ORDINANCE NO. 8401-2019

AN ORDINANCE AMENDING TITLE XI (BUSINESS REGULATIONS) OF THE REVISED ORDINANCES OF THE CITY OF BELLEVILLE, ILLINOIS AS AMENDED, BY ADDING CHAPTER 123 (ADULT-USE CANNABIS), SECTIONS 123.001 THROUGH 123.018

THE CITY OF BELLEVILLE, ST. CLAIR COUNTY, ILLINOIS (THE “CITY”), IS A DULY ORGANIZED AND EXISTING MUNICIPALITY CREATED UNDER THE PROVISIONS OF THE LAWS OF THE STATE OF ILLINOIS.


WHEREAS, the City of Belleville, Illinois, has enacted a Revised Code of Ordinances for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of the people; and

WHEREAS, the State of Illinois enacted the Cannabis Regulation and Tax Act (Act), which pertains to the possession, use, cultivation, transportation and dispensing of adult-use cannabis, which became effective June 25, 2019; and

WHEREAS, pursuant to the Section 55-25 of the Act (410 ILCS 705/55-25), the City may enact reasonable zoning ordinances or resolutions not in conflict with the Act, regulating cannabis business establishments, including rules adopted governing the time, place, manner and number of cannabis business establishments, and minimum distance limitations between cannabis business establishments and locations the City deems sensitive.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLEVILLE, ILLINOIS, AS FOLLOWS:

Section 1. That Title XI (Business Regulations) is hereby amended by adding the following Chapter 123 (Adult-Use Cannabis), Sections 123.001 through 123.018:

CHAPTER 123: ADULT-USE CANNABIS

§ 123.001 PURPOSE AND FINDINGS.

The City of Belleville City Council finds:

A. The operation of cannabis-related businesses in the City requires special regulations, limitations, restrictions and supervision in order protect the health, safety, and welfare of the patrons of such businesses, as well as the health, safety, and welfare of the City’s residents. Further, protecting order and morality,
preventing deterioration of the City’s neighborhoods, promoting retain trade, maintaining property values and ensuring sanitary and safe public places are desirable objectives of the community and the City’s leaders. This Chapter bears a substantial relation to public health, safety and welfare, and promotes the long-term interests of the City of Belleville community.

B. The City Council finds that protection of the public is best served by limiting Adult-Use Cannabis Dispensing Organizations to a permissible special use restricted to one within the City, and otherwise prohibiting Adult-Use Cannabis Establishments in the City.

C. A reasonable time, place, and manner regulation of cannabis-related businesses will provide for the protection of the community and its property values, and protect the residents of the community from the adverse effects of such cannabis-related businesses, while providing those who desire to patronize said establishments such an opportunity in areas within the City which are appropriate locations of cannabis-related businesses and land uses.

D. Regulations set forth in this Chapter are necessary to prevent the exploitation of minors, to effectively deploy the City’s limited law enforcement resources, and in order to effectively protect the health, safety, morals, and general welfare of the City and its citizens.

E. The fees required in this Chapter are necessary as reasonable fees imposed to help defray the costs of processing the license applications and the substantial expenses incurred by the City in regulating Adult-Use Cannabis Business Establishments.

F. It is the intent and purpose of this Chapter to provide regulations regarding the cultivation, processing and dispensing of adult-use cannabis within the corporate limits of the City. Such facilities shall comply with all regulations provided in the Illinois Cannabis Regulation and Tax Act (P.A. 101-0027; 410 ILCS 705/), as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

§ 123.002 DEFINITIONS.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

ACT means the Illinois Cannabis Regulation and Tax Act (P.A. 101-0027; 410 ILCS 705/).

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT means an Adult-Use Cannabis Cultivation Center, Adult-Use Cannabis Craft Grower, Adult-Use
Cannabis Processing Organization, Adult-Use Cannabis Infuser Organization, Adult-Use Cannabis Dispensing Organization or Adult-Use Cannabis Transporting Organization.

**ADULT-USE CANNABIS CRAFT GROWER** means 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 Illinois Cannabis Regulation and Tax Act (P.A. 101-0027; 410 ILCS 705/), as it may be amended from time-to-time, and regulations promulgated thereunder.

**ADULT-USE CANNABIS CULTIVATION CENTER** means 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, Illinois Cannabis Regulation and Tax Act (P.A. 101-0027; 410 ILCS 705/), as it may be amended from time-to-time, and regulations promulgated thereunder.

**ADULT-USE CANNABIS DISPENSING ORGANIZATION** means 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, Illinois Cannabis Regulation and Tax Act (P.A. 101-0027; 410 ILCS 705/), as it may be amended from time-to-time, and regulations promulgated thereunder.

**ADULT-USE CANNABIS INFUSER ORGANIZATION** means 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, Illinois Cannabis Regulation and Tax Act (P.A. 101-0027; 410 ILCS 705/), as it may be amended from time-to-time, and regulations promulgated thereunder.

**ADULT-USE CANNABIS PROCESSING ORGANIZATION** means 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, Illinois Cannabis Regulation and Tax Act (P.A. 101-0027; 410 ILCS 705/), as it may be amended from time-to-time, and regulations promulgated thereunder.

**ADULT-USE CANNABIS TRANSPORTING ORGANIZATION** means 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, Illinois Cannabis Regulation and Tax Act (P.A. 101-0027; 410 ILCS 705/), as it may be amended from time-to-time, and regulations promulgated thereunder.


**CANNABIS** has the meaning given that term in the Illinois Cannabis Regulation and Tax Act (P.A. 101-0027; 410 ILCS 705/).

**ENCLOSED, LOCKED FACILITY** means a room, greenhouse, building or other enclosed area equipped with locks or other security devices that permit access only by agents/employees of an Adult-Use Cannabis Business Establishment to cultivate, store and distribute cannabis per the Illinois Cannabis Regulation and Tax Act (P.A. 101-0027; 410 ILCS 705/) and any implementation regulations of same.

**PRE-EXISTING** means existing as of the date of submission of a zoning petition under Section 123.003 of this Chapter.

§ 123.003 LICENSE/REGISTRATION/PERMIT REQUIRED. It shall be unlawful for an Adult-Use Cannabis Business Establishment to operate in the City without a valid State license under the Act, and City registration and special use permit under this Chapter.

§ 123.004 SPECIAL USE PERMIT/PETITION.

An Adult-Use Cannabis Business Establishment facility, as defined herein, requiring approval of a special use permit in the respective district(s) in which they are requested shall be processed in accordance with Title XV (Land Usage), Chapter 162 (Zoning) Sections 162.515 through 162.520 (Special Use Permits), and as provided herein. In addition to other information that may be required of a zoning petition by the zoning administrator, the petition for a special permitted use under this section shall include:

A. **Relevant parties.** The name(s), address(es), and phone numbers(s) of the owner(s), operator(s) and agents(s) of the cultivation center or dispensary.

B. **Site plan.** A site plan of the cultivation center or dispensary, drawn to scale, showing:

1. boundaries of the facility site and parcel on which the facility will be located;
2. nature of the structure to be used for the purpose of cannabis production or distribution;

3. demonstration that the facility meets the conditions for an enclosed, locked facility;

4. distance from all facilities and uses requiring setbacks as described in this Chapter;

5. all locally required perimeter setback lines;

6. public access roads and the location of access drives into the site with respect to their creating traffic or security hazards;

7. location of all existing structures on the site with their uses identified;

8. current uses, zoning, public roads and structures adjacent to the site;

9. location of proposed video surveillance equipment;

10. proposed lighting of the premises;

11. proposed signage for the premises;

12. location, height and nature of any fences or any other barriers meant to provide security for the site;

13. nature and adequacy of supervision and security at the site.

C. Setbacks. Evidence demonstrating that the facility would meet all requirements of state law regarding setbacks required by the Act and any implementing regulations of same.

D. State fees. Evidence demonstrating that all state required fees have been or can be paid.

E. Limitation of liability. At the time of submission of a zoning petition under this Section, Petitioner shall submit a written acknowledgement that Petitioner agrees to and accepts the limitations of liability and the requirement to indemnify, hold harmless and defend the City of Belleville and the City’s employees and agents, including that: the City of Belleville shall not be liable to Petitioner and its agents/employees, for any damage, injury, accident, loss, compensation or claim, based on, arising out of, or resulting from the property for which the zoning is requested being used pursuant to the Act, including, but not limited to, the following: arrest, seizure of persons or property, prosecution pursuant to federal or
state laws, any fire, robbery, theft, mysterious disappearance or any other casualty; or the actions of any other registrants or persons. This limitation of liability provision shall survive expiration or the early termination of the registration if the registration is granted, or dissolution of use or any subsequent change in zoning.

F. **Provision of notice.** At the time of submission of a zoning petition under this Section, Petitioner shall submit a signed statement certifying that Petitioner has actual notice that, notwithstanding state law and any action by the City of Belleville, that:

1. cannabis is a prohibited Schedule I controlled substance under federal law;

2. participation under the Act is permitted only to the extent provided by the strict requirements of the Act and subsequent implementing regulations;

3. any activity not sanctioned by the Act and subsequent implementing regulations may be a violation of state law and may result in the revocation of zoning;

4. growing, distribution or possessing cannabis in any capacity, except through a federally-approved research program, is a violation of federal law;

5. use of cannabis may affect an individual's ability to receive federal or state licensure in other areas;

6. use of cannabis, in tandem with other conduct, may be a violation of state or federal law;

7. participation under the Act, or approval of zoning by the City of Belleville does not authorize any person to violate federal or state law and, other than as set out in the Act, and does not provide any immunity from or affirmative defense to arrest or prosecution under federal or state law; and

8. Petitioner for the zoning of Adult-Use Cannabis Business Establishments by the City of Belleville shall indemnify, hold harmless, and defend the City for any and all civil or criminal penalties resulting from participation under the Act.

G. **Affidavit of Compliance.** Petitioner shall file an affidavit with the City affirming compliance with the Act and this Chapter.
§ 123.005 ADULT-USE CANNABIS FACILITY COMPONENTS.

In determining compliance with Section 123.004 (Special Use Permit/Petition) of this Chapter, the following components of the Adult-Use Cannabis Facility shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:

A. impact of the proposed facility on existing or planned uses located within the vicinity of the subject property;

B. proposed structure in which the facility will be located, total square footage, security installations/security plan and building code compliance;

C. hours of operation and anticipated number of customers/employees;

D. anticipated parking demand based on Section 162.456 and available private parking supply;

E. anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways;

F. site design, including access points and internal site circulation;

G. proposed signage plan;

H. compliance with all requirements provided in Section 123.006 (Adult-Use Cannabis Craft Grower), Section 123.007 (Adult-Use Cannabis Cultivation Center), Section 123.008 (Adult-Use Cannabis Dispensing Organization), Section 123.009 (Adult-Use Cannabis Infuser Organization), Section 123.010 (Adult-Use Cannabis Processing Organization), or Section 123.011 (Adult-Use Cannabis Transporting Organization), as applicable;

I. other criteria determined to be necessary to assess compliance with Section 123.004 (Special Use Permit).

§ 123.006 ADULT-USE CANNABIS CRAFT GROWER.

Subject to the requirements of this Chapter and Chapter 162 (Zoning), an Adult-Use Cannabis Craft Grower otherwise validly licensed by the State under the Act must also register annually with the City Clerk and pay an annual registration fee of Five Thousand Dollars ($5,000.00) on or before May 1st of each year; provided, however, that only one (1) Adult-Use Cannabis Craft Grower shall be allowed to operate within the City in accordance with Section 55-25(5) of the Act (410 ILCS 705/55-25(5)). In the zoning district(s) in which an Adult-Use Cannabis Craft Grower may be located under Chapter 162 of this Code, the proposed facility must comply with the following:
A. Location.

1. Facility shall not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

2. Facility shall not be located within 1,000 feet of the property line of a pre-existing area zoned for residential use.

Such distances shall be measured linearly and shall be the shortest distance between the closest points of the property lines of the places. The requirements under this subsection shall not be subject to variance.

B. Sales/Distribution. Facility shall not conduct any sales or distribution of cannabis other than as authorized by the Act.

C. Parking. For purposes of determining required parking, Adult-Use Cannabis Craft Grower shall be classified as “Any manufacturing, warehousing or other industrial use” per Chapter 162 “Zoning” Section 162.456 (Number of Parking and Loading Spaces Required), provided, however, that the City may require that additional parking be provided as a result of the analysis completed through Section 162.003 (Special Uses) herein.

§ 123.007 ADULT-USE CANNABIS CULTIVATION CENTER.

Subject to the requirements of this Chapter and Chapter 162 (Zoning), an Adult-Use Cannabis Cultivation Center otherwise validly licensed by the State under the Act must also register annually with the City Clerk and pay an annual registration fee of Five Thousand Dollars ($5,000.00) on or before May 1st of each year; provided, however, that only one (1) Adult-Use Cannabis Cultivation Center shall be allowed to operate within the City in accordance with Section 55-25(5) of the Act (410 ILCS 705/55-25(5)). In those zoning districts in which an Adult-Use Cannabis Cultivation Center may be located, the proposed facility must comply with the following:

A. Location.

1. Facility shall not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
2. Facility shall not be located within 1,000 feet of the property line of a pre-existing area zoned for residential use.

Such distances shall be measured linearly and shall be the shortest distance between the closest points of the property lines of the places. The requirements under this subsection shall not be subject to variance.

B. Sales/Distribution. Facility shall not conduct any sales or distribution of cannabis other than as authorized by the Act.

C. Parking. For purposes of determining required parking, Adult-Use Cannabis Cultivation Center shall be classified as “Any manufacturing, warehousing or other industrial use” per Chapter 162 “Zoning” Section 162.456 (Number of Parking and Loading Spaces Required), provided, however, that the City may require that additional parking be provided as a result of the analysis completed through Section 162.003 (Special Uses) herein.

§ 123.008 ADULT-USE CANNABIS DISPENSING ORGANIZATION.

Subject to the requirements of this Chapter and Chapter 162 (Zoning), an Adult-Use Cannabis Dispensing Organization otherwise validly licensed by the State under the Act must also register annually with the City Clerk and pay an annual registration fee of Five Thousand Dollars ($5,000.00) on or before May 1st of each year; provided, however, that only two (2) Adult-Use Cannabis Dispensing Organization shall be allowed to operate within the City in accordance with Section 55-25(5) of the Act (410 ILCS 705/55-25(5)). In those zoning districts in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:

A. Location.

1. Facility shall not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

2. Facility shall not be located within 1,000 feet of the property line of a pre-existing area zoned for residential use.

Such distances shall be measured linearly and shall be the shortest distance between the closest points of the property lines of the places. The requirements under this subsection shall not be subject to variance.

B. Sales/Distribution. Facility shall not conduct any sales or distribution of cannabis other than as authorized by the Act.
C. **Space.** Facility must be a free-standing structure without any other uses. At least 75% of the floor area of any tenant space occupied by an Adult-Use Cannabis Dispensing Organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food for consumption on the premises other than as authorized in Section 123.007(N) below in the same tenant space.

D. **Alcohol.** Facility shall not sell, distribute or otherwise allow the use of alcohol on the premises.

E. **Exterior display.** Facility shall not be maintained or operated in a manner that causes, creates or allows the public viewing of cannabis, cannabis infused products, cannabis paraphernalia or similar products from any sidewalk, public or private right-of-way, or any property other than the lot on which the dispensary is located. No portion of the exterior of the dispensary shall utilize or contain any flashing lights, search lights, spot lights, or any similar lighting system.

F. **Drug paraphernalia.** Facility shall only display or sell drug paraphernalia in compliance with the Act.

G. **Hours of operation.** Facility shall operate only between the hours of 6:00 a.m. and 10:00 p.m.

H. **Age and access limitations.** Facility shall not allow any person who is not at least 21 years of age on the premises, nor employ anyone under the age of 21 years.

I. **Residential co-location.** No person shall reside in or permit any person to reside in Facility or on the property of same.

J. **Drive-through services.** Drive through services shall be prohibited.

K. **Outdoor seating.** Outdoor seating shall be prohibited.

L. **Loitering.** Loitering shall be prohibited at the Facility or on the property of same.

M. **Smoking and use of cannabis products.** It shall be unlawful to smoke, inhale, or ingest cannabis products in the waiting room, limited access area, or restricted access area of the Facility. A sign, at least 8.5 inches by 11 inches, shall be posted inside the public waiting room, limited access area, and the restricted access area of the dispensary in a conspicuous place and visible to a client and shall
include the following language: “Smoking, eating, drinking, or other forms of consumption of cannabis products is prohibited within this dispensary area.”

N. On-Premise consumption licenses. Only an Adult-Use Cannabis Dispensing Organization licensed by the State and registered and specially-permitted under this Chapter may have an on-premise consumption area located adjacent to the licensed dispensing area. An on-premise consumption license shall be an annual license and issued or renewed annually on or before May 1st, with an annual license fee of Five Thousand Dollars ($5,000.00). Consumption areas shall be subject to inspection at any time that on-premise consumption may be occurring. Smoke from the on-premise consumption area shall not migrate into an enclosed area where smoking is prohibited. The security plan for facility required by Section 123.12 (Additional Requirements) shall also reflect adequate provisions to respond to disruptive conduct and over-consumption. The on-site consumption permit shall be reviewed annually and may be suspended or revoked following notice and hearing.

O. Parking. For purposes of determining required parking, said facilities shall be classified as “all commercial and service uses” per Section 162.456 (Number of Parking and Loading Spaces Required), provided, however, that the City may require that additional parking be provided as a result of the analysis completed through Section 123.005 (Special Use/Petition) herein.

§ 123.009 ADULT-USE CANNABIS INFUSER ORGANIZATION.

Subject to the requirements of this Chapter and Chapter 162 (Zoning), an Adult-Use Cannabis Infuser Organization otherwise validly licensed by the State under the Act must also register annually with the City Clerk and pay an annual registration fee of Five Thousand Dollars ($5,000.00) on or before May 1st of each year; provided, however, that only one (1) Adult-Use Cannabis Infuser Organization shall be allowed to operate within the City in accordance with Section 55-25(5) of the Act (410 ILCS 705/55-25(5)). In those zoning districts in which an Adult-Use Cannabis Infuser Organization may be located, the proposed facility must comply with the following:

A. Location.

1. Facility shall not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

2. Facility shall not be located within 1,000 feet of the property line of a pre-existing area zoned for residential use.
Such distances shall be measured linearly and shall be the shortest distance between the closest points of the property lines of the places. The requirements under this subsection shall not be subject to variance.

B. **Sales/Distribution.** Facility shall not conduct any sales or distribution of cannabis other than as authorized by the Act.

C. **Space.** At least 75% of the floor area of any tenant space occupied by an Adult-Use Cannabis Infuser Organization shall be devoted to the activities of the infuser organization as authorized by the Act.

D. **Parking.** For purposes of determining required parking, Adult-Use Cannabis Infuser Organizations shall be classified as “Any manufacturing, warehousing or other industrial use” per Chapter 162 (Zoning Code) Section 162.456 (Number of Parking and Loading Spaces Required), provided, however, that the City may require that additional parking be provided as a result of the analysis completed through Section 123.004 (Special Use/Petition) herein.

**§ 123.010 ADULT-USE CANNABIS PROCESSING ORGANIZATION.**

Subject to the requirements of this Chapter and Chapter 162 (Zoning), an Adult-Use Cannabis Processing Organization otherwise validly licensed by the State under the Act must also register annually with the City Clerk and pay an annual registration fee of Five Thousand Dollars ($5,000.00) on or before May 1st of each year, provided, however, that only one (1) Adult-Use Cannabis Processing Organization shall be allowed to operate within the City in accordance with Section 55-25(5) of the Act (410 ILCS 705/55-25(5)). In those zoning districts in which an Adult-Use Cannabis Processing Organization may be located, the proposed facility must comply with the following:

A. **Location.**

1. Facility shall not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

2. Facility shall not be located within 1,000 feet of the property line of a pre-existing area zoned for residential use.

Such distances shall be measured linearly and shall be the shortest distance between the closest points of the property lines of the places. The requirements under this subsection shall not be subject to variance.
B. **Sales/Distribution.** Facility shall not conduct any sales or distribution of cannabis other than as authorized by the Act.

C. **Space.** At least 75% of the floor area of any tenant space occupied by an Adult-Use Cannabis Processing Organization shall be devoted to the activities of the processing organization as authorized by the Act.

D. **Parking.** For purposes of determining required parking, Adult-Use Cannabis Processing Organizations shall be classified as "Any manufacturing, warehousing or other industrial use" per Chapter 162 (Zoning Code) Section 162.456 (Number of Parking and Loading Spaces Required), provided, however, that the City may require that additional parking be provided as a result of the analysis completed through Section 123.003 (Special Uses) herein.

§ 123.011 ADULT-USE CANNABIS TRANSPORTING ORGANIZATION

Subject to the requirements of this Chapter and Chapter 162 (Zoning), an Adult-Use Cannabis Transporting Organization otherwise validly licensed by the State under the Act must also register annually with the City Clerk and pay an annual registration fee of Five Thousand Dollars ($5,000.00) on or before May 1st of each year; provided, however, that only one (1) Adult-Use Cannabis Transporting Organization shall be allowed to operate within the City in accordance with Section 55-25(5) of the Act (410 ILCS 705/55-25(5)). In those zoning districts in which an Adult-Use Transporting Organization may be located, the proposed facility must comply with the following:

A. **Location.**

1. Facility shall not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

2. Facility shall not be located within 1,000 feet of the property line of a pre-existing area zoned for residential use.

Such distances shall be measured linearly and shall be the shortest distance between the closest points of the property lines of the places. The requirements under this subsection shall not be subject to variance.

B. **Sales/Distribution.** Facility shall not conduct any sales or distribution of cannabis other than as authorized by the Act.

C. **Space.** The Adult-Use Cannabis Transportation Organization shall be the sole use of the tenant space in which it is located.
D. Parking. For purposes of determining required parking, Adult-Use Cannabis Transporting Organizations shall be classified as "Any manufacturing, warehousing or other industrial use" per Chapter 162 (Zoning Code) Section 162.456 (Number of Parking and Loading Spaces Required), provided, however, that the City may require that additional parking be provided as a result of the analysis completed through Section 123.003 (Special Uses) herein.

§ 123.012 ADULT-USE CANNABIS ADDITIONAL REQUIREMENTS.

A. Facility Enhancements. An Adult-Use Cannabis Business Establishment shall install and maintain building enhancements, such as security cameras, lighting or other improvements, as set forth in the special use permit, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an Adult-Use Cannabis Business Establishment and the site on which it is located, consistent with the requirements of the Act, but shall minimally include the following:

1. Security and video surveillance.
   
   (a) The Adult-Use Cannabis Business Establishment shall be an enclosed, locked facility and shall provide and maintain adequate security on the premises, including lighting, video surveillance and alarms reasonably designed to ensure the safety of persons and to protect the premises from theft. The facility shall be enclosed by a minimum eight feet (8') high solid security fence. The fence must be adequately secure to prevent unauthorized entry and include gates tied to an access control system.
   
   (b) The Adult-Use Cannabis Business Establishment parking area, cultivation, production, warehousing areas and shipping bays and the entire exterior of Facility shall be monitored by video surveillance equipment whose live images can be viewed by Facility staff, Belleville Police Department Staff and those entities that dispatch for the Belleville Police Department, and continually recorded in a tamper proof format.
   
   (c) A sign shall be posted in a prominent location at each entrance to the facility which reads: "These premises are under constant video surveillance."
   
   (d) A sign shall be posted in a conspicuous location at each entrance to the facility that reads: "Persons under 21 years of age not permitted on these premises."
(e) The zoning administrator shall review the adequacy of lighting, security and video surveillance installations with assistance from the Belleville Police Chief.

(f) The loading of product shall occur within secure enclosed shipping bays and shall not be visible from the exterior of the building.

(g) An Adult-Use Cannabis Business Establishment shall report all criminal activities to all appropriate law enforcement agencies immediately upon discovery.

2. Exterior signage. Other than the signs as specified in this Section, all exterior signage shall comply with the provisions of Chapter 155 of this Code, further subject to the following:

(a) Electronic message boards and temporary signs are prohibited.

(b) Signs shall not include any realistic or stylized graphical representation of drug paraphernalia, or cartoonish imagery oriented toward youth.

B. Age and access limitations. It shall be unlawful for an Adult-Use Cannabis Business Establishment to allow any person who is not at least 21 years of age on the premises. An Adult-Use Business Establishment shall not employ anyone under the age of 21 years. Access shall be limited exclusively to Facility staff and local and state officials and those specifically authorized under the Act and any subsequent implementing regulations.

C. Noxious odors. An Adult-Use Cannabis Business Establishment shall operate in a manner that prevents odor impacts on neighboring properties and, if necessary, the facility shall be ventilated with a system for odor control approved by the St. Clair County Department of Public Health.

§ 123.013 CO-LOCATION OF CANNABIS BUSINESS ESTABLISHMENTS.

The City may approve the co-location of an Adult-Use Cannabis Dispensing Organization with an Adult-Use Cannabis Craft Grower Center or an Adult-Use Cannabis Infuser Organization, or both, subject to the provisions of the Act and the Special Use criteria within the City Revised Code of Ordinances. In a co-location, the floor space requirements of Section 123.009(3) and 123.010(3) shall not apply, but the co-located establishments shall be the sole use of the tenant space.
§ 123.013 DISSOLUTION OF USE AND REVOCATION OF ZONING

A. Failure to obtain State License. Should an Adult-Use Cannabis Business Establishment fail to provide evidence to the zoning administrator that facility has achieved its approval of licensure from the State of Illinois within 180 days of the approval of its zoning by the City Council, its special use permit shall become null and void, and the zoning of the parcel shall revert to that which existed prior to the City Council action which provided the special use permit under this Chapter. Within 90 working days of the date upon which such special use permit was approved, an Adult-Use Cannabis Business Establishment may request of the City Council through the zoning administrator an extension of the aforementioned 180 days for an additional 90 days, upon the provision of evidence providing the cause of the delay and the need for an extension. Such additional extensions may be allowed only at the discretion of the City Council.

B. Failure to comply with State and City regulations. Should an Adult-Use Cannabis Business Establishment fail to conform to and meet all laws, rules and regulations established by the State of Illinois and the City Council pursuant to the production and distribution of cannabis and other associated products as allowed under the Act and subsequent implementing regulations, this may be considered a dissolution of use, allowing for the revocation of zoning by the City Council. Should zoning be revoked, the zoning of the subject parcel shall revert to that which existed prior to the City Council action which provided for the special use permit under this Chapter.

C. Termination of use. Should an Adult-Use Cannabis Business Establishment fail to use the property for the purpose for which the special use permit was provided for a period of 180 days, this may be considered dissolution of use, allowing for the revocation of zoning by the City Council. Should zoning be revoked, the zoning of the subject parcel shall revert to that which existed prior to the City Council action which provided for the special use permit under this Chapter.

§ 123.016 LIMITATIONS ON USE AND POSSESSION OF ADULT-USE CANNABIS

A. In accordance with Section 10-35 of the Act (410 ILCS 705/10-35), it shall be unlawful for any person to engage in the following conduct within the City:

1. undertaking any task under the influence of cannabis when doing so would constitute negligence, professional malpractice, or professional misconduct;

2. possessing cannabis:
3. using cannabis:

(a) in a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act;

(b) on the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act;

(c) in any correctional facility;

(d) in a vehicle not open to the public unless the cannabis is in a reasonably secured, sealed container and reasonably inaccessible while the vehicle is moving; or

(e) in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises;

(f) in any public place; or

(g) knowingly in close physical proximity to anyone under 21 years of age who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Pilot Program Act;
4. smoking cannabis in any place where smoking is prohibited under the Smoke Free Illinois Act;

5. operating, navigating, or being in actual physical control of any motor vehicle, aircraft, or motorboat while using or under the influence of cannabis in violation of Section 11-501 or 11-502.1 of the Illinois Vehicle Code;

6. facilitating the use of cannabis by any person who is not allowed to use cannabis under this Act or the Compassionate Use of Medical Cannabis Pilot Program Act;

7. transferring cannabis to any person contrary to this Act or the Compassionate Use of Medical Cannabis Pilot Program Act;

8. the use of cannabis by a law enforcement officer, corrections officer, probation officer, or firefighter while on duty; or

9. the use of cannabis by a person who has a school bus permit or a Commercial Driver's License while on duty.

As used in this Chapter, "public place" means any place where a person could reasonably be expected to be observed by others. "Public place" includes all parts of buildings owned in whole or in part, or leased, by the State or a unit of local government. "Public place" does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises.

B. Nothing in this Chapter shall be construed to prevent the arrest or prosecution of a person for reckless driving or driving under the influence of cannabis if probable cause exists. Furthermore, nothing in this Chapter shall prevent a private business from restricting or prohibiting the use of cannabis on its property, including areas where motor vehicles are parked. Finally, nothing in this Chapter shall require an individual or business entity to violate the provisions of federal law, including colleges or universities that must abide by the Drug-Free Schools and Communities Act Amendments of 1989, that require campuses to be drug free.

§ 123.017 PENALTIES

A. Any Adult-Use Cannabis Business Establishment, employee or other entity and/or person who violates any of the provisions of this Chapter shall be subject to a fine of $100.00 to $500.00 for each such violation.
B. Each violation of this Chapter shall be considered a separate offense, and any violation continuing more than one (1) hour of time shall be considered a separate offense for each hour of violation.

C. In addition to any fines or penalties imposed in this Section, this Chapter may be enforced by injunctive procedure in a court of competent jurisdiction. The City may further recover from any violator any and all costs and fees, including reasonable attorney’s fees, expended by the City in enforcing the provisions of this Chapter.

D. This Chapter shall not preclude any additional enforcement action taken by appropriate City, State or Federal official conducted pursuant to any applicable ordinance, regulation or law of the City or State or the United States of America.

E. All remedies and penalties provided for in this Section shall be cumulative and independently available to the City, and the City shall be authorized to pursue any and all remedies set forth in this Section to the fullest extent allowed by law.

§ 123.018 SEVERABILITY

If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

Section 2. That conflicting Ordinances or pertinent portions thereof in force the time this takes effect are hereby repealed.

Section 3. Any person violating this Ordinance shall be subject to the penalties of Article XI (Business Regulations), Chapter 123 (Adult-Use Cannabis), Section 123.013

Section 4. Pursuant to Section 1-2-4 of the Municipal Code (65 ILCS 5/1-2-4), this Ordinance shall take effect immediately upon its passage and approval, due to the urgency of the necessity to regulate adult-use cannabis business establishments within the City, and same shall further be published in pamphlet form for at least ten (10) days as notice of same, all as provided by law.

PASSED by the City Council of the City of Belleville, Illinois, on this 19th day of December, 2019 on the following roll call vote:
AYE  NAY

Joseph Hazel      X       
Ken Kinsella     X       
Jane Pusa        Excused
Carmen Duco     X       
Kent Randle     Excused
Scott Ferguson  Excused
Johnnie Anthony  X       
Raffi Ovian     X       
Edward Dintelman  X       
Michelle Schaefer  X       
Chris Rothweiler  X       
Mary Stehl      X       
Philip Elmore   X       
Dennis Weygandt  X       
Roger Wigginton  X       
Roger Barfield  Excused

APPROVED by the Mayor of the City of Belleville, Illinois this 20th day of December, 2019.

MARK W. ECKER, MAYOR

ATTEST:

JENNIFER GAIN MEYER, CITY CLERK