

ORDINANCE NO. 2019-11

**AN ORDINANCE
PROHIBITING CANNABIS BUSINESS ESTABLISHMENTS FOR THE
VILLAGE OF CHAPIN, ILLINOIS**

WHEREAS, the Village of Chapin, Illinois, has the authority to adopt ordinances and to promulgate rules and regulations that protect the public health, safety and welfare of its citizens;

WHEREAS, this Ordinance is adopted pursuant to the provisions of the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027, which provides that the Village has the authority to prohibit adult-use cannabis business establishments; and

WHEREAS, the Village has determined that the operation of cannabis business establishments would present adverse impacts upon the health, safety and welfare of the residents, and additional costs, burdens and impacts upon law enforcement and regulatory operations of the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Chapin, Illinois, as follows:

SECTION 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. Cannabis Business Establishments Prohibited.

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

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT: A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

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.

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.

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.

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.

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.

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.

ON-PREMISES CANNABIS CONSUMPTION ESTABLISHMENT. An establishment, organization, business or businesses that permit(s) the on-premises consumption of recreational cannabis.

PERSON: Any person, firm, corporation, association, club, society or other organization, including any owner, manager, proprietor, employee, volunteer or agent.

Cannabis Business Establishments Prohibited. The following Adult-Use Cannabis Business Establishments are prohibited in the Village of Chapin. No person shall locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation within the Village of Chapin of any of the following:

Adult-Use Cannabis Craft Grower;
Adult-Use Cannabis Cultivation Center;
Adult-Use Cannabis Dispensing Organization;
Adult-Use Cannabis Infuser Organization or Infuser;
Adult-Use Cannabis Processing Organization or Processor;
Adult-Use Cannabis Transporting Organization or Transporter; and
On-Premises Cannabis Consumption Establishment.

Public Nuisance Declared. Operation of any prohibited Cannabis Business Establishment within the Village of Chapin in violation of the provisions of this ordinance is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

Violations. Any person, firm or entity who violates this Ordinance shall be subject to a fine of up to \$750.00 and each day the violation continues shall be considered a separate offense.

SECTION 3. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

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

ADOPTED THIS 13 day of November, 2019


AYES: 5

NAYS: 0

ABSTENTIONS:


ABSENT: 1

APPROVED THIS 13 day of November, 2019.



Village President

ATTEST:



Village Clerk

STATE OF ILLINOIS
COUNTY OF MORGAN

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CERTIFICATION

I, Rosanne E Hamilton the Clerk of the Village of Chapin, Morgan County, Illinois, do hereby certify that the attached copy of Ordinance No 2019-11 is a true and correct copy of the Ordinance passed and approved by the President and Board of Trustees of the Village of Chapin, Morgan County, Illinois, at a meeting of said Village Board held on the 13 day of November 2019, all as the original of the same remains in the official records of my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Village of Chapin, Illinois, this 13 day of November, 2019.

Rosanne Hamilton
Village Clerk

(SEAL)

STATE OF ILLINOIS)
) SS **PUBLICATION CERTIFICATE**
COUNTY OF MORGAN)

I, Rosanne Hamilton, certify that I am the Clerk of the Village of Chapin, Morgan County, Illinois.

I further certify that on the 13 day of November, 2019, the President and Board of Trustees of the Village of Chapin, Illinois, passed and approved Ordinance No. 2019-11, entitled:

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

The pamphlet form of Ordinance No. 2019-11, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the Village Hall, commencing on the 13 day of November, 2019, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request in the Office of the Village Clerk.

DATED at Chapin, Illinois, this 13 day of November, 2019.

Rosanne Hamilton
Village Clerk

(SEAL)