

ORDINANCE NO. O2024-1121B

**AN ORDINANCE CREATING CHAPTER 174 OF THE VILLAGE CODE
PERTAINING TO ADULT CANNABIS BUSINESS ESTABLISHMENTS**

WHEREAS, the Village is a home rule unit of government under and pursuant to Section 6(a) of Article VII of the Constitution of the State of Illinois; 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, the Village has not adopted an ordinance prohibiting adult-use cannabis business establishments from locating within the village; and,

WHEREAS, in order to promote the health, safety and welfare of its citizens, the Mayor and Village Board desire to adopt provisions for the registration of adult-use cannabis business establishments desiring to locate within the village.

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

SECTION 1: Chapter 174 of the Village Code is hereby created as follows:

Chapter 174 Adult Use Cannabis Business Establishments

174.01 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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, (410 ILCS 705/), 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, (410 ILCS 705/), 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, (410 ILCS 705/), 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, (410 ILCS 705/), 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, (410 ILCS 705/), 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, (410 ILCS 705/), as it may be amended from time-to-time, and regulations promulgated thereunder.

174.02 Registration, Number of Registrations, State License Required.

(A) It shall be unlawful to operate an adult-use cannabis business establishment without first registering the business with the Village.

(B) The number of registrations for each type of adult-use cannabis establishment shall be limited to one within the village.

(C) It shall be a prerequisite to any such adult-use cannabis business establishment that such establishment shall have a valid license issued by the State of Illinois and post such license in plain view in a conspicuous place on the premises.

174.03 Registration process.

(A) Any person desiring to register an adult-use cannabis business establishment to operate within the village must first receive a Certificate of Registration. Registration shall take place in the office of the Village Clerk on application forms provided thereby. The following information shall be requested on the registration forms provided by the Village:

- (1) Name of business and business owner(s).
- (2) Address of business and business owner(s).
- (3) Phone number of business and owner(s).
- (4) The nature of the adult-use cannabis business establishment sought to be registered.
- (5) The date upon which the business is to be established within the village.
- (6) Verification of general liability insurance.
- (7) Unemployment Insurance Number and/or Federal Employment Identification Number.
- (8) A copy of the application for registration authorization submitted to the Illinois Department of Financial and Professional Regulation or the Illinois Department of Agriculture, as the case may be, and the registration authorization issued by the Illinois Department of Financial and Professional Regulation or the Illinois Department of Agriculture.

The Village may request additional information necessary to ensure proper and efficient administration of this chapter.

(B) The applicant seeking to receive a Certificate of Registration shall sign the registration application thereby attesting to the truth and accuracy of all information provided. Providing false information shall constitute a violation of this chapter.

(C) No Certificate of Registration shall be issued to:

(1) A person who has knowingly furnished false or misleading information or withheld relevant information on an application or caused or permitted another to furnish or withhold such information on his behalf;

(2) A person whose Certificate of Registration issued under this chapter has previously been revoked;

(3) A person who has been convicted of a violation of state or federal law related to cannabis;

(4) A person who, at the time of application for renewal of their certificate of registration issued hereunder, would not be eligible for such certificate upon a first application.

174.04 Registration Fee.

(A) The fee for a Certificate of Registration shall be \$100 per year in advance, which sum shall be paid to the Village prior to the end of business on April 30 of each year. The Certificate of Registration shall expire on April 30 following its issuance. The fee shall not be prorated for a portion of a year and shall be non-refundable.

(B) Any person renewing a Certificate of Registration shall pay a fee of \$150 if their registration is renewed after April 30.

174.05 Certificate of Registration provided.

Once the registration process is completed and approved by the Village, the applicant shall receive a Certificate of Registration for the current year. The Certificate shall be suitable for posting.

174.06 Display of Registration.

Each person registered pursuant to this chapter shall display the Certificate of Registration in a location within the establishment that is in plain view in a conspicuous place.

174.07 Compliance with law.

All adult-use cannabis business establishments with a Certificate of Registration issued by the Village shall comply with all federal, state and local laws pertaining to such business.

174.08 Registration not transferable.

The assignment or transfer in any manner of any Certificate of Registration issued pursuant to this chapter is hereby expressly prohibited.

174.09 PENALTIES.

(A) Any person, firm or corporation found guilty of violating this chapter shall be fined not less than \$200 nor more than \$750 for each offense. In addition to any fine imposed herein, the offender shall be ordered to pay all of the costs and fees incurred by the Village in prosecuting the violation, which shall include, but not be limited to, the costs associated with an administrative adjudication proceeding or court proceeding, and reasonable attorney's fees.

(B) Those who are convicted more than once in a given registration year for violation of state or local law pertaining to their business may have their Certificate of Registration suspended or permanently revoked. No such action shall be taken except after a 15-day notice sent to the owner by first class mail. The notice shall state the reasons for any proposed action by the Village and shall establish a date for a public hearing to provide the owner with an opportunity to appear and defend against the proposed action. The hearing shall be conducted by the Mayor or his designee. After hearing evidence from both sides of the issue, the Mayor or his designee shall make the final decision whether or not to authorize the Village to suspend or to permanently revoke the owner's certificate of registration issued by the Village. If the Mayor's or his designee's decision is to revoke the certificate of registration, he or she may establish any conditions under which the contractor may have his/her Certificate of Registration renewed.

174.10 SEVERABILITY.

If any section, clause, provision or portion of this chapter is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall remain in force and not be affected by such judgment.

SECTION 2: Any adult-use cannabis business establishment in existence and operating prior to the adoption of this ordinance shall comply with its provisions within thirty (30) days of its effective date.

SECTION 3: This Ordinance shall be effective 10 days after its passage, approval and publication in pamphlet form.

PASSED this ____ day of _____, 20____, by _____ ayes,
_____ nays and _____ absent.

APPROVED:

By: _____
Mayor

ATTEST:

By: _____
Village Clerk