

VILLAGE OF PALESTINE, ILLINOIS

ORDINANCE NO. 2019-O- 05


AN ORDINANCE TO AMEND THE PALESTINE VILLAGE CODE
TO ADD CHAPTER 43 PROHIBITING
CANNABIS BUSINESS ESTABLISHMENTS

ADOPTED BY THE BOARD OF TRUSTEES
OF THE VILLAGE OF PALESTINE, ILLINOIS
THIS 7th DAY OF November, 2019

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF
THE BOARD OF TRUSTEES OF THE VILLAGE OF PALESTINE
CRAWFORD COUNTY, ILLINOIS
THIS 7th DAY OF November, 2019

CERTIFICATE OF PUBLICATION

I, SHIRLEY ADAMS, the duly qualified Village Clerk of the Village of Palestine, Illinois, and the official custodian of records of said Village do hereby certify that this Ordinance was published in pamphlet form by authority of the Board of Trustees on the 7th day of November, 2019.



SHIRLEY ADAMS, Village Clerk

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TO ADD CHAPTER 43 PROHIBITING
CANNABIS BUSINESS ESTABLISHMENTS**

WHEREAS, the Village of Palestine 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 of Palestine has the authority to prohibit adult-use cannabis business establishments; and

WHEREAS, the Village of Palestine 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, burden and impacts upon law enforcement and regulatory operations of the Village of Palestine; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Village of Palestine, Crawford County, Illinois, as follows:

Section 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Cannabis Business Establishments Prohibited. The Palestine Village Code shall be amended by the addition of Chapter 43 that will read as follows:

CHAPTER 43 – Cannabis Business Establishments Prohibited.

43.01 Definitions. The following words and phrases shall, for the purposes of this Chapter 43, have the meanings respectfully 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.

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

43.03 Public Nuisance Declared. Operation of any prohibited Cannabis Business Establishment within the Village of Palestine in violation of the provisions of this Chapter, is hereby declared to be a public nuisance and shall be abated pursuant to all available remedies.

43.04 Violations. Violations of this Chapter shall be enforced in accordance with the provisions of Chapter 1, General Provisions, Section 1.06 of the Palestine Village Code.

43.05 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.

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

Upon roll call vote the following Trustees voted yea:

*Tim McDaniel, Mary Michael, J.R. Dunlap,
Twilla Davis, Brian Nethery*

Upon roll call vote the following Trustees voted nay:

Passed, approved and published in pamphlet form this 9th day of
November, 2019.

Harry Gene Purcell
HARRY GENE PURCELL, MAYOR PRO-TEM
BOARD OF TRUSTEES

~~XX~~
JAMES R. BYRLEY, President
Board of Trustees

ATTEST: .

Shirley Adams
SHIRLEY ADAMS, Village Clerk