

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 5.76 (CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED) OF TITLE 5 (BUSINESS LICENSES AND REGULATIONS) OF THE CITY OF CREST HILL CODE OF ORDINANCES

WHEREAS, the City Council of the City of Crest Hill has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Corporate Authorities of the City of Crest Hill have the authority to define, prevent and abate nuisances. (65 ILCS 5/11-60-2); and

WHEREAS, the Corporate Authorities of the City of Crest Hill has previously enacted ordinances defining, preventing and abating nuisances pursuant to said authority; and

WHEREAS, as of January 1, 2020, the Illinois Legislature legalized adult use cannabis by and through the passage of the Illinois Cannabis Regulation and Tax Act, which authorized units of local government to pass ordinances prohibiting Adult-Use Cannabis Business as well as reasonable zoning ordinances governing Adult-Use Cannabis Businesses within their jurisdiction; and

WHEREAS, on September 16, 2019, the Corporate Authorities of the City of Crest Hill approved Ordinance 1825, which created Chapter 5.76 of the Crest Hill City Code and which declared all Adult-Use Cannabis Businesses to be nuisances and which prohibited said businesses (except for licensed Medical Cannabis Businesses pursuant to Ordinance 1645) within the City of Crest Hill; and

WHEREAS, the Corporate Authorities of the City of Crest Hill in July of 2022 initiated a text amendment to the City of Crest Hill Zoning Ordinance which would allow Adult Use Cannabis Dispensaries (in addition to the previously authorized Medical Cannabis Dispensaries) as special uses in the B2, B3, M1, and M2 zoning districts; and

WHEREAS, pursuant to the application by the City of Crest Hill for a Text Amendment to the 2018 City of Crest Hill Zoning Ordinance, a Public Hearing was conducted at a regular meeting of the City of Crest Hill Plan Commission held September 14, 2022;

WHEREAS, no members of the public offered public comment or testimony, either for or against the proposed text amendment during the September 14, 2022, Public Hearing and Plan Commission Meeting; and

WHEREAS, the Plan Commission, on a 3-2 vote, recommended that the City Council reject the requested text amendment; and

WHEREAS, in making its recommendation against the proposed text amendment, the City of Crest Hill Plan Commission heard from the City Planning Consultant, Deputy Chief of Police,

and City Attorney, who were present to answer questions; and

WHEREAS, the City of Crest Hill Plan Commission's recommendation against the proposed text amendment is contained in its Findings and Decision, a true and accurate copy of which is attached hereto as Exhibit A; and

WHEREAS, on October 10, 2022, the Corporate Authorities again considered the proposed text amendment in a regularly scheduled work session of the Crest Hill City Council, at which there was no public comment for or against the proposed amendment; and

WHEREAS, after due consideration of the matter, including the Plan Commission recommendation, the Corporate Authorities of the City of Crest Hill have determined that approval of the proposed text amendment is in the best interests of the City of Crest Hill, due to the minimal risks posed by Adult Use Cannabis Dispensaries and the positive financial impact those businesses would have on the City, as well as the determination that the standards set forth in Section 12.8-4 of the Crest Hill Zoning Ordinance are met, as indicated in the Findings of Fact attached hereto as Exhibit B.

WHEREAS, the text Amendment to the City of Crest Hill Zoning Ordinance, if passed, requires an amendment of Chapter 5.76 of the City of Crest Hill Code of Ordinances to remove Adult-Use Cannabis Dispensaries from the prohibitions of that Chapter; and

WHEREAS, the Corporate Authorities have determined that said amendment to Chapter 5.76, upon the passage of the Ordinance approving the aforementioned text amendment is necessary and in the best interests of the citizens of Crest Hill.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CREST HILL, WILL COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:

SECTION 1: The City Council hereby finds that all the recitals contained in the preamble to this Ordinance are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

SECTION 2: That Chapter 5.76 Cannabis Business Establishments Prohibited of Title 5: Business Licenses and Regulations of the City of Crest Hill Code of Ordinances is hereby repealed in its entirety and replaced with the following:

CHAPTER 5.76: CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED

Section

5.76.010	Definitions
5.76.020	Cannabis business establishments prohibited
5.76.025	Adult-Use Cannabis Dispensaries Allowed as Special Use in Certain
Zones	
5.76.030	Public nuisance declared

§ 5.76.010 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. 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.

PERSON. Any person, firm, corporation, association, club, society or other organization, including any owner, manager, proprietor, employee, volunteer or agent. (Ord. 1825, passed 9-16-19)

§ 5.76.020 CANNABIS BUSINESS ESTABLISHMENT PROHIBITED.

The following adult-use cannabis business establishments are prohibited in the City of Crest Hill. No person shall locate, operate, own, suffer, allow to be operated or aid, abet or assist in the operation within the City of Crest Hill of any of the following:

Adult-use cannabis craft grower.

Adult-use cannabis cultivation center.

Adult-use cannabis dispensing organization, except as provided in Section 8.2-30 of the 2018 Crest Hill Zoning Ordinance, as amended.

Adult-use cannabis infuser organization or infuser.

Adult-use cannabis processing organization or processor.

Adult-use cannabis transporting organization or transporter.
(Ord. 1825, passed 9-16-19)

§ 5.76.025 ADULT-USE CANNABIS DISPENSARIES ALLOWED IN CERTAIN ZONES AS SPECIAL USE

Adult-use Cannabis Dispensaries, as defined herein and in Section 2.0 of the 2018 Crest Hill Zoning Ordinance, shall be exempt from the declaration of nuisance and the prohibitions of this Chapter 5.76 if approved by the City Council as a special use on property zoned B2, B3, M1 or M2 pursuant to Section 8.2-30 of the 2018 Crest Hill Zoning Ordinance.

§ 5.76.030 PUBLIC NUISANCE DECLARED.

Operation of any prohibited cannabis business establishment within the city in violation of the provisions of this chapter is hereby declared a public nuisance and shall be abated pursuant to all available remedies.
(Ord. 1825, passed 9-16-19)

§ 5.76.040 VIOLATIONS.

Violations of this chapter may be enforced in accordance with the provisions of Title 1, Chapter 1, § 1.12.010 of this code.
Ord. 1825, passed 9-16-19)

SECTION 3: In the event that any provision or provisions, portion or portions, or clause

or clauses of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

SECTION 4: That all ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Ordinance, are hereby repealed to the extent of the conflict.

SECTION 5: That the City Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 6: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

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PASSED THIS 17TH DAY OF OCTOBER, 2022.

	Aye	Nay	Absent	Abstain
Alderman John Vershay	_____	_____	_____	_____
Alderman Scott Dyke	_____	_____	_____	_____
Alderwoman Claudia Gazal	_____	_____	_____	_____
Alderman Darrell Jefferson	_____	_____	_____	_____
Alderperson Tina Oberlin	_____	_____	_____	_____
Alderman Mark Cipiti	_____	_____	_____	_____
Alderman Nate Albert	_____	_____	_____	_____
Alderman Joe Kubal	_____	_____	_____	_____
Mayor Raymond R. Soliman	_____	_____	_____	_____

Christine Vershay-Hall, City Clerk

APPROVED THIS 17TH DAY OF OCTOBER, 2022.

Raymond R. Soliman, Mayor

ATTEST:

Christine Vershay-Hall, City Clerk