

ORDINANCE No. 2019-28

**AN ORDINANCE OF THE VILLAGE OF WEST DUNDEE, KANE COUNTY, ILLINOIS,
AMENDING TITLE 10 ZONING REGULATIONS OF THE MUNICIPAL CODE**

(Cannabis Dispensaries)

WHEREAS, the Village of West Dundee, Kane County, Illinois (the “*Village*”) is a duly organized and validly existing home-rule municipality pursuant to Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970 and, as such, may exercise any power and perform any function pertaining to its government and affairs; and,

WHEREAS, the President and Board of Trustees have contemplated the issue of regulating Cannabis Dispensaries and have considered certain amendments to the text of the Zoning Regulations of West Dundee to address use; and,

WHEREAS, a Public Hearing was conducted before the Planning and Zoning Commission on November 25, 2019; and

WHEREAS, the President and Board of Trustees have also considered other business operations regarding the growing, cultivating, infusing and transporting of cannabis and have determined it not to be in the best interest of the Village to permit such operations.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of West Dundee, Kane County, Illinois, as follows:

Section 1. Definitions.

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 Facility or Dispensary.

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 Facility 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 Processing Facility 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 Business 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.

Section 2. The following uses are hereby prohibited to be conducted within the boundaries of the Village:

- (a) Cannabis craft growers;
- (b) Cannabis cultivated centers;
- (c) Cannabis infuser facility;
- (d) Cannabis processing facility; and,
- (e) Cannabis transporting business.

Section 3. Title 10, Chapter 5, Article D, Section 10-5D-3 of the West Dundee Municipal Code is hereby amended to add the following to Section 10-5D-3:

Cannabis Dispensary Facility subject to the following:

- (i) Operations may only be permitted between 9:00 a.m. and 10:00 p.m.;
- (ii) No drive-through windows permitted;

- (iii) Deliveries permitted only at the rear entrance of the facility which must not be in any public area;
- (iv) To be located no less than two hundred-fifty feet (250') from the property lines of schools, daycares and residential zoning districts;
- (v) No "on premise" consumption of cannabis permitted; and
- (vi) Only one cannabis dispensary facility shall be permitted.

Section 3. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged in any Court of competent jurisdiction to be invalid, such judgment shall not effect, impair invalidate or nullify the remainder thereof, which remainder shall remain in full force and effect.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED and APPROVED this 2nd day of December 2019 pursuant to a roll call vote as follows:

AYES: Trustees Price, Hanley, Yuscka, Anderley, Wilbrandt and Kembitzky

NAYS: None

ABSENT: None



Christopher Nelson
Village President

Attest:



Barbara Traver
Village Clerk