

CITY OF NEWTON, ILLINOIS

ORDINANCE NO. 19-15

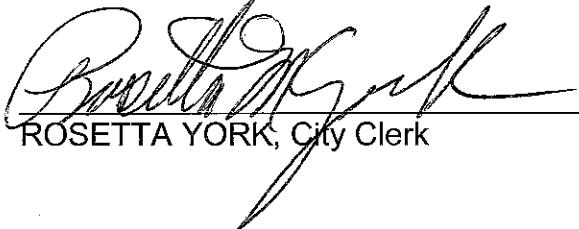
AN ORDINANCE TO AMENDING CHAPTER 27 "OFFENSES" OF
THE NEWTON CITY CODE

ADOPTED BY THE CITY COUNCIL
OF THE CITY OF NEWTON, ILLINOIS
THIS 3rd DAY OF DECEMBER, 2019

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF
THE CITY COUNCIL OF THE CITY OF NEWTON
JASPER COUNTY, ILLINOIS
THIS 3rd DAY OF DECEMBER, 2019

CERTIFICATE OF PUBLICATION

I, ROSETTA YORK, the duly qualified City Clerk of the City of Newton, Illinois, and the official custodian of records of said City do hereby certify that this Ordinance was published in pamphlet form by authority of the City Council on the 3rd day of December, 2019.



ROSETTA YORK, City Clerk

ORDINANCE NO. 19-15

AN ORDINANCE TO AMENDING CHAPTER 27 "OFFENSES" OF THE NEWTON CITY CODE

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

WHEREAS, the City of Newton 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, burden and impacts upon law enforcement and regulatory operations of the City of Newton; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Newton, Jasper County, 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. Amendment. The following shall amend CHAPTER 27 of the NEWTON CITY CODE and shall be as follows:

27-2-38 Cannabis Business Establishments Prohibited.

(A) **Definitions.** The following words and phrases shall, for the purposes of this Section have the meanings respectfully ascribed to them by this section, as follows:

(1) **Adult-Use Cannabis Business Establishment:** A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

(2) **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.

(3) **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.

(4) **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.

(5) **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.

(6) **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.

(7) **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.

(8) **Person**: Any person, firm, corporation, association, club, society or other organization, including any owner, manager, proprietor, employee, volunteer or agent.

(B) **Cannabis Business Establishments Prohibited.** The following Adult-Use Cannabis Business Establishments are prohibited in the City of Newton, Illinois. No person shall locate, operate, own, suffer, allow to be operated or aid, abet or assist in the operation within the City of Newton 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

(C) **Public Nuisance Declared.** Operation of any prohibited Cannabis Business Establishment within the City of Newton in violation of the provisions of this Chapter, is hereby declared to be a public nuisance and shall be abated pursuant to all available remedies.

(D) **Violations.** Violations of this Chapter shall be enforced in accordance with the provisions of Chapter 1, Division IV, General Provisions, Section 1-1-20 of the Newton City Code.

(E) **Severability.** 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.

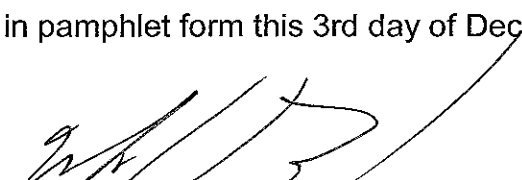
(F) **Effective Date.** This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

Upon roll call vote the following Alderpersons voted yea: **Eric Blake, Marlene Harris, Gayle Glumac, David Brown, Larry Brooks and Robert Reisner**


Upon roll call vote the following Alderpersons voted nay: **None**

Passed, approved and published in pamphlet form this 3rd day of December, 2019.




MARK A. BOLANDER, Mayor

ATTEST:


ROSETTA YORK, City Clerk