

ORDINANCE NO. 19 - _____

**AN ORDINANCE AMENDING TITLE 3 (BUSINESS AND LICENSE REGULATIONS),
OF THE NAPERVILLE MUNICIPAL CODE BY THE ADDITION OF CHAPTER 17
PROHIBITING ADULT USE CANNABIS BUSINESS ESTABLISHMENTS
OTHER THAN MEDICAL CANNABIS CULTIVATION CENTERS
AND MEDICAL CANNABIS DISPENSING ORGANZATIONS**

RECITALS

1. **WHEREAS**, the City of Naperville (“City”) is a home rule unit of local government under the laws and Constitution of the State of Illinois; and
2. **WHEREAS**, the City 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
3. **WHEREAS**, this Ordinance is adopted pursuant to the provisions of the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027, by which the City is authorized to prohibit the location of adult use cannabis business establishments within the City; and
4. **WHEREAS**, the City has determined that the operation of adult use cannabis business establishments would present adverse impacts upon the health, safety and welfare of the residents, and additional costs, burdens and impacts upon law enforcement and regulatory operations of the City of Naperville; and
5. **WHEREAS**, the City Council has determined that passage of this ordinance prohibiting the location of adult use cannabis business establishments within the City is in the best interests of the City and the public.
6. **WHEREAS**, nothing herein shall be deemed to conflict with or in any way impede or impact the provisions set forth in the Naperville Municipal Code pertaining to Medical Cannabis, including but not limited to Medical Cannabis Cultivation Centers and Medical Cannabis Dispensing Organizations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule authority, as follows:

SECTION 1: Recitals. The foregoing Recitals are incorporated as though fully set forth in this Section 1.

SECTION 2: Adult Use Cannabis Business Establishments Prohibited. Title 3 (Business and License Regulations) of the Naperville Municipal Code shall be amended by the addition of Chapter 17 (Adult Use Cannabis Business Establishments Prohibited) that will read as follows:

CHAPTER 17 - CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED

3-17-1: - DEFINITIONS:

The following words and phrases shall, for the purposes of this Chapter, have the meanings respectively ascribed to them by this section, as follows:

ADULT USE CANNABIS BUSINESS ESTABLISHMENTS: Cannabis Business Establishments include: Adult Use Cannabis Cultivation Centers (not including Medical Cannabis Cultivation Centers as set forth in Title 6 of the Naperville Municipal Code), Adult Use Cannabis Craft Growers, Adult Use Cannabis Processing Organizations, Adult Use Cannabis Dispensing Organizations (not including Medical Cannabis Dispensing Organizations as set forth in Title 6 of the Naperville Municipal Code), and Adult Use Cannabis Transporting Organizations.

ADULT USE CANNABIS CRAFT GROWER: An Adult Use Cannabis Craft Grower is 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 definition of Craft Grower as set forth in the Cannabis Regulation and Tax Act, (P.A.101-0027), as may be amended from time-to-time, and regulations promulgated thereunder.

ADULT USE CANNABIS CULTIVATION CENTER: An Adult Use Cannabis Cultivation Center is 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 definition of Cultivation Center as set forth in the Cannabis Regulation and Tax Act, (P.A.101-0027), as may be amended from time-to-time, and regulations promulgated thereunder. Adult Use Cannabis Cultivation Center does not include Medical Cannabis Cultivation Centers as set forth in Title 6 of the Naperville Municipal Code.

ADULT USE CANNABIS DISPENSING ORGANIZATION: An Adult Use Cannabis Dispensing Organization is 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 may be amended from time-to-time, and regulations promulgated thereunder. Adult Use Cannabis Dispensing Organization does not include Medical Cannabis Dispensing Organizations as set forth in Title 6 of the Naperville Municipal Code.

ADULT USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR: An Adult Use Cannabis Processing Organization, or Processor, is 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 may be amended from time-to-time, and regulations promulgated thereunder.

ADULT USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER: An Adult Use Cannabis Transporting Organization, or Transporter, is 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: 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.

3-17-2: - CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED: The following Adult Use Cannabis Business Establishments are prohibited from being located within the City of Naperville. No person shall locate, operate, own, suffer, allow to be operated or aid, abet or assist in the operation within the City of Naperville of any of the following:

- Adult Use Cannabis Craft Grower
- Adult Use Cannabis Cultivation Center
- Adult Use Cannabis Dispensing Organization
- Adult Use Cannabis Processing Organization or Processor
- Adult Use Cannabis Transporting Organization or Transporter

Cannabis Business Establishments do not include Medical Cannabis Cultivation Centers or Medical Cannabis Dispensing Organizations as set forth in Title 6 of the Naperville Municipal Code.

3-17-3: - PUBLIC NUISANCE DECLARED: Operation of any prohibited Adult Use Cannabis Business Establishment within the City of Naperville in violation of the provisions of this Chapter is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

3-17-4: - VIOLATIONS: Violations of this Chapter may be enforced in accordance with the provisions of Title 1, Chapter 4 of this Code.

SECTION 3: Conflicts. Any ordinances, or parts of ordinances, in conflict with this Ordinance, are hereby expressly repealed.

SECTION 4: Severability. If any section, paragraph, or provision of this Ordinance, or the application hereof, is held unconstitutional or otherwise invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect other provisions of this Ordinance or any other City ordinance, resolution, or provision of the Naperville Municipal Code that can be given effect without the unconstitutional or invalid section, paragraph, or provision. Any unconstitutional or invalid section, paragraph, or provision, or application hereof, is severable.

SECTION 5: Effective Date. That this Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

PASSED this _____ day of _____ 2019.

AYES:

NAYS:

ABSENT:

APPROVED this ____ day of _____ 2019.

By: _____
Steve Chirico
Mayor

ATTEST

Pam Gallahue, Ph.D.
City Clerk