

VILLAGE OF LA GRANGE

ORDINANCE NO. _____

AN ORDINANCE AMENDING
THE LA GRANGE CODE OF ORDINANCES
TO PROHIBIT CANNABIS BUSINESS ESTABLISHMENTS
AND USE OF CANNABIS IN LA GRANGE PUBLIC PLACES

WHEREAS, the State of Illinois adopted the Cannabis Regulation and Tax Act, Public Act 101-0027, (the “*State Act*”) legalizing adult possession and use of cannabis for recreational purposes (“*Adult Recreational Cannabis*”), authorizing the sale of Adult Recreational Cannabis and authorizing new types of Adult Recreational Cannabis businesses such as craft growers, expanded cultivation centers, dispensaries, infusers, processors, and transporters (collectively “*Cannabis Business Establishments*”); and

WHEREAS, the State Act provides that municipalities may enact regulations concerning Cannabis Business Establishments and other elements of Adult Recreational Cannabis, including without limitation the prohibition of Cannabis Business Establishments and the use of Adult Recreational Cannabis in public places; and

WHEREAS, the La Grange Code of Ordinances (the “*Village Code*”) does not specifically address Adult Recreational Cannabis, Cannabis Business Establishments, or consumption in public places, but, as stated in La Grange Resolution No. R-19-10, approved on July 8, 2019, by the President and Board of Trustees of the Village of La Grange, Cannabis Business Establishments are not authorized under the Village Code; and

WHEREAS, the President and Board of Trustees have thoroughly considered all of the circumstances, opportunities, concerns, and other elements regarding Adult Recreational Cannabis, Cannabis Business Establishments, and consumption of cannabis in public places, and the President and Board of Trustees have read and heard numerous comments from Village residents and others regarding these matters; and

WHEREAS, after thorough consideration of all of these matters, the President and Board of Trustees have determined that the establishment and operations of Cannabis Business Establishments and the use of Adult Recreational Cannabis in La Grange public places are not in the best interests of the Village or the general public, and thus it is in the best interests of the Village and its residents to prohibit Cannabis Business Establishments, and consumption of cannabis in public places, within the Village;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of La Grange, Cook County and State of Illinois, as follows:

Section 1. Recitals. The recitals above are incorporated into this Ordinance as findings of the President and Board of Trustees.

Section 2. Amendment to Title XI of Village Code. Title XI, titled “Business Regulations,” of the Village Code is hereby amended by adding a new Chapter 121 as follows:

CHAPTER 121: ADULT RECREATIONAL CANNABIS

§ 121.01 DEFINITIONS OF CANNABIS BUSINESS ESTABLISHMENTS

For purposes of this Chapter 121, the definitions of Cannabis Business Establishments are as follows. The definitions are intended to be consistent with the Illinois Cannabis Regulation and Tax Act as it may be amended from time to time (the “State Act”). In the event of a conflict between a definition in this Section and a definition in the State Act, the definition in the State Act will apply and control.

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 small quantities of cannabis and perform other necessary activities to make small quantities of cannabis available for sale at an adult use or medicinal cannabis dispensary or use at a cannabis processor or infuser, as provided in the State Act.

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 other necessary activities to provide cannabis and cannabis-infused products to Cannabis Business Establishments, as provided in the State Act.

DISPENSARY: A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire cannabis from a Cultivation Center, Craft Grower, Processor, or another Dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies for recreational, non-medicinal purposes to purchasers other than registered qualifying patients under the Medical Cannabis Program Act.

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, as provided in the State Act.

PROCESSER: 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, as provided in the State Act.

TRANSPORTER: An entity that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a Cannabis Business Establishment, as provided in the State Act.

§ 121.02 DEFINITION OF LA GRANGE PUBLIC PLACES

For purposes of this Chapter 121, La Grange Public Places are defined as follows:

- The places identified in Section 10-35 or elsewhere of the State Act.
- All retail businesses, commercial businesses, business offices, and industrial and manufacturing businesses, and all similar entities, located anywhere within the Village (each a “*Public Place*”) regardless of whether the Public Place is closed to the public at times or includes space within the Public Place that is not open to the public.
- All uses listed in La Grange Zoning Code Sections 5-102, 5-105A, 5-105B, 5-105C, 6-102, 6-105 7-102, 7-105, 8-102, 8-105, 8-202, and 8-205.
- The places identified in Subsections D, E, F, and G of Section 96.45, titled Smoke Free air Regulations, of this Code.

§ 121.03 CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED

All Cannabis Business Establishments, as they are defined in Section 121.01 of this Chapter 121, are prohibited from being located within the Village, including Craft Growers, Cultivation Centers, Dispensaries, Infusers, Processors, and Transporters and any other Cannabis Business Establishment as may be defined by State law. No person or entity may locate or operate, or allow any other person or entity to locate or operate, a Cannabis Business Establishment within the Village.

§ 121.04 CANNABIS USE AND CONSUMPTION PROHIBITED IN LA GRANGE PUBLIC PLACES

Use or consumption of cannabis in La Grange Public Places, as they are defined in Section 121.02 of this Chapter 121, is prohibited.

§ 121.05 NOT APPLICABLE TO MEDICAL CANNABIS

To the extent that a provision in this Chapter 121 is inconsistent with a provision of the Illinois Compassionate Use of Medical Cannabis Pilot Program Act (the "Medical Cannabis Act") or any amendment of the Medical Cannabis Act, the provision of this Chapter 121 will be construed and applied in a manner consistent with the Medical Cannabis Act.

§ 121.06 CONFLICTS RESOLUTION

Any provision of this Code, or any Village ordinance, that is in conflict with Section 121.03 or Section 121.04 of this Chapter 121 is hereby declared to be preempted by Section 121.01 or Section 121.02.

§ 121.07 PUBLIC NUISANCE DECLARED

The operation of any Cannabis Business Establishment within the Village, and the use or consumption of cannabis in violation of any provision in this Chapter 121 or any other Village code or ordinance is a public nuisance and will be abated pursuant to all available remedies.

§ 121.08 VIOLATIONS

Any violation of this Chapter 121 may be enforced in accordance with the provisions of this Code.

Section 5. Effective Date. This Ordinance will be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED this ____ day of October 2019

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of October 2019

Thomas E. Livingston, Village President

Attest:

John Burns, Village Clerk