

Ordinance No. 20-01

AN ORDINANCE TO CREATE CHAPTER 14 ARTICLE XIII ENTITLED ADULT USE CANNABIS CONSUMPTION ONSITE ESTABLISHMENTS OF THE MUNICIPAL CODE OF MACOMB, ILLINOIS PERTAINING TO CONDITIONAL USE PERMITS FOR ADULT USE CANNABIS CONSUMPTION ONSITE ESTABLISHMENTS

Preamble

WHEREAS, the City of Macomb (the “City”), is a municipality duly organized under the laws of the State of Illinois; and

WHEREAS, under state and local law, the City Council of the City of Macomb, McDonough County, Illinois (the “Council”), has the power to pass all necessary ordinances, rules and regulations; and

WHEREAS, the City staff has presented to the Council for its consideration and approval additions to Chapter 14 of the Municipal Code of Macomb, Illinois (the “Code”) which are compliant with the Cannabis Regulation and Tax Act (410 ILCS 705/1-et seq.), as recently adopted and amended in the State of Illinois; and

WHEREAS, City staff has presented the additions to Chapter 14 of the Code to provide for a conditional use permit and other items that will provide a process for allowing responsible onsite consumption of adult use cannabis in establishments in the City of Macomb; and,

WHEREAS, The City has authority to adopt the additions to Chapter 14, being Article XIII, pursuant to and in accordance with the Cannabis Regulation and Tax Act (410 ILCS 705/1-et seq.), as recently adopted and amended in the State of Illinois; and

WHEREAS, the City Council finds it in the best interests of the City to adopt the additions to Chapter 14 of the Municipal Code, being Article XIII, addressing and providing for the conditional permitting of onsite adult use cannabis establishments within the City, and desires to adopt Chapter 14 Article XIII as recommended by the City staff.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MACOMB, McDONOUGH COUNTY, ILLINOIS AS FOLLOWS:

Section 1. Incorporation of Preamble. The foregoing recitals are true and correct and are incorporated herein as the findings of the Mayor and City Council.

Section 2. Addition of Article XIII, Chapter 14, Sections 14-172 – 14-323. Sections 14-172 – 14-323 of the Municipal Code is added by the words and figures underlined and in bold as follows:

Secs. 14-272 – 14-279. Reserved.

Article XIII. ADULT USE CANNABIS CONSUMPTION ONSITE ESTABLISHMENTS

Sec. 14-280. Recitals.

The recitals in Ordinance No. 19-XXX are incorporated in this chapter as the findings and determinations of the mayor and city council.

Sec. 14-281. Short title and intent.

This article shall be known as, and may be referred to as, the "Macomb Adult Use Cannabis Consumption Onsite Permitting Ordinance." It is hereby declared to be the intent and purpose of the city council in adopting and administering the provisions of this article:

- (1) To declare that the control of the onsite consumption of adult use cannabis in public establishments promotes the public health, safety and welfare;
- (2) To encourage responsibility in the management and operation of onsite consumption adult use cannabis establishments; and
- (3) To ensure that the number of adult use cannabis consumption onsite establishments and the manner in which they are operated is such that they can be adequately policed by local law enforcement agencies so that the occurrence of cannabis-related crimes and offenses is kept to a minimum.

Sec. 14-282. Definitions.

For the purposes of this article, the following terms, phrases, and words shall have the meanings given herein:

Adult use cannabis consumption onsite establishment (ACCE) conditional use permit. A conditional use permit issued for an adult use cannabis onsite consumption establishment (ACCE) pursuant to the provisions of this article.

ACCE patron. Any individual, other than an ACCE employee, present in or at any ACCE at any time when such ACCE is open for business; provided, however, that this definition shall not include persons delivering goods, materials, food and beverages, or performing maintenance or repairs, to the permitted premises.

Adult use cannabis consumption onsite establishment (ACCE) commissioner. The mayor of the city, pursuant to section 14-283.

Days. Calendar days, unless otherwise specifically set forth in this chapter.

Permitted premises. The place or location described in an ACCE conditional use permit where an ACCE is authorized to operate. No sidewalks, streets, parking areas, public rights-of-way, or grounds adjacent to any such place or location shall be included within the permitted premises.

Permit holder. Any person or entity that has been issued an ACCE permit pursuant to the provisions of this article.

Set-up establishment. Any person or entity who:

(a) Does not hold an ACCE conditional use permit issued under this article but who invites the public to be present onsite, allows the general public to be present onsite, and allows the consumption of cannabis on the premises; or

(b) Holds an ACCE conditional use permit under this article and, after the hours of permitted operation under this article, engages in any of the activities described in subsection (a) above.

Sec. 14-283. Adult use cannabis onsite consumption establishment conditional use permitting commissioner.

(a) The mayor of the city is hereby designated as the ACCE permitting commissioner pursuant to the terms and conditions of this article.

(b) The ACCE permitting commissioner shall have the following powers and duties:

(1) To administer and rule upon the applications for, and the issuance, renewal, suspension, and revocation of ACCE conditional use permits as set forth in this article.

(2) To conduct or provide for such inspections of ACCE locations as shall be necessary to determine and ensure compliance with the provisions of the municipal code and other applicable provisions of law.

(3) To periodically review the provisions of this article and the conduct and operation of ACCE locations and ACCE conditional use permit holders, and to make such related reports and recommendations to the city council as the ACCE permitting commissioner shall deem necessary.

(4) To conduct such hearings, studies, and reports on ACCE locations, and the regulations relating thereto, as the ACCE permitting commissioner shall deem necessary, and to conduct such hearings on the revocation or suspension of an ACCE conditional use permit as required pursuant to section 14-306.

(5) To take such further actions as the ACCE permitting commissioner deems necessary to carry out the purposes and intent of this article and to exercise such

additional powers in furtherance thereof as are implied or incident to those powers and duties expressly set forth in this article.

(6) At any time, to enter, or to authorize any law enforcement officer to enter, any permitted premises to determine whether any provisions of this municipal code or of state law have been violated, or are being violated, and, at that time, to examine the permit holder's premises;

(7) To appoint deputies or other persons to assist them in the performance of their duties and responsibilities as ACCE permitting commissioner;

(8) To require any licensee, at any reasonable time, to produce the books and records of that permit holder's operations for inspection and examination;

(9) To require any permit holder, from time to time and at reasonable times, to file reports or to provide information about the operation of their establishment to permit proper enforcement of this municipal code or of state law;

(10) To promulgate rules and regulations consistent with local and state laws;

(11) To represent the city on any appeal of any action taken under this article or municipal code;

(12) To prescribe penalties for violations of this article or municipal code and state law and to enforce those penalties.

(13) To receive license fees, fines and other moneys under this article and to promptly deposit those funds with the city treasurer or designated financial officer;

(14) With the assistance of the city's legal counsel, to initiate legal proceedings on behalf of the city regarding the duties, functions and responsibilities under this article or municipal code;

(15) To declare the existence of an emergency and, thereafter, to alter the hours of operation of any permitted location and to take any other action which may be necessary or proper because of that emergency, including but not limited to restricting the hours and/or days of operation.

(16) Emergency powers.

a. The commissioner shall have the authority to impose an emergency order containing restrictions as the commissioner deems necessary on the operations of conditional use permit ACCE locations as described in the order, for a period of up to 48 hours, when the commissioner has a reasonable belief that there may be a threat to the public health, safety and welfare.

b. An emergency order entered pursuant to this section shall be in writing and shall, at a minimum, contain the following information:

1. The basis for the emergency order.

2. A description of the conditional permit locations that are affected by the order.

3. The dates and times during which the order will be in effect.

4. A description of each of the restrictions that are being imposed during the time the order is in effect.

c. An emergency order entered pursuant to this section shall be filed with the city clerk as soon as is practicable, and shall be served upon each of the ACCE permit holders that will be regulated by said order in one or more of the following ways:

1. By personal delivery upon an agent of the licensee at least 24 hours prior to the time the Order goes into effect.

2. By first class mail, addressed to the licensee at the licensee's premises, deposited in the U.S. mail at least three days, excluding weekends and holidays, before the order goes into effect.

3. If service by the means set forth in subsection 1. or 2. above is impractical due to the exigencies of the circumstances, then notice shall be provided in a manner reasonably calculated to inform the licensees regulated by said order.

d. No permit holder shall violate the terms of an emergency order issued pursuant to this subsection.

Sec. 14-284. Hearings.

The commissioner may convene and conduct a public hearing into any matter relating to this article whenever, in their discretion, they find it appropriate to do so. In addition, public hearings shall be held in the following instances:

(a) Upon receipt of an application for a new conditional use permit or an application for renewal of an existing permit, when the commissioner determines that receipt of formal evidence is necessary or if the applicant requests a hearing;

(b) Upon denial of an application for a new conditional use permit or upon denial of an application for renewal of an existing permit, if the applicant requests a hearing;

(c) Upon complaint, or upon report, that a permit holder has violated a provision of this article or municipal code or of state law.

Sec. 14-285. Notification of the public and adjacent owners.

(a) Notice to all landowners within 500 feet of the property line of the proposed conditional use permit premises shall be given by first class mail, no less than 15 calendar days and no more than 30 calendar days, before any public meeting at which the preliminary permit application is to be discussed. If the notification area includes a condominium, notice shall be given to the condominium association. Notice is presumed to have been given when mailed according to these provisions.

(b) A sign shall be posted in the front yard or front part of the proposed permitted premises advising that a conditional use permit for the location is under consideration. The sign shall remain until siting approval or disapproval is granted by the city council.

Sec. 14-286. Adult use cannabis consumption onsite establishment (ACCE) conditional use permits generally.

(a) The city authorizes three (3) adult use cannabis consumption onsite establishments, as defined herein, to operate within the city and obtain conditional use permits to operate within the city.

(b) ACCE conditional use permit required. An ACCE permit shall be required to establish, operate, or maintain an adult use cannabis consumption onsite establishment within the city.

(c) Operation without conditional use permit prohibited. It shall be unlawful for any person not having a current and valid ACCE conditional use permit to establish, operate, or maintain an adult use cannabis consumption onsite establishment within the city at any time.

(d) Operation in violation of ACCE permit prohibited. It shall be unlawful for any permit holder to establish, operate, or maintain an ACCE location within the city except in the manner authorized by, and in compliance with, the provisions of this article and the permit holder's ACCE permit.

(e) Content and display of permit. Every ACCE permit shall be provided by the city and shall, at a minimum, prominently state on its face the name of the permit holder, the expiration date, and the address of the ACCE location. Every permit shall cause the permit holder's ACCE permit to be framed, covered by glass, and hung at all times in plain view in a conspicuous place on the permitted premises so that it can be easily seen and read at any time by any person entering the permitted premises.

(f) License term. Except as hereinafter provided, ACCE permits shall be operative and valid, unless first terminated, suspended, or revoked, for a term of one year commencing on January 1 of the year following the year of issuance and terminating on December 31 of that same year. ACCE conditional use permits issued after January 1 of any year for operations to commence in that year shall be operative and valid, unless first terminated,

suspended, or revoked, for a term commencing on the date of issuance and terminating on December 31 of that same year.

Sec. 14-287. Conditional use permit fees.

The cost of an adult use cannabis consumption onsite establishment conditional use permit shall be \$4,000.00, plus the current occupancy number (example: if occupancy is 500, the issuance or annual renewal cost will be \$4,500.00). If the permit holder adds the EH (extended hours) subclass, this will be an additional \$500.00 upon issuance or renewal.

Sec. 14-288. Form and submittal of ACCE location conditional use permit application.

(a) Required form. An application for an ACCE location permit, or the renewal thereof, shall be made in writing to the ACCE permitting commissioner on a form prescribed by the ACCE permitting commissioner and shall be signed by the applicant, if the applicant is an individual; by at least one of the persons entitled to share in the profits of the organization and having unlimited personal liability for the obligations of the organization and the right to bind all other such persons, if the applicant is a partnership (general or limited), joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization; by a duly authorized agent, if the applicant is a corporation; or by the trustee, if the applicant is a land trust. The application shall be verified by oath or affidavit as to all statements made on or in connection with the application and any attachments thereto. Each application shall specifically identify the applicant and the licensed premises for which an ACCE conditional use permit is sought.

(b) Processing fee. Every applicant for an ACCE conditional use permit or for the renewal of an existing ACCE permit shall pay a processing fee in the amount of \$1,000.00 by certified check to the city at the time of filing such application. The processing fee of \$500.00 shall in all cases be non-refundable and shall be deposited in the general corporate fund of the city. The additional \$500.00 shall be applied to the conditional use permit cost if issued, or returned to applicant if denied.

(c) Required information and documents. Each application shall include the following information and documents:

(1) Individuals. The applicant's legal name, all of the applicant's aliases, the applicant's business address and Social Security number, written proof of the applicant's age, the citizenship and place of birth of the applicant and, if a naturalized citizen, the time and place of the applicant's naturalization.

(2) Corporations. The applicant corporation's complete name and official business address; the legal name, all aliases, and the ages, business addresses, and Social Security numbers of all of the directors, officers, and managers of the corporation

and of every person owning or controlling more than 50 percent of the voting shares of the corporation; the corporation's date and place of incorporation and the objects for which it was formed; proof that the corporation is a corporation in good standing and authorized to conduct business in the state; and the name of the registered corporate agent and the address of the registered office for service of process.

(3) Partnerships (general or limited), joint ventures, or any other type of organization where two or more persons share in the profits and liabilities of the organization. The applicant organization's complete name and official business address; the legal name, all aliases, and the ages, business addresses, and Social Security numbers of each partner (other than limited partners) or any other person entitled to share in the profits of the organization, whether or not any such person is also obligated to share in the liabilities of the organization.

(4) Land trusts. The applicant land trust's complete name; the legal name, all aliases, and the business address of the trustee of the land trust; the legal name, all aliases, and the ages, business addresses, and Social Security numbers of each beneficiary of the land trust and the specific interest of each such beneficiary in the land trust; and the interest, if any, that the land trust holds in the licensed premises.

(5) If a corporation or partnership is an interest holder that must be disclosed pursuant to this article, then such interest holders shall disclose the information required with respect to their interest holders.

(6) The general character and nature of the business of the applicant.

(7) The length of time that the applicant has been in the business of the character specified in response to subsection (6) above.

(8) The location, including street address and legal description, and telephone number, of the premises for which the ACCE permit is sought.

(9) The specific name of the business that is to be operated under the ACCE permit.

(10) Proof of ownership of the location identified in (8) above, or if leasing the premises, a copy of a lease with a term that covers the period for which the permit is sought and the identity of each fee simple owner of the proposed ACCE permitted premises.

(11) A diagram showing the internal and external configuration of the permitted premises, including all doors, windows, entrances, exits, the fixed structural internal features of the permitted premises, plus the interior rooms, walls, partitions, stages, performance areas, and restrooms. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; provided, however, that each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions to an

accuracy of plus or minus six inches and sufficient to show clearly the various interior dimensions of all areas of the permitted premises and to demonstrate compliance with the provisions of this article. The requirements of this article shall not apply for renewal applications if the applicant adopts a diagram that was previously submitted for the conditional use permit sought to be renewed and if the permit holder certifies that the permitted premises has not been altered since the immediately preceding issuance of the permit and that the previous diagram continues to accurately depict the exterior and interior layouts of the permitted premises. The approval or use of the diagram required pursuant to this article shall not be deemed to be, and shall not be interpreted or construed to constitute, any other city approval otherwise required pursuant to applicable city ordinances and regulations.

(12) The names of each governmental body from which, within five years immediately prior to the date of the present application, the applicant, or any of the individuals identified in the application pursuant to subsections 1 through 5 of this section, has received a permit, license or other authorization to conduct or operate a business substantially the same as an adult use cannabis consumption onsite establishment and the names and addresses of each such business requiring a federal, state, or local liquor license; or requiring a federal, state, or local gaming license.

(13) Whether the applicant, or any of the individuals identified in the application pursuant to subsections 1 through 5 of this section, has had a permit or license or other authorization to conduct or operate a business substantially the same as the permit sought or any business requiring either a liquor or gaming license, revoked or suspended, and, if so, the date and grounds for each such revocation or suspension, and the name and location of the establishment at issue.

(14) The name of the individual or individuals who shall be the day-to-day, on-site managers of the proposed ACCE permit location. If the manager is other than the applicant, the applicant shall provide, for each manager, all of the information required pursuant to subsections herein which pertain to applicant.

(15) For the individual or individuals executing the application pursuant to subsection (a), and the individual or individuals identified pursuant to subsection (c)(14), a fully executed waiver on a form prescribed by the city to obtain criminal conviction information pursuant to the Illinois Uniform Conviction Information Act.

(d) Incomplete applications returned. Any application for an ACCE conditional use permit that does not include all of the information and documents required pursuant to this article as well as the processing fee shall be deemed to be incomplete and shall not be acted on or processed by the city. The ACCE permitting commissioner shall, within five days of such

submittal, return the incomplete application to the applicant along with a written explanation of the reasons why the application is incomplete.

Sec. 14-289. Site approval.

(a) No new conditional use permit for an ACCE location shall be issued, and no change of physical location or business size shall be granted, until the proposed location has been investigated and approved by the mayor and a majority of the city council. No location may be approved for permitting, and no permit shall be issued, for any premises that is within 200 feet of any school (other than an institution of higher learning) or a place of worship.

(b) Special use permit. No ACCE location shall operate even at those locations where they may be allowed pursuant to subsection (a) above without having first obtained a special use permit in the manner set forth in chapter 17, if required pursuant to the zoning ordinances of the city. However, the standards for special uses set forth in Chapter 17 shall not apply with regard to the application for a special use permit for an ACCE location. In their place, the following standards shall apply:

Standards. No ACCE location special use permit shall be granted unless the following findings are made:

(1) The design and operation of the facility will not adversely affect the public health and safety;

(2) It will not cause substantial injury to the value of other property in the neighborhood in which it is located;

(3) It will not unduly increase traffic congestion in the public streets and highways in the area in which it is located;

(4) It will not cause additional expense for fire or police protection;

(5) It will not substantially increase the possibility of criminal acts against persons and properties within 55 feet of such proposed special use or against persons who regularly use such properties.

Sec. 14-290. Investigation of applicant.

(a) An applicant for a new ACCE conditional use permit shall be required to undergo a complete investigation of their background, including a thorough examination of the applicant's criminal history by appropriate law enforcement officials and a thorough examination of the applicant's financial circumstances and credit history. A complete investigation need not be done when an applicant seeks to renew its city ACCE permit unless the applicant's circumstances have changed since the date of its last application.

(b) The applicant shall complete all forms submitted by the commissioner and shall cooperate in every respect with the ACCE permitting commissioner in the investigation.

(c) The ACCE permitting commissioner shall have the right to require fingerprints of any applicant for a new ACCE permit or for a permit renewal. Each applicant shall submit his or her fingerprints to the department of state police in the form and manner prescribed by the department of state police. These fingerprints shall be checked against the fingerprint records contained in the criminal history record databases of the department of state police and the Federal Bureau of Investigation. The department of state police shall charge a fee for conducting the criminal history records check, which shall be deposited in the state police services fund, and shall not exceed the actual cost of the records check. The department of state police shall furnish records of conviction to the commissioner pursuant to positive identification. For purposes of obtaining fingerprints under this section, the commissioner shall collect a fee and forward the fee to the appropriate policing body, who shall submit the fingerprints and the fee to the Illinois Department of State Police.

Sec. 14-291. Persons ineligible for ACCE conditional use permit.

No ACCE conditional use permit under this article shall be issued to:

- (1) A person who is not a resident of the city.
- (2) A person who is not of good character and reputation in the community in which they reside.
- (3) A person who has been convicted of:
 - a. Committing a felony under any federal or state law; or,
 - b. Convicted of a crime or misdemeanor opposed to decency and morality.
- (4) A person whose permit, license or authorization to conduct an activity issued under the Illinois Liquor Control Act, the Compassionate Use of Medical Cannabis Program Act, the Cannabis Regulation and Tax Act, the Illinois Gambling Act, or the Illinois Video Gaming Act has been revoked for cause.
- (5) A person who is not 21 years of age or older.
- (6) A person who is overdue on payment to the city of fees, fines, or penalties assessed against, or imposed on, any such individual in connection to any adult use cannabis consumption onsite activities.
- (7) A person who has been in violation of a provision of this article within five years immediately preceding the date of the application.
- (8) A person who, at the time of application for ACCE permit renewal, would not be eligible for a permit upon a first application.
- (9) A co-partnership, if any general partnership thereof, or any limited partnership thereof, owning more than five percent of the aggregate limited partner interest in such co-partnership, would not be eligible to receive an ACCE permit for any reason other than residence, unless residency is, or becomes, required by local ordinance.

(10) A limited liability company, unless it is organized under the laws of the State of Illinois, or, if not so organized, unless it is admitted to transact business in this state, or if any member or manager would not be eligible to receive a permit for any reason other than residence.

(11) A corporation, if any officer, director, or manager, or any shareholder owning in the aggregate more than five percent of the stock of such corporation would not be eligible to receive a license for any reason other than residence.

(12) A corporation, unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Business Corporation Act to transact business in Illinois.

(13) A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required by the permit holder and specifically unless such manager or agent is a resident of the city.

Sec. 14-292. Findings on issuance of conditional use permit. No conditional use permit shall be issued under this article until the ACCE permitting commissioner has determined that no reason exists to refuse to issue such permit. This section shall apply to the initial issuance of any permit and to every renewal, change of business location or physical size, or reissue of any permit. In all such cases, the commissioner shall consider the following factors in deciding whether or not to issue such permit:

(a) The availability of a permit and the appropriateness of issuing a permit;

(b) The eligibility of the applicant to receive a conditional use permit;

(c) The financial responsibility of the applicant;

(d) The receipt of all information and documents required by this section for issuance of an ACCE permit have been properly provided and the material statements made in the application and contained on additional documentation are true and correct;

(e) The applicant has confirmed as part of the application that the applicant has read this article and all provisions of the city zoning ordinance applicable to ACCE locations, that the applicant is familiar with their terms and conditions, and that the permitted premises and the proposed ACCE and its proposed operation are and shall be in compliance therewith;

(f) The potential impact that the establishment will have on city services;

(g) The character, nature and location of the proposed establishment and the probable impact of an ACCE location at that location upon the surrounding neighborhood and the city as a whole. In considering the impact, the commissioner shall take into account several factors, including the following:

- (1) Proximity to residential neighborhoods;
 - (2) Proximity to schools, churches or places of worship;
 - (3) Potential impact on traffic safety;
 - (4) Potential adverse impacts if any on surrounding property values;
 - (5) Adequacy of street lighting in the vicinity and of exterior lighting of the proposed location;
 - (6) Availability of on-street and off-street parking in the area; and
 - (7) Availability of sidewalks in the area if significant pedestrian traffic is anticipated.
- (h) The general design, layout and contents of the proposed establishment;
 - (i) Whether the applicant proposes to furnish live entertainment and, if so, the nature of the entertainment;
 - (j) The compliance of the proposed location with all applicable federal and state laws and city ordinances, including the city's building, health, safety, property maintenance, and zoning ordinances;
 - (k) The proposed operation of the establishment, including staffing levels, the ability and commitment to abide by laws and regulations, and the ability to effectively monitor activities both within and without the establishment;
 - (l) The past performance of the applicant, if applicable, under any permit previously issued under this article; and,
 - (m) Whether issuance of the conditional use permit would be in the best interests of the city.

Sec. 14-293. ACCE permitting commissioner to issue conditional use permits.

Upon receipt of a properly completed application and such other supporting documents as the commissioner may require and after a complete and thorough investigation, the commissioner may issue a conditional use permit under this article to any properly qualified applicant pursuant to the terms, conditions and restrictions of this article.

Sec. 14-294. Inspections by the city.

(a) Authority. The ACCE permitting commissioner and other city representatives and departments with jurisdiction shall periodically inspect all ACCE locations as shall be

necessary to determine compliance with the provisions of this article and all other applicable law.

(b) Permit holder cooperation. A permit holder shall permit representatives of the city to inspect the permitted premises for the purpose of determining compliance with the provisions of this article and municipal code and all other applicable laws at any time during which the permitted premises is occupied or the ACCE location is open for business.

(c) Interference or refusal illegal. It shall be unlawful for the permit holder, any ACCE location employee, or any other person to prohibit, interfere with, or refuse to allow, any lawful inspection conducted by the city pursuant to this article or any other authority.

(d) Suspension or revocation. Any such prohibition, interference, or refusal shall be grounds for immediate suspension or revocation of the ACCE permit pursuant to section 14-306.

Sec. 14-295. Change in information.

During the pendency of any application for, or during the term of, any ACCE conditional use permit, the applicant or permit holder shall promptly notify the ACCE permitting commissioner in writing of any change in any material information given by the applicant or permit holder in the application for such permit, including specifically, but without limitation, any change in managers of the ACCE location or in the individuals identified in the application pursuant to section 14-288; or if any of the events constituting grounds for suspension or revocation pursuant to subsection 14-306 occur.

Section 14-296. Conditional use permit renewal.

A conditional use permit holder may apply to renew its permit by submitting a renewal application, with the required conditional use permit fee, to the ACCE permitting commissioner at least 21 days before the permit expiration date. If any of the required documents expire and are renewed during the new permit year, copies of the renewed documents should be sent upon receipt to the ACCE permitting commissioner.

Sec. 14-297. Insurance.

Every applicant for an ACCE conditional use permit shall furnish to the ACCE permitting commissioner with their application, evidence of liability insurance coverage in coverage amounts not less than the dram shop liability coverage specified in Section 6-21 of the Illinois Liquor Control Act, covering the permit holder and the owner of the premises for the entire term of the conditional use permit. Evidence of continued coverage shall be provided each year thereafter as a condition of renewal of any permit.

Sec. 14-298. Separate conditional use permit required for each location.

A separate conditional use permit under this article must be issued for each location desired by an applicant. No more than one conditional use permit may be issued for any one permitted premises.

Sec. 14-299. Change of business location or business size.

Any permit holder who wishes to move the location of the permitted business, to expand the permitted business, or to change any terms or requirements of their issued permit shall submit an application to the ACCE permitting commissioner requesting the change not less than 90 days before the change is requested to occur.

Sec. 14-300. Change of form of ownership.

Whenever a permit holder changes the manner in which it conducts its business at the permitted premises, the permit holder shall inform the ACCE permitting commissioner of the change. The permit holder's new business entity shall be required to meet the requirements of this article in order to be eligible to continue to hold the conditional use permit previously issued to the permit holder.

Sec. 14-301. No transfer of conditional use permit to another entity; special provisions relating to death, insolvency, or bankruptcy of licensee.

(a) Every conditional use permit issued under this article shall be a purely personal privilege and shall not constitute property, nor shall the conditional use permit be subject to attachment, garnishment or execution. No permit issued under this article shall be alienable or transferable, either voluntarily or involuntarily, or subject to being encumbered or hypothecated.

(b) No conditional use permit issued under this article shall be subject to transfer by testate or intestate succession, but shall cease upon the death of the permit holder; however, upon the death of any permit holder, the executor or administrator of such deceased permit holder's estate may continue to operate the permit holder's business on the permitted premises under court order and may exercise the privileges of the conditional use permit holder under that permit until its expiration date or for a period of six months after the date of the permit holder's death, whichever occurs first.

(c) In the event of the bankruptcy or insolvency of any permit holder, any trustee or receiver appointed by an appropriate court for the estate of such permit holder may continue to operate the business of the permit holder on the permitted premises until

expiration of such conditional use permit for a period of six months from the date of the permit holder's bankruptcy or insolvency, whichever occurs first.

Sec. 14-302. Sale of permitted premises.

Whenever a permit holder has entered into a contract to sell a business to which an ACCE conditional use permit has been issued, the permit holder shall immediately notify the ACCE permitting commissioner. When the business sale is closed, the conditional use permit lapses. If the new owner of the business desires an ACCE conditional use permit, the owner must make application to the ACCE permitting commissioner and must comply with all application requirements.

Sec. 14-303. Continuous operation.

Every permit holder shall be required to continuously operate their business on a normal and regular basis throughout the permit year. If, at any time during the permit year, a permit holder's business is not in operation for a continuous period of 60 days, then the permit holder's failure to operate the business shall be a prima facie violation of this section. A permit holder may establish a bona fide reason for not operating their business, such as by showing that the business is closed for vacation, for remodeling, because of serious illness of the business owner, or for some other reasonable purpose. The ACCE permitting commissioner may suspend any permit holder's conditional use permit temporarily for violation of this section and until proper business operations are resumed. In the event that operations are not properly and timely resumed, the commissioner may revoke the permit.

Sec. 14-304. Regulations applicable to all ACCE permitted premises.

(a) General compliance. All permitted premises and ACCE locations shall comply with the provisions of this article; all other applicable city ordinances, resolutions, rules, and regulations; and all other applicable federal, state, and local laws.

(b) Hours of operation.

(1) ACCE permitted locations may be open for business at any time Monday through Saturday, between the hours of 6:00 a.m. and 12:00 a.m. (midnight).

(2) Upon paying an additional annual fee and obtaining a supplementary license (class EH), the permit holder may extend the midnight closing time on Monday through Saturday to 1:00 a.m., and may further extend it to 2:00 a.m. on Fridays and Saturdays only.

(3) Holiday Hours:

(A) New Year's Day (unless it falls on a Sunday): Closing time will be extended one hour beyond the permit holder's normal closing time.

(B) New Year's Eve Day: If the holiday falls on a Sunday, the hours of operation shall be 11:00 a.m. to 1:00 a.m. A Sunday sales permit will not be required. The permit holder must notify the ACCE permitting commissioner that the establishment intends to be open on the holiday in writing at least two weeks prior to the holiday. The commissioner will notify the police department about the change in hours of operation.

(C) Super Bowl Sunday: The hours of operation shall be 12:00 p.m. to 11:00 p.m. A Sunday sales permit will not be required. The permit holder must notify the ACCE permitting commissioner that the establishment intends to be open on the holiday in writing at least three days prior to the event. The commissioner will notify the police department about the change in hours of operation.

(c) Employee requirements. All employees of an ACCE location permit holder shall be 21 years of age or older.

(g) Exterior display. No ACCE permitted location shall be maintained or operated in any manner that causes, creates, or allows public viewing of any adult use cannabis consumption or images depicting, describing, or relating to adult use cannabis consumption from any sidewalk or public right-of-way.

(h) Signage limitations. In addition to conforming to the regulations as established in Chapter 17 of the municipal code relating to signage, no ACCE location signage shall contain the following:

(1) Images or statements which promote overconsumption of cannabis;

(2) Images or statements which depict the actual consumption of cannabis;

(3) Images of a cannabis leaf or bud; or,

(4) Any images or statements designed or likely to appeal to minors, including cartoons, toys, animals, or children.

(i) Noise. No loudspeakers or sound equipment audible beyond the permitted premises shall be used at any time.

(j) Alcohol prohibition without license. No ACCE permitted premises shall serve alcohol or allow alcohol to be consumed onsite without an appropriate liquor license issued from the city pursuant to Chapter 4 herein.

Sec. 14-305. Permit holder responsibility for employees.

Every act or omission by an ACCE permit holder employee constituting a violation of the provisions of this article or municipal code shall be deemed to be the act or omission of the permit holder if such act or omission occurs either with the authorization, knowledge, or approval of the permit holder, or as a result of the permit holder's negligent failure to supervise the employee. The permit holder shall be punishable for any such act or omission in the same manner as if the permit holder committed the act or caused the omission. Accordingly, any such act or omission of any such employee constituting a violation of the provisions of this article or municipal code shall be deemed, for purposes of determining whether the permit holder's permit shall be revoked, suspended, or renewed, to be the act or omission of the permit holder.

Sec. 14-306. License revocation or suspension.

(a) Grounds. Pursuant to the procedures set forth in subsection (b), the ACCE permitting commissioner may suspend for not more than 30 days, or revoke, any ACCE permit if the commissioner, based on credible and reasonably reliable information and evidence, determines that any one or more of the following has occurred:

(1) The permit holder has violated any of the provisions or requirements of this article or the ACCE permit issued pursuant hereto, or the provisions of the municipal code of the city.

(2) The permit holder knowingly or negligently furnished false or misleading information or withheld information on any application or other document submitted to the city for the issuance or renewal of any ACCE conditional use permit or knowingly or negligently caused or suffered any other person to furnish or withhold any such information on the permit holder's behalf.

(3) The permit holder has committed a felony or specified criminal act on the permitted premises.

(4) The permit holder authorizes, approves, or, as a result of the permit holder's negligent failure to supervise the permitted premises, allows, a permit holder's employee, an ACCE patron, or any other person to violate any of the provisions or requirements of this article or the municipal code or of the provisions or requirements of the ACCE permit issued pursuant hereto, or commit any felony or specified criminal act on the permitted premises.

(5) The permit holder, or any person identified in the issuance application or as a resident manager becomes disqualified for the issuance of an ACCE permit at any time during the term of the conditional use permit at issue.

(b) Procedure. An ACCE permit may be suspended for not more than 30 days or revoked pursuant to the terms and conditions set forth in this article.

(1) Notice. Upon determining that one or more of the grounds for suspension or revocation under subsection (a) may exist, the ACCE permitting commissioner shall serve a written notice on the permit holder in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the permit holder's address as set forth in the permit holder's application. The written notice shall, at a minimum, state that the ACCE permitting commissioner has determined that the ACCE permit may be subject to suspension or revocation pursuant to subsection 14-306(a); identify the specific grounds for the ACCE permitting commissioner's determination; and set a date for a hearing regarding the commissioner's determination as to the possibility of suspension or revocation of the ACCE conditional use permit. The date of the hearing shall be no less than five days after service of the ACCE permitting commissioner's notice, unless an earlier or later date is agreed to by the permit holder and the commissioner.

(2) Hearing. The hearing shall be conducted by the ACCE permitting commissioner, at a meeting and in the presence of the city council. At the hearing, the permit holder may present and submit evidence and witnesses to refute the grounds cited by the commissioner for suspending or revoking the permit and the city and any other persons may submit evidence to sustain such grounds. All witnesses that appear and testify at the hearing shall be sworn and strict rules of evidence shall not apply. Evidence that is commonly relied upon by reasonably prudent persons in the conduct of their business may be admitted and evidence determined to be irrelevant, immaterial, or unduly repetitious may be excluded at the determination of the commissioner. There shall be an administrative record compiled of the hearing and the evidence presented. Within three days after the close of the hearing, the commissioner shall, having considered the record made at the hearing, render a decision in writing, setting forth the reasons for the decision. If an official record of the proceedings is required to be prepared and certified by a certified court reporter or a certified short-hand reporter, such as for appeal purposes, the cost of the reporter's attendance at the hearing and the cost of the transcript shall be paid by the permit holder. The action taken by the ACCE permitting commissioner shall be final and shall be subject to judicial review.

(3) Notice and effective date of suspension or revocation. The ACCE permitting commissioner's written decision shall be posted at city hall, on the ACCE permitted premises, and shall be served on the permit holder in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the permit holder's address as set forth in the permit holder's application. Any suspension or revocation, as the case may be, shall take effect on the day that the commissioner's written decision is delivered in person or three days after it is placed in the U.S. mail as provided in this subdivision.

(4) Surrender of ACCE conditional use permit. Upon the suspension or revocation of an ACCE permit pursuant to this article, the ACCE permitting commissioner shall take custody of the suspended or revoked permit.

(c) Immediate suspension. Notwithstanding the grounds in subsection (a) and the procedure in subsection (b), the ACCE permitting commissioner or their designee, may in all cases where, in the opinion of the commissioner, public peace, public health or public safety is likely to be endangered by allowing an ACCE location to remain open, the commissioner may order the closing of that establishment without giving prior notice and an opportunity for a hearing. In that event, the commissioner shall enter a written order, stating the reason(s) for the closing and the length of the closing; the closing period cannot exceed seven days. During the closing period, the commissioner shall provide the affected permit holder an opportunity to be heard.

(d) City council to serve as ACCE advisory commission. The city council shall serve as ACCE advisory commission and shall be present and participate at hearings held by the ACCE permitting commissioner. The ACCE permitting commissioner will issue final decisions but shall be given the advisory opinions of the advisory commission on the decision and penalty to be assessed.

Sec. 14-307. Administrative record.

The ACCE permitting commissioner to maintain records. The commissioner shall maintain in their office, or shall cause to be maintained under their direction and supervision, the records relating to their duties, functions, and responsibilities under this article, including applications for permits, records of applicant or permit holder investigations, meeting agenda and minutes, records of hearings, and other relevant information.

Sec. 14-308. Hours of operation.

(a) It shall be unlawful to remain open for business, to admit the public, to permit the public to remain within, or to permit the consumption of cannabis by any person in or upon the permitted premises more than 30 minutes after the closing time established under this article.

(b) No person except the permit holder and their agents shall enter the permitted premises between the allowed closing time and 6:00 a.m.

(c) The penalty for a violation of this section shall be a fine of no less than \$300.00 and no more than \$750.00.

Sec. 14-309. Occupancy.

(a) All premises permitted under this article to allow the on-site consumption of cannabis shall be inspected by the fire chief or their designated representative, to determine and fix the maximum permitted occupancy of such premises. The permit holder shall contact the fire chief and arrange for an annual inspection and determination of occupancy, which shall be completed before the effective date of any new or renewed permit.

(b) Occupancy limits shall be determined by designating each separate room or other area as an open area or as seating area. The occupancy limit of open areas shall be determined by dividing the aggregate total number of square feet of all such open areas by a factor of seven. The occupancy limit of seating areas shall be determined by dividing the aggregate total number of square feet of all such areas by a factor of 15.

(c) Notwithstanding the provisions of subsection (b), whenever the fire chief determines that any licensed premises does not meet the standards of the city's building, fire safety, property maintenance, or other applicable health or safety codes, the fire chief may direct that the applicable occupancy limitation factors be fixed at ten for open areas and at 16 for seating areas.

(d) The maximum occupancy as determined by the fire chief shall be prominently displayed at or near the front entrance of the premises.

(e) It shall be unlawful for any permit holder, or for any agent of any permit holder, to allow the occupancy limit of any permitted establishment to be exceeded. At any time that the ACCE permitting commissioner or any law enforcement officer reasonably believes that the occupancy limit of any permitted premises has been exceeded, the fire department shall be notified. The fire chief, or their designated representative, may determine the occupancy on those premises at that time by any reasonable means, including requiring the temporary and orderly evacuation of the premises in order to obtain a count of the persons present.

(f) The penalty imposed on a permit holder for unlawful occupancy shall be a fine of no less than \$250.00 and no more than \$750.00.

Sec. 14-310. Regulations on permit holders and permitted premises.

(a) It shall be unlawful for any permit holder or their agent to sell, give, deliver, or share cannabis in any form or any cannabis infused product, to any person on any permitted premises.

(b) It shall be unlawful for any permit holder or their agent to deny any person the full and equal enjoyment of the accommodations, advantages, facilities and privileges of any permitted premises subject only to the conditions and limitations established by law and applicable alike to all citizens.

(c) It shall be unlawful for any permit holder or their agent or anyone on the permit holder's behalf to announce the presence of law enforcement officers in or on the permitted premises, unless requested to do so by a law enforcement officer.

(d) It shall be unlawful for any permit holder or their agent or anyone acting on the permit holder's behalf to use any radio, police scanner or other electronic device for the purpose of intercepting police radio transmissions and thereafter warning any person on the permitted premises or notifying any other permit holder or their agent of any inspection, check or other action by the police on any permitted premises.

(e) A permit holder and the permit holder's agents shall promptly report to the police department any crime or other illegal activity occurring on or about the permitted premises of which any of them have knowledge. No permit holder nor any agent of that permit holder shall fail or refuse to aid and cooperate with the police department in the investigation of any crime or illegal activity or withhold any information.

(f) Every permit holder shall maintain on each permitted premises at least one telephone in proper working order and readily accessible to the manager or other responsible person in charge of the permitted premises for purposes of reporting to the police department incidents that occur on or about the permitted premises.

(g) Every permitted premises shall be kept and maintained in a clean and sanitary condition at all times and shall comply with all federal, state and local laws governing health and safety.

(h) It shall be unlawful for any permit holder to permit or allow anyone to play any game of cards, dice or checks for money or other thing of value or to permit or allow the use of any other article, instrument or thing whatsoever which may be used for the purpose of playing or betting upon or winning or losing money or any other thing of value, or to bet upon any games others may be playing, upon any permitted premises, except as permitted by state law.

(i) The penalty for a violation of this section shall be a fine of no less than \$300.00 and no more than \$750.00.

Sec. 14-311. Liability of owner of premises and permit holder in certain instances.

(a) If the owner of any permitted premises, or any person from whom the permit holder derives the right to possession of the premises, or the agent of that owner or person, shall knowingly permit the permit holder to use the permitted premises in violation of this article or municipal code, that person shall be deemed guilty of a violation of this article or municipal code to the same extent as the permit holder and shall be subject to the same penalties provided for in this article or relevant section of municipal code.

(b) Every act or omission of whatever nature constituting a violation of any provisions of this article or municipal code by any agent of any permit holder, shall be deemed to be the

act of such permit holder. The permit holder shall be punishable to the same extent and to the same manner as if the act or omission had been done or omitted by the permit holder personally.

Sec. 14-312. Entertainment restrictions.

(a) No permit holder shall engage in, or permit anyone else to engage in, any of the following acts on its permitted premises:

(1) Performing any topless and/or bottomless act, demonstration, dance or exhibition;

(2) Performing any act of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any other sexual act which is prohibited by law;

(3) Actual or simulated touching, fondling, or caressing of the breast, buttocks, anus, vulva or genitals;

(4) Displaying films or photographs depicting acts prohibited by subsections (1), (2) or (3) above.

(b) No person shall engage in any of the acts prohibited in subsection (a) above on any permitted premises.

(c) No permit holder or their agent shall permit any person to remain on the permitted premises who violates any of the provisions of this section.

(d) The penalty for a violation of this section shall be a fine of no less than \$300.00 and no more than \$750.00.

Sec. 14-313. Nuisance declared.

Any adult use cannabis onsite consumption establishment established, operated, or maintained in violation of any of the provisions or requirements of this article or municipal code or of any ACCE permit shall be, and the same is, declared to be unlawful and a public nuisance. The city may, in addition to or in lieu of any other remedies set forth in this article, commence an action to enjoin, remove, or abate such nuisance in the manner provided by law and shall take such other steps and apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such public nuisance, and restrain and enjoin any person from establishing, operating, or maintaining an ACCE location contrary to the provisions of this article.

Sec. 14-314. Penalty.

Any person who violates, neglects, refuses to comply with, or assists or participates in any way in the violation of any of the provisions or requirements of this article or of any of the provisions or requirements of any adult use cannabis onsite consumption establishment license shall be fined not more than \$750.00 for each such violation. Each day such violation continues shall constitute a separate offense.

Sec. 14-315. Purchase, acceptance, possession or consumption of cannabis by minors.

(a) Any person to whom the sale, gift or delivery of cannabis in any form or cannabis infused product is prohibited because of age shall not purchase or accept a gift of such cannabis in any form or cannabis infused product.

(b) Any person to whom the sale, gift or delivery of cannabis in any form or cannabis infused product is prohibited because of age shall not have such cannabis in any form or cannabis infused product in their possession.

(c) Any person to whom the sale, gift or delivery of cannabis in any form or cannabis infused product is prohibited because of age shall not consume such cannabis in any form or cannabis infused product.

(d) Notwithstanding the other provisions of this section, it shall not be a violation of this section for any person under 21 years of age to possess, or to consume, cannabis in any form or cannabis infused product if they are a qualified card holder pursuant the Compassionate Use of Medical Cannabis Program Act.

(e) The penalty for a violation of this section shall be a fine of no less than \$250.00 and no more than \$750.00.

Sec. 14-316. Entry age; proof of age; misrepresentation of age.

(a) No person under 21 years of age is allowed to enter or remain on the permitted premises of an ACCE permit location.

(b) Any permit holder or agent of that permit holder must do the following:

(1) Demand presentation of at least one permanent form of positive identification of every person prior to admittance to the ACCE premises; the form of identification shall contain a photograph of the person and proof of age reflecting they are 21 years of age or older; and,

(2) Refuse entry to the ACCE permitted premises to any person who is unable to produce an adequate form of identification as proof of identity and of the fact that they are 21 years of age or older.

(c) At any time that a permit holder or agent of that permit holder believes, or has reason to believe, that entry to the permitted premises, or consumption of cannabis in any form or cannabis infused product by a person on the permitted premises is prohibited because of

that person's age, they shall demand presentation of two permanent forms of positive identification; one of those forms of identification shall contain a photograph of the person and proof of age and the other form of identification shall show the same name.

(d) It shall be an affirmative defense to any charge or violation brought against a permit holder and/or the permit holder's agent that the permit holder or agent did the following:

(1) Demanded presentation of identification from the alleged under 21 years of age person;

(2) Received the written evidence of identification stated in paragraph (c); and

(3) Reasonably relied upon that written evidence of identification.

However, it shall not operate as a defense to a charge or violation if the permit holder or the permit holder's agent was shown, and had accepted, a false or fraudulent identification which they knew, or reasonably believed, to be false or fraudulent.

(e) It shall be unlawful for any person under 21 years of age to have in their possession any altered, false or fraudulent written, printed or photostatic evidence of age or identity or any written, printed or photostatic evidence of age or identity of another person who is 21 years of age or older.

(e) The penalty for a violation of this section shall be a fine of no less than \$300.00 and no more than \$750.00.

Sec. 14-317. Providing cannabis in any form or cannabis infused product to persons under 21 years of age.

(a) No permit holder or any agent of that permit holder shall permit the sale, gift, or delivery of cannabis in any form, or cannabis infused product to any person under 21 years of age while present on the ACCE permitted premises,

(b) No person, after purchasing legally or otherwise obtaining cannabis in any form, or cannabis infused product, shall sell, give, or deliver that cannabis in any form, or cannabis infused product to another person under 21 years of age.

(c) The penalty for a violation of this section shall be a fine of no less than \$500.00 and no more than \$750.00.

Sec. 14-318. Failure to carry ID.

(a) Any person entering or remaining in an ACCE permitted location shall have in their possession while remaining in such establishments, an identification card or some other form of positive identification with such person's picture imprinted on it showing their

correct date of birth and issued by some public officer in the performance of their official duties.

(b) The penalty for violation of this section shall be a fine of not less than \$250.00 nor more than \$750.00 for each offense.

Sec. 14-319. Assisting minor in misrepresentation of age or identity, ACCE location.

(a) It shall be unlawful for any person to give, sell or furnish to any person under 21 years of age any altered, false or fraudulent written, printed or photostatic evidence of age and identity.

(b) It shall be unlawful for any person to give, sell or furnish to any person under 21 years of age any written, printed or photostatic evidence of age and identity of any other person for the purpose of misrepresenting the age and identity of the person under 21 years of age.

(c) Every permit holder and every employee or agent of such permit holder who, as a part of their duties or employment with the permit holder, checks identifications of patrons or has contact with patrons, shall receive appropriate training, including training in properly identifying persons, identifying and handling persons under the influence of substances, and recognizing false or fraudulent identification; the training shall be done at the start of employment and as needed during the employment period.

(d) The penalty for a violation of this section shall be a fine of no less than \$250.00 and no more than \$750.00.

Sec. 14-320. Adoption of state law by reference.

Each and every part, provision and section of the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.), as amended, and regulations promulgated thereunder which relate in any manner to adult use cannabis, is hereby adopted by reference and made a part of this municipal code, to the same extent and with the same legal effect as if fully set forth herein except as otherwise specifically changed or amended in this municipal code. Any violation of such applicable and accepted provisions of said Act shall be deemed a violation of this article and be subject to the penalties provided herein.

Sec. 14-321. Set-up establishments prohibited.

(a) It is unlawful for any person to operate a set-up establishment in the city.

(b) The penalty for a violation of this section shall be a fine of no less than \$500.00 and no more than \$750.00.

Sec. 14-322. Adult responsibility.

(a) No person 21 years of age or older who owns, possesses, operates, supervises or controls any premises within the city shall knowingly permit any person under 21 years of age to possess or consume cannabis in any form or cannabis infused products on such premises.

(b) It shall be an affirmative defense to any action under this section that the person 21 years of age or older asked for, was shown and reasonably relied upon a driver's license or other written evidence of age and identity as described in section 14-317 of this article; or, that the person 21 years of age or older asked for, was shown and reasonably relied upon written evidence of participation in the Compassionate Use of Medical Cannabis Program, as adopted and amended by the state.

(c) The penalty for a violation of this section shall be a fine of no less than \$250.00 and no more than \$750.00.

Sec. 14-323. Restrictions on the general public.

(a) No person shall transport, carry, possess or have cannabis in any form or cannabis infused products in, upon, or about any motor vehicle except in a reasonably secured, sealed container and reasonably inaccessible while the vehicle is moving.

(b) It shall be unlawful for any person to consume cannabis in any form or cannabis infused products on any public property or on any other place that is accessible to the general public, except as is permitted pursuant to the Compassionate Use of Medical Cannabis Program Act, or upon the premises of an ACCE permitted location.

(c) The penalty for a violation of this section shall be a fine of no less than \$250.00 and no more than \$750.00.

Section 3: 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 4. Effective Date. This Ordinance shall be effective immediately upon its passage.


Presented this 16th day of December, 2019.

First Reading: 16th day of December, 2019.

Second Reading: 16th day of January, 2020.

Passed this 16th day of January, 2020.

Approved this 7th day of January, 2020.
Recorded in City records this 7th day of January, 2020.



Michael J. Inman, Mayor

ATTEST: (SEAL)



Melanie Falk, City Clerk

Passed by roll call vote with the name of each City Council member recorded on the appropriate line below:

AYES: Viguzzi, A. Carper, Koch, G. Carper, Brown-Edwards, Moon,
Wayland

NAYS: None

ABSENT: None

ABSTAIN: None