannabis Dispensing Organization does not include Medical Cannabis Dispensing Organizations as set forth in the West Chicago Zoning Code.

Adult Use Cannabis Processing Organization or Processor: An Adult Use Cannabis Processing Organization, or Processor, is 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 may be amended from time-to-time, and regulations promulgated thereunder.

Adult Use Cannabis Transporting Organization or Transporter: An Adult Use Cannabis Transporting Organization, or Transporter, is 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.

Person: A natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.

Sec. 9-745. Cannabis Business Establishments Prohibited.

The following Adult Use Cannabis Business Establishments are prohibited from being located within the City of West Chicago: No person shall locate, operate, own, suffer, allow to be operated or aid, abet or assist in the operation within the City of West Chicago of any of the following:

Adult Use Cannabis Craft Grower
Adult Use Cannabis Cultivation Center
Adult Use Cannabis Dispensing Organization
Adult Use Cannabis Processing Organization or Processor
Adult Use Cannabis Transporting Organization or Transporter

Cannabis Business Establishments do not include Medical Cannabis Cultivation Centers or Medical Cannabis Dispensing Organizations as set forth in the West Chicago Zoning Code.

Sec. 9-746. Public Nuisance Declared.

Operation of any prohibited Adult Use Cannabis Business Establishment within the City of West Chicago in violation of the provisions of this Article is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

Sec. 9-747. Violations.

Violations of this Article may be enforced in accordance with the provisions of Section 1-8 of the City Code."

SECTION 2: Conflicts. Any ordinances, or parts of ordinances, in conflict with this Ordinance, are hereby expressly repealed.

SECTION 3: Severability. If any section, paragraph, or provision of this Ordinance, or the application hereof, is held unconstitutional or otherwise invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect other provisions of this Ordinance or any other City ordinance, resolution, or provision of the West Chicago Municipal Code that can be given effect without the unconstitutional or invalid section, paragraph, or provision. Any unconstitutional or invalid section, paragraph, or provision, or application hereof, is severable.

SECTION 4: Effective Date. That this Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

Alderman J. Beifuss	<u>Yea</u>	Alderman L. Chassee	<u>May</u>
Alderman J. Sheahan	<u>May</u>	Alderman H. Brown	<u>May</u>
Alderman A. Hallett	<u>Yea</u>	Alderman M. Ferguson	<u>Yea</u>
Alderman Birch Ferguson	<u>May</u>	Alderman S. Dimas	<u>Yea</u>
Alderman C. Swiatek	<u>Yea</u>	Alderman M. Garling	<u>Yea</u>
Alderman R. Stout	<u>May</u>	Alderman J. Short	<u>Yea</u>
Alderman N. Ligino-Kubinski	<u>Yea</u>	Vacant – 7 th Ward	<u>—</u>

PASSED this 4th day of November, 2019.

APPROVED as to form:

Patrick K. Bond
Patrick K. Bond, City Attorney

ADOPTED this 4th day of November, 2019.

Mayor Ruben Pineda
Mayor Ruben Pineda

ATTEST:

Nancy M. Smith
City Clerk Nancy M. Smith

PUBLISHED: 11-05-19

STATE OF ILLINOIS)
COUNTY OF DU PAGE)

CERTIFICATE

I, Nancy Smith, Certify that I am the duly elected and acting City Clerk of the City of West Chicago, DuPage County, Illinois.

I further certify that on November 4, 2019 the Corporate Authorities of such municipality passed and approved Ordinance No. 19-O-0036 entitled:


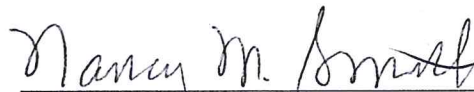
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Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 19-O-0036 including the ordinance and a cover sheet hereof was prepared, and a copy of such ordinance posted in the municipal building, commencing on November 5, 2019 continuing for at least ten days thereafter. Copies of such ordinance were also available for public inspection upon request in the Office of the City Clerk.

Dated at West Chicago, Illinois, this 4th of November, 2019.

SEAL

Nancy Smith, City Clerk