ORDINANCE NO. 8912-2021

AN ORDINANCE AMENDING TITLE XI (BUSINESS REGULATIONS),
CHAPTER 123 (ADULT-USE CANNABIS), SECTIONS 123.007
(ADULT-USE CANNABIS CULTIVATION CENTER) AND 123.008
(ADULT-USE CANNABIS DISPENSING ORGANIZATION) OF THE REVISED
CODE OF ORDINANCES OF THE CITY OF BELLEVILLE, 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.

THE CITY OF BELLEVILLE IS NOW OPERATING UNDER THE PROVISIONS OF THE
MUNICIPAL CODE, AS SUPPLEMENTED AND AMENDED AND AS A HOME RULE
MUNICIPALITY PURSUANT TO ARTICLE VII OF THE ILLINOIS CONSTITUTION OF
1970; AND IN THE EXERCISE OF ITS HOME RULE POWERS.

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

Section 1. Section 123.007 is hereby amended by repealing Section 123.007 (Adult-Use Cannabis
Cultivation Center) in its entirety, and substituting in lieu thereof Section 123.007 (Adult-Use
Cannabis Cultivation Center), as follows:

§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 $5,000 on or before May 1 of each year; provided, however, that only one
two 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.
(3) 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," § 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 § 162.003 (Special Uses) herein.

Section 3. Section 123.008 is hereby amended by repealing Section 123.008 (Adult-Use Cannabis Dispensing Organization) in its entirety, and substituting in lieu thereof Section 123.008 (Adult-Use Cannabis Dispensing Organization), as follows:

§ 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 $5,000 on or before May 1 of each year; provided, however, that only two adult-use cannabis dispensing organizations shall be allowed to operate within the city in accordance with § 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 500 feet of the property line of a pre-existing area zoned for residential use.

(3) 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 division 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 § 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 eight and one-half 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-premises consumption area located adjacent to the licensed dispensing area. An on-premises consumption license shall be an annual license and issued or renewed annually on or before May 1, with an annual license fee of $5,000. Consumption areas shall be subject to inspection at any time that on-premises consumption may be occurring. Smoke from the on-premises consumption area shall not migrate into an enclosed area where smoking is prohibited. The security plan for facility required by § 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 § 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 § 123.005 herein.

**Section 3.** That conflicting Ordinances or pertinent portions thereof in force the time this takes effect are hereby repealed.

**Section 4.** Any person violating this Ordinance shall be subject to the penalties of Title XI (Business Regulations), Chapter 123 (Adult-Use Cannabis), Section 123.99 (Penalties).

**Section 5.** This Ordinance shall be in full force and effect from and after its passage, approval and publication, in pamphlet form, all as provided by law.

**PASSED** by the City Council of the City of Belleville, Illinois, on this 16th day of February, 2021 on the following roll call vote:

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<td>Joe Hazel</td>
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Roger Wigginton
Roger W. Barfield

APPROVED by the Mayor of the City of Belleville, Illinois this 17th day of February, 2021.

MARK W. ECKERT, MAYOR

ATTEST:

JENNIFER GAIN MEYER, CITY CLERK