ORDINANCE NO. 8435-2020

AN ORDINANCE AMENDING TITLE XI (BUSINESS REGULATIONS), SECTION 123.008 (ADULT-USE CANNABIS DISPENSING ORGANIZATION) OF THE REVISED ORDINANCES OF THE CITY OF BELLEVILLE, ILLINOIS AS AMENDED

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.


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

Section 1. That Section 123.008 is hereby amended by repealing Section 123.008 in its entirety, and substituting in lieu thereof the following:

§ 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, spotlights, 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.

**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 16th day of March, 2020 on the following roll call vote:
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APPROVED by the Mayor of the City of Belleville, Illinois this 17th day of March, 2020.

[Signature]

MAYOR

ATTEST:

[Signature]

CITY CLERK