

## CHAPTER 52.2

### **CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED**

**(Ordinance No. 2019-160, September 30, 2019)**

1. **WORDS AND PHRASES.** Words and phrases in this Chapter which are defined in Cannabis Regulation and Tax Act, P.A. 101-0027 (“Act”) and as may be amended from time to time, shall have and be given the same meaning and definitions as therein set out unless expressly otherwise provided herein.

2. **DEFINITIONS.** The following words, terms and phrases shall, for the purposes of this Chapter, have the meanings respectively ascribed to them by this Section, as follows:

**CANNABIS BUSINESS ESTABLISHMENT:** A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

**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.

**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.

**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.

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

**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.

**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.

3. **CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED.** Pursuant to the Authority reserved to the City of Decatur under Section 55-25 of the Cannabis Regulation and Tax Act, the following Cannabis Business Establishments are prohibited in the City of Decatur. No person shall locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation within the City of Decatur of any of the following:

- a. Craft Grower
- b. Cultivation Center
- c. Infuser Organization or Infuser
- d. Processing Organization or Processor
- e. Transporting Organization or Transporter

4. **PUBLIC NUISANCE DECLARED.** Operation of any prohibited Cannabis Business Establishment within the City of Decatur in violation of the provisions of this Article is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

5. **PENALTY.** Any person, firm or corporation who shall violate any provision of this Chapter shall be fined not less than Two Hundred Fifty Dollars (\$250.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense, and each day of a continuing violation be deemed a separate offense. The penalties or remedies provided herein shall be cumulative and resort to any one or more shall be no defense to prosecution of another.

6. **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 provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

7. **EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.