

ORDINANCE NO. 2020-01

**AN ORDINANCE AMENDING THE COUNTY CODE OF THE COUNTY OF JEFFERSON
BY THE ADDITION OF ARTICLE EIGHT OF CHAPTER EIGHT
CREATING THE CANNABIS BUSINESS ESTABLISHMENTS CODE**

WHEREAS, the County 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

WHEREAS, this ordinance is adopted pursuant to the provisions of the Illinois Cannabis Regulations and Tax Act, Public Act 101-0027, which provides for the use, production, cultivation, transporting and sales of Cannabis.

WHEREAS, the County has determined that it shall establish rules and regulations pertaining to cannabis business establishments within the unincorporated areas of the County.

NOW, THEREFORE, IT BE ORDAINED by the County of Jefferson as follows:

Section 1. Recitals. The facts and statements contained in the preamble to this ordinance are found to be true and correct and are hereby adopted as part of this ordinance.

Section 2. Cannabis Business Establishments. Chapter 8 of the County Code shall be amended by the addition of Article 8 Chapter 8 that will read as follows.

CHAPTER 8 ARTICLE 8 – Cannabis Business Establishments.

8 – 8 – 1 Definitions. The following words and phrases shall, for the purposes of this article have the meanings respectively ascribed to them by this section as follows;

- A) ADULT- USE CANNABIS ESTABLISHMENT:** A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

- B) ADULT-USE CANNABIS CRAFT GROWER:** 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 Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

- C) ADULT-USE CANNABIS CULTIVATION CENTER:** A 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 Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

- D) ADULT-USE CANNABIS DISPENSING ORGANIZATION:** 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 it may be amended from time-to-time, and regulations promulgated thereunder.

- E) **ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER:** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

- F) **ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR:**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 it may be amended from time-to-time, and regulations promulgated thereunder.

- G) **ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER:** 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.

- H) **PERSON:** Any person, firm, corporation, association, club, society or other organization, including any owner, manager, proprietor, employee, volunteer or agent.

8 – 8 – 2 Cannabis Business Establishments. The following Adult-Use Cannabis Business Establishments shall be allowed to operate within the unincorporated areas of Jefferson County.

Adult-Use Cannabis Craft Grower

Adult-Use Cannabis Cultivation Center

Adult-Use Cannabis Dispensing Organization

Adult-Use Cannabis Infuser Organization or Infuser

Adult-Use Cannabis Processing Organization or Processor

Adult-Use Cannabis Transporting Organization or Transporter

8 – 8 – 3 Registration. All Adult-Use Cannabis Business Establishments must register their business with the Jefferson County Clerk and Recorder prior to conducting business.

A. Each Adult-Use Cannabis Business Establishment as defined in 8 – 8 - 1 (A-G), shall submit a separate registration.

B. The registration form will at the minimum contain the physical address of the business, the owner(s) names and addresses, the type of Adult-Use Cannabis Business and a copy of the license provided by the Illinois Department of Professional Regulation and/or Illinois Department of Agriculture.

8 – 8 – 4 Fees. All Adult-Use Cannabis Business Establishments shall submit a non-refundable fee to the County Clerk at the time the registration is submitted, and paid yearly upon the anniversary date of the approved license.

A. Each Adult-Use Cannabis Business Establishment as defined in 8 – 8 - 1 (A-G) shall submit a separate fee according to the type of registration being submitted.

B. The non-refundable fee shall be two-thousand dollars (\$2,000.00) annually for each Adult-Use Business.

8 – 8 – 5 Fines. Any Adult-Use Cannabis Business that fails to register with the County Clerk and Recorder within thirty days of operation, or annually will be subject to a fine of five thousand dollars (\$5,000.00). After thirty days an additional fine of five thousand dollars (\$5,000.00) will be assessed each week until the business has registered.

8 – 8 – 6 Restrictions.

A. No Adult-Use Cannabis Business shall be allowed within one thousand feet (1000) of any school building, church, licensed day care or park.

B. No Adult-Use businesses shall only operate and/or be open between the hours of 8:00am and 11:00 pm.

C. No Adult-Use businesses shall not operate, use or maintain any drive thru window.

D. No Adult-Use Cannabis Business shall operate on Sunday. This is inclusive from 11:00pm Saturday night until 8:00am Monday morning.

D. The Sheriff of Jefferson County, or his designee, shall at his discretion examine, inspect each premises so as to determine they are in compliance with this code.

8 – 8 – 7 Security.

A. Every Adult-Use Cannabis Business shall have an operational and functional security and fire alarm in use at all times.

B. Every Adult-Use Cannabis Business shall have operational and functional video surveillance to view and record all entry and exit doorways to the operating facility, as well as the parking lots for employees, deliveries and customers. The video surveillance shall be stored on a secured system which can be retrieved for a minimum of one hundred and eighty (180) days.

C. The video surveillance system shall be subject to inspection of the Sheriff of Jefferson County or his designee upon demand. Reasonable recommendations for modifications made by the Sheriff or his designee regarding camera positioning, numbers, or video quality will be complied with.

D. Adult-Use Cannabis Businesses shall post their property with no trespassing signage appropriate to the operation of the facility.

E. The Adult-Use Business understands and agrees any crime committed on the property, or to any employee, shall be reported to the Sheriff's Office. Further, the business agrees to cooperate fully with the investigation, press charges against any and all offenders identified and the subsequent prosecution.

8 – 8 – 8 Severability. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provisions or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

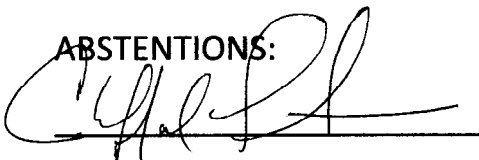
8 – 8 – 9 Effective Date. This Ordinance shall be in full force and effect from and after it's passage and approval by the Jefferson County Board.

Approved this 9th day of March, 2020.

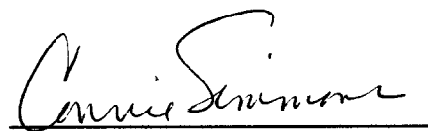
AYES:

NAYS:

ABSTENTIONS:



County Board Chairman



County Clerk and Recorder