

FAILED

VILLAGE OF MAPLE PARK

ORDINANCE NO. 2019-13

**AN ORDINANCE AMENDING TITLE 5, PUBLIC HEALTH AND SAFETY, OF
THE MAPLE PARK VILLAGE CODE, BY ADDING A NEW CHAPTER 11
ENTITLED PROHIBITING CANNABIS BUSINESS ESTABLISHMENTS**

FAILED

**ADOPTED BY
THE BOARD OF TRUSTEES
OF THE
VILLAGE OF MAPLE PARK
KANE AND DEKALB COUNTIES, ILLINOIS**

Published in pamphlet form by authority of the Board of Trustees of the Village of Maple Park,
Kane and DeKalb Counties, Illinois, this __ day of _____.

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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 adult-use 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 Board of Trustees of the Village of Maple Park as follows:

SECTION 1. Recitals. The facts and statements contained in the preamble to this Ordinance are hereby adopted as part of this Ordinance.

SECTION 2. Cannabis Business Establishments Prohibited. Title 5 of the Municipal Code of the Village of Maple Park shall be amended by the addition of Chapter 11 that will read as follows:

Chapter 11 CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED

5-11-1: DEFINITIONS:

5-11-2: CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED:

5-11-3: PUBLIC NUISANCE DECLARED:

5-11-4: VIOLATIONS:

5-11-1: DEFINITIONS:

The following words and phrases shall, for the purposes of this Chapter 11 of Title 5, 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.

5-11-2: Cannabis Business Establishments Prohibited:

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

5-11-3: Public Nuisance Declared:

Operation of any prohibited Cannabis Business Establishment within the Village in violation of the provisions of this Chapter 11 of Title 5 is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

5-1-4: Violations:

Violations of this Chapter 11 of Article 5 may be enforced in accordance with the provisions of Section 1-4-1 of this Code.

SECTION 3. 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.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

ADOPTED THIS _____ day of _____, 2019.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, **2019**.

SEAL

Kathleen Curtis, Village President

ATTEST:

Elizabeth Peerboom, Village Clerk

FAILED

STATE OF ILLINOIS)
) SS
COUNTIES OF DEKALB AND KANE)

I further certify that on the ____ day of _____, 2019, the Board of Trustees of the Village of Maple Park passed and approved Ordinance 2019-13, entitled “**AN ORDINANCE AMENDING TITLE 5, PUBLIC HEALTH AND SAFETY, OF THE MAPLE PARK VILLAGE CODE, BY ADDING A NEW CHAPTER 11 ENTITLED PROHIBITING CANNABIS BUSINESS ESTABLISHMENTS.**”

Dated at Maple Park, Illinois, this ____ day of _____.

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