

ORDINANCE 2019-144

AN ORDINANCE PROHIBITING CANNABIS BUSINESS ESTABLISHMENTS IN THE VILLAGE OF VERNON HILLS, ILLINOIS

WHEREAS, the Village of Vernon Hills (“Village”) is a home rule municipality as defined by Article VII, § 6 of the Illinois Constitution of 1970; and

WHEREAS, the Village 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 Village has the authority to prohibit 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; and

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Vernon Hills, Lake 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. Cannabis Business Establishments Prohibited. Chapter 10 “Licenses, Permits and Miscellaneous Business Regulations” of the Village Code shall be amended by the addition of Article XII that will read as follows:

ARTICLE XII Cannabis Business Establishments Prohibited.

1. 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:

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

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.

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.

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.

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.

CANNABIS LOUNGE OR SOCIAL SPACE. 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 that may permit the on-premises consumption of cannabis at or within the business in a manner consistent with the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

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.

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.

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

- a. Cannabis Craft Grower
- b. Cannabis Cultivation Center
- c. Cannabis Dispensing Organization
- d. Cannabis Infuser Organization or Infuser
- e. Cannabis Lounge or Social Space
- f. Cannabis Processing Organization or Processor
- g. Cannabis Transporting Organization or Transporter

3. Public Nuisance Declared. Operation of any prohibited Cannabis Business Establishments within the Village in violation of the provisions of this Article is hereby declared a public nuisance and shall be abated pursuant to all available remedies of the Village under this Code and the Illinois Municipal Code.

4. Violations. Any person who violates any provision of this section shall be fined pursuant to Chapter 25, "Comprehensive Fees and Penalties", of this Code for each offense. Any such fines are subject to adjudication by and through the Village administrative hearing system, but shall not preclude the ability of the Village to seek injunctive relief related to these violations in any court of competent jurisdiction. Violations of this Section shall also be subject to further enforcement and abatement in accordance with the provisions of Chapter 13 of this Code.

5. 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.

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

Dated this 5th day of November, 2019

Adopted by roll call vote as follows:

AYES: 7 – Byrne, Oppenheim, Takaoka, Schultz, Marquardt, Koch, Brown

NAYS: 0 - None

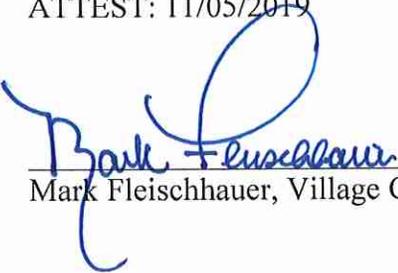
ABSENT AND NOT VOTING: 0 - None

Adopted this 5th day of November 2019, by the President and Board of Trustees of the Village of Vernon Hills, Illinois.



Roger L. Byrne, Village President

PASSED: 11/05/2019
APPROVED: 11/05/2019
ATTEST: 11/05/2019



Mark Fleischhauer, Village Clerk

