

SANGAMON COUNTY, ILLINOIS

ORDINANCE
NUMBER 19-30

**AN ORDINANCE AMENDING TITLE XI OF THE VILLAGE CODE BY ADDING A
NEW CHAPTER 119 PROHIBITING CANNABIS BUSINESS ESTABLISHMENTS**

DAVE KIMSEY, Village President
AMY DAHLKAMP, Village Clerk

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ANDREW DETMERS
BRETT GERGER
RYAN MANN
MATT MAU
PAUL SCHERSCHEL
Village Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of
Chatham

on Sept. 24, 2019

Sorling Northrup – 1 N. Old State Capitol Plaza, Suite 200, Springfield, IL 62705

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AN ORDINANCE AMENDING TITLE XI OF THE VILLAGE CODE BY ADDING A NEW CHAPTER 119 PROHIBITING CANNABIS BUSINESS ESTABLISHMENTS

WHEREAS, the Village of Chatham (hereinafter, the “Village”), an Illinois municipal corporation; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations 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 Village of Chatham has the authority to prohibit adult-use cannabis business establishments; and

WHEREAS, the Corporate Authorities of the Village of Chatham have 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 of Chatham;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, SANGAMON COUNTY, ILLINOIS, AS FOLLOWS:

SECTION ONE: That the foregoing recitals be and the same are hereby incorporated herein by this reference and made a part hereof as though fully set forth as findings of fact by the President and Board of Trustees.

SECTION TWO: That Title XI of the Chatham Village Code be and the same is hereby amended by adding a new Chapter, Chapter 119, which Chapter shall read as set forth in Exhibit A, attached hereto and by this reference incorporated herein and made a part hereof.

SECTION THREE: That 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 FOUR: That this Ordinance shall be in full force and effect 10 days after its passage, approval, and publication as provided by law.

PASSED this 24th day of September, 2019.

	AYE	NAY	ABSTAIN	ABSENT
KRISTEN CHIARO		✓		
ANDREW DETMERS	✓			
BRETT GERGER	✓			
RYAN MANN	✓			
MATT MAU		✓		
PAUL SCHERSCHEL	✓			
DAVE KIMSEY				
TOTAL	4	2		

APPROVED this 24th day of September, 2019.

Village President

ATTEST:

Amy Dahlkamp
Village Clerk

EXHIBIT A

CHAPTER 119: PROHIBITION OF CANNABIS BUSINESS ESTABLISHMENTS

Section

- 119.01 Definitions
- 119.02 Cannabis Business Establishments Prohibited
- 119.03 Public Nuisance Declared
- 119.04 Violations

§ 119.01 DEFINITIONS.

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

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT: An 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, or Adult-Use Cannabis Transporting Organization or Transporter.

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.

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

§ 119.02 CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED.

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

§ 119.03 PUBLIC NUISANCE DECLARED.

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

§ 119.04 VIOLATIONS.

Any person, firm or corporation who violates any provision of this Chapter shall, upon conviction, be subject to a fine not exceeding \$750 nor less than \$500. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.