

ORDINANCE# _____

**AN ORDINANCE TO REGULATE THE OPERATION OF CANNABIS DISPENSARIES
IN THE COUNTY OF LAWRENCE, STATE OF ILLINOIS**

WHEREAS, the County of Lawrence, Illinois is a duly organized and existing unit of government created under the provisions of the State of Illinois; and

WHEREAS, the County of Lawrence has the authority to enact reasonable regulations governing the time, place, manner of operation, and distance limitations of cannabis business establishments, and to establish civil penalties for the violation of such ordinances and rules, pursuant to Section 55-25 of the Cannabis Regulation and Tax Act (410 ILCS 705/55-25); and

NOW, THEREFORE, BE IT ORDAINED by the County Board of the County of Lawrence, State of Illinois, as follows:

Section One. INCORPORATION OF RECITALS. The recitals contained in the preamble of this Ordinance are hereby incorporated in this Ordinance as if set out fully herein.

Section Two. SEVERABILITY. In the event that any section, clause, provision or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all parts that are severable shall remain in full force and effect. If any part of this Ordinance is found to be invalid in any one or more of its severable applications, all valid applications that are severable from the invalid applications shall remain in effect.

Section Three. CONFLICTING ORDINANCES. All ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of actions which shall accrue to the County of Lawrence prior to the effective date of the Ordinance.

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

PASSED AND ADOPTED by the Lawrence County Board of Lawrence County, Illinois, and approved by the Chairman of the Board, this 18th day of January, 2023

VOTE: ___ Ayes ___ Nays Absent Abstain

James A. Brewer, Chairman
Lawrence County Board

Attest: _____
Will C. Gibson
Lawrence County Clerk

LAWRENCE COUNTY, ILLINOIS ORDINANCE 2023-___

An Ordinance Setting Guidelines and Regulations for Adult Use Cannabis Dispensaries

PURPOSE. The purpose of this Article is to set forth additional regulations and requirements for the operation of adult use cannabis dispensaries (Recreational Dispensaries) as permitted uses within the zoning districts where such operations are allowed in a manner that ensures the protection of the health, safety, and welfare of the public. This Article is not intended to abridge safety and health requirements contained in other applicable codes, standards, or ordinances and shall not be deemed to nullify any provisions of local, state, or federal law.

DEFINITIONS. For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CANNABIS. Marijuana, hashish, and other substances that are identified as including any parts of the plant *Cannabis sativa* and including derivatives or subspecies, such as indica, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THS) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, sale, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means cannabis flower, concentrate, and cannabis-infused products.

DISPENSARY. A facility operated by a dispensing organization at which activities licensed by the State may occur.

DISPENSARY ORGANIZATION. A facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies under this Act to purchasers or to qualified registered medical cannabis patients and caregivers. "Dispensing Organization" includes a registered medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Program Act or its successor Act that has obtained an Early Approval Adult Use Dispensing Organization License.

ORDINARY PUBLIC VIEW. Within the sight line with normal visual range of a person, unassisted by visual aids, from a public street or sidewalk adjacent to real property, or from within an adjacent property.

PURCHASER. A person 21 years of age or older who acquires cannabis for a valuable consideration. "Purchaser" does not include a cardholder under the Compassionate Use of Medical Cannabis Program Act.

SMOKING. The inhalation of smoke caused by the combustion of cannabis.

COMPLIANCE WITH STATE LAW. A Dispensary shall at all times comply with all regulations provided within the Cannabis Regulation and Tax Law. 410 ILCS 705/1-1 et seq.

SETBACK REQUIREMENTS. No Dispensary shall be located within 1,500 feet from another Dispensing Organization; 1,000 feet from any existing public or private preschool, elementary school, middle school, high school, daycare center, daycare home, group daycare home, or part-day childcare facility; 500 feet from any public park; or 500 feet from any church.

EXTERIOR DISPLAY. No Dispensaries shall 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 light, search light, spot light, or any other similar lighting system.

SIGNAGE. Dispensaries shall comply with the following sign requirements indicated herein and as follows:

- (1) Exterior signs shall not obstruct the entrance or windows of a Dispensary;
- (2) Electronic message boards and temporary signs are prohibited;
- (3) Signs and Billboards shall not include any realistic or stylized graphical representation of the cannabis plant or its parts, smoke, any realistic or stylized graphical representation of drug paraphernalia, or cartoonish imagery oriented toward youth.

CONDUCT ON SITE.

- (1) Drive-Through Services. Drive-through services shall be prohibited;
- (2) Outdoor Seating. Outdoor seating shall be prohibited;
- (3) Loitering. Loitering is prohibited on any Dispensing Organization property;
- (4) Smoking and Use of Cannabis Products. It shall be prohibited to smoke, inhale, or consume cannabis products in the Dispensary or anywhere on the property occupied by the Dispensary. A sign, at least 8.5 inches by 11 inches, shall be posted inside the Dispensary building in a conspicuous place and visible to a customer and shall include the following language: "Smoking, eating, drinking, or other forms on consumption of cannabis or cannabis-infused products is prohibited on dispensary property.".

- (5) Noxious Odors: A Dispensary shall be operated in a manner that prevents any odor impacts to any neighboring properties and uses;
- (6) No dispensary shall allow for the dispensing of cannabis or cannabis-infused products in vending machines;
- (7) No dispensary shall transport cannabis to residences or other locations where purchases may be for delivery;
- (8) No dispensary shall enter into agreements to allow persons who are not dispensing organization agents to deliver cannabis or to transport cannabis to purchasers;

SECURITY AND VIDEO SURVEILLANCE.

- (1) A Dispensing Organization shall provide and maintain adequate security within the dispensary facility and on the property to ensure the safety of persons and to protect the facility from theft;
- (2) The client entrance, sales area, back room, storage areas, delivery area, and employee entrance shall be monitored by video surveillance equipment, which live images can be viewed by the staff of the Dispensing Organization and continually recorded in a temper proof format;
- (3) A sign shall be posted in a prominent location, which includes the following language" "These premises are under constant video surveillance."
- (4) The Zoning Administrator shall review the adequacy of lighting, security, and video surveillance installations with assistance of the City's police department;
- (5) A Dispensing Organization shall report all criminal activities to all appropriate law enforcement agencies immediately upon discovery that criminal activity has occurred on property issued a permit under this Section; and
- (6) Deliveries shall occur only during normal business hours within a secure delivery area.

HOURS OF OPERATION. A Dispensary shall only be allowed to operate and admit the public to the Dispensary between the hours of 6:00 a.m. and 10:00 p.m.

AGE AND ACCESS LIMITATIONS. It shall be unlawful for a Dispensing Organization to allow any person who is not at least twenty-one (21) years of age within the Dispensary on the premises; provided, however, that any cardholder, designated caregiver, and those specifically authorized by the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/1 et seq., may be allowed within a Medical Cannabis Dispensary on a premises shared by a Dispensing Organization and a Medical Cannabis Dispensary provided that they are at least eighteen (18) years of age. A Dispensing Organization shall not employ anyone under the age of twenty-one (21) years of age.

DRUG PARAPHERNALIA A SALES. A Dispensary that displays or sells drug paraphernalia shall do so in compliance with the Illinois Drug Paraphernalia Control Act, 720 ILCS 600/1 et seq., as amended from time to time.

PENALTY. Any person, firm, or corporation violating any provision of this Ordinance shall be fined **Seven-Hundred Fifty Dollars (\$750.00)** for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Nothing contained in this Ordinance shall prevent the County of Lawrence from taking any other lawful action that may be necessary in order to secure compliance.

