

**ORDINANCE No. 2019-27**

**AN ORDINANCE OF THE VILLAGE OF WEST DUNDEE, KANE COUNTY, ILLINOIS  
AMENDING THE WEST DUNDEE MUNICIPAL CODE  
RELATING TO THE USE OF CANNABIS**

**WHEREAS**, the Village of West Dundee, Kane County, Illinois (the “*Village*”) is a duly organized and validly existing home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

**WHEREAS**, the President and Board of Trustees of the Village of West Dundee believe it is in the best interests of the Village and its residents to amend the West Dundee Municipal Code as it relates to the use of cannabis.

**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.* That the West Dundee Municipal Code be amended by adding the following new Chapter 22 to Title 3:

**“CHAPTER 22. REGULATION OF USE OF CANNABIS**

*Sec. 3-22-1. Definitions.*

Whenever reference is made in this Chapter to the “Illinois Cannabis Act” or the “Cannabis Act” it shall mean the Cannabis Regulations and Tax Act of Illinois approved June 25, 2019, in force January 1, 2020. All other words and phrases used herein shall have the same meaning as the same or similar words or phrases defined by and used in said Cannabis Regulations and Tax Act, including the following:

“Act” shall mean the Cannabis Regulation and Tax Act of Illinois approved 6-25-19 as Public Act 101-0027.

“Advertise” means to engage in promotional activities including, but not limited to: newspaper, radio, Internet and electronic media, and television advertising; the distribution of fliers and circulars; and the display of window and interior signs.

“Cannabis” means marijuana, hashish, and other substances that are identified as including any parts of the plant *Cannabis sativa* and including derivatives or subspecies, such as *indica*, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, “cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant this incapable of germination. “Cannabis” does not include industrial

hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means concentrate and cannabis-infused products.

"Cannabis business establishment" means a cultivation center, craft grower, processing organization, dispensing organization, or transporting organization.

"Cannabis container" means a sealed, traceable container, or package used for the purpose of containment of cannabis or cannabis-infused product during transportation.

"Dispensary" means a facility operated by a dispensing organization at which activities licensed by the Act may occur.

"Dispensing organization" means a facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies under this Act to purchasers or to qualified registered medical cannabis patients and caregivers.

"Ownership and control" means ownership of at least 51% of the business, including corporate stock if a corporation, and control over the management and day-to-day operations of the business and an interest in the capital, assets, and profits and losses of the business proportionate to percentage of ownership.

"Person" means a natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.

*Sec. 3-22-2. Registration.*

It shall be unlawful for any person to operate a Dispensary within the boundaries of the Village without having first registered with the Village Clerk and submitting the following information:

- (a) Name and address of all persons owning ten percent (10%) or more of the dispensing organization; contact information for each person listed;
- (b) Location and description of operation;
- (c) Hours of operation; and,
- (d) A copy of the license issued by the Illinois Department of Financial and Professional Registration;
- (e) Name, address and contact information for each manager.

*Sec. 3-22-3. Regulations and Restrictions.*

- A. It shall be unlawful to locate a Dispensary within 1,500 feet of another Dispensary.
- B. It shall be unlawful to operate a Dispensary between the hours of 10:00 p.m. and 9:00 a.m.
- C. It shall be unlawful to advertise cannabis or a cannabis infused product in any form or through any medium:
  - (1) Within 1,000 feet of the perimeter of school grounds, a playground, a recreation center or facility, a child care center, a public park or public library, or a game arcade where admission is not restricted to persons 21 years of age or older;
  - (2) In or on a public transit vehicle or public transit shelter; or,
  - (3) On publicly owned or public operated property.
- D. It shall be unlawful to possess or use cannabis on a school bus, grounds of a pre-school primary or secondary school, unless used by a qualifying patient or caregiver pursuant to the Compassionate Use or Medical Cannabis Pilot Program Act;
- E. It shall be unlawful to possess or use cannabis in a private residence used at any time to provide licensed childcare;
- F. It shall be unlawful to use cannabis in any motor vehicle, in any public place or in any place where smoking is prohibited under the Smoke Free Illinois Act;
- G. It shall be unlawful to facilitate the use of cannabis by a person not allowed to use cannabis under the Act;
- H. It shall be unlawful to knowingly use cannabis in close proximity to anyone under the age of 21 who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Pilot Program Act;
- I. It shall be unlawful to grow cannabis unless authorized by the Compassionate Use of Medical Cannabis Pilot Program Act;
- J. It shall be unlawful for a person who is 21 years or older and a resident of Illinois to possess more than:
  - (i) 30 grams of cannabis flower;
  - (ii) 500 milligrams of THC contained in a cannabis-infused product; or,
  - (iii) 5 grams of cannabis concentrate.
- K. It shall be unlawful for a non-resident of Illinois to possess more than:

- (i) 15 grams of cannabis flower;
  - (ii) 250 grams of THC contained in a cannabis-infused product; or,
  - (iii) 2.5 grams of cannabis concentrate.
- L. It shall be unlawful for a parent or guardian to knowingly permit his or her residence or any other private property under his or her control, or any vehicle under his or her control to permit the consumption of cannabis by a person under the age of 21.
- M. It shall be unlawful to purchase or sell cannabis anywhere within the boundaries of the Village unless the sale is made by a cannabis dispensary licensed by the State of Illinois and registered with the Village at an approved location.
- N. It shall be unlawful for any person registered as a patient in the Compassionate Use of Medical Cannabis Program to grow more than five (5) cannabis plants.
- O. It shall be unlawful to transfer, purchase possess, use, transport, consume, or grow cannabis by any person under 21 years of age (unless authorized by the Compassionate Use of Medical Cannabis Program Act)."

Section 2. This Ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law.

PASSED this 2<sup>nd</sup> 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