

**ORDINANCE NO. 780**

**VILLAGE OF BELLEVUE, ILLINOIS**

**AN ORDINANCE AMENDING ORDINANCE NO. 553 (ZONING)  
OF THE VILLAGE OF BELLEVUE PERTAINING TO  
ADULT-USE CANNABIS ESTABLISHMENTS**

**WHEREAS**, the Village of Bellevue, Illinois, has enacted ordinances for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of the people; and

**WHEREAS**, the State of Illinois enacted the Cannabis Regulation and Tax Act (the "Act"), which pertains to the possession, use, cultivation, transportation and dispensing of adult-use cannabis, which became effective June 25, 2019; and

**WHEREAS**, pursuant to the Act, the Village may enact reasonable zoning ordinances or resolutions not in conflict with the Act, regulating cannabis business establishments, including rules adopted governing the time, place, manner and number of cannabis business establishments, and minimum distance limitations between cannabis business establishments and locations the Village deems sensitive; and

**WHEREAS**, the Zoning Commission of the Village conducted a public hearing, as required by law, on November 26, 2019 in regards to this ordinance; and

**WHEREAS**, the Zoning Commission recommended approval of this ordinance; and

**NOW, THEREFORE, BE IT ORDAINED** by the Village Board of the Village of Bellevue as follows:

**SECTION 1:** The recitals set forth above are incorporated herein.

**SECTION 2:** The following new Article 25, Adult-Use Cannabis Business Establishments, is hereby added to Ordinance No. 553, immediately after Article 24:

**ARTICLE 25  
ADULT USE CANNABIS BUSINESS ESTABLISHMENTS**

25.1 *Purpose and applicability.* It is the intent and purpose of this Section to provide regulations regarding the operation of adult-use cannabis business establishments occurring within the corporate limits of the Village of Bellevue. Such facilities shall comply with all regulations provided in the Act, as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.



25.2 *Permitted as special use.* Adult-Use Cannabis Business Establishments shall be permitted in the C-1, C-2, C-3, I-1 and I-2 zoning districts only upon approval by the Village Board after a hearing before the Village Zoning Commission as set forth in Section 24.3, Special uses, of Article 24 of the Ordinance No. 553.

25.3 *Defined.* The following words and phrases shall, for the purposes of this Article, have the meanings respectively ascribed to them by this section, as follows:

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

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.

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.

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.

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.

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.

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

25.4 *Application.* Applications for approval of Adult-Use Cannabis Business Establishments shall include the name, address, telephone number, email address and signature of the applicant (and the property owner, if other than the applicant), the payment of an application fee of \$1,000.00, the legal description of the property proposed for the Adult-Use Cannabis Business Establishment and such other information as the Village shall require.

25.5 *Minimum requirements.* Any Adult-Use Cannabis Business Establishment shall comply with the following minimum requirements:

- The property line of any facility may not be located within 500 feet of the property line of a pre-existing church, public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
- Facility may not be located in a dwelling unit.
- Petitioner shall file an affidavit with the Village affirming compliance with this Section as provided herein and all other requirements of the Act.

The requirements set forth above are intended to be minimum requirements, and this Section shall not be construed to prevent the Village from imposing additional requirements for approval, nor shall it be construed to require the Village to approve any Adult-Use Cannabis Business Establishments when all of the minimum requirements are met.

25.6 *Maximum Number.* The maximum number of special use permits that may be issued for Adult-Use Cannabis Business Establishments shall be four (4).

25.7 *Duration and Renewal.* All special use permits issued pursuant to this Section shall be for a term not to exceed one year, expiring on the fourth Tuesday of May of each year. All applications for the renewal of a special use permit issued under this Section shall be made in writing. In addition to the application for renewal, the permittee shall submit an affidavit stating that the information and statements contained in the original application have not changed and that the Adult-Use Cannabis Business Establishment has been operated in accordance with all applicable laws, ordinances and regulations. Upon such affidavit being filed, the special use permit may be renewed without the filing of a full application. A renewal fee of \$1,000.00 shall be paid contemporaneously



with the filing of the application. No public hearing shall be required for renewal of a special use permit pursuant to this Section. A special use permit issued under this Section is a privilege and not a right, and is subject to nonrenewal at the discretion of the Village. The Village shall not refuse to renew a special use permit issued under this Section except after a public hearing held in the same manner as described in subsection (h) below.

#### 25.8 *Suspension or Revocation.*

(i) A special use permit issued under this Section shall permit the operation of an Adult-Use Cannabis Business Establishment only on the premises described in the application and special use permit and only under the conditions and restrictions imposed in this Section. Such special use permit shall not be subject to attachment, garnishment or execution, nor shall it be alienable or transferable voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such special use permit shall not descend by the laws of testate or intestate devolution, but shall cease upon the death of the permittee. A special use permit issued under this Section is a privilege and not a right, and is subject to revocation and suspension as set forth herein.

(ii) The Village may revoke or suspend any special use permit upon a determination that the permittee has violated any of the provisions of the Act or any other applicable law, ordinance or regulation. In addition to the suspension, the Village may levy a fine on the permittee for such violations. The fine imposed shall not exceed \$750.00 for each violation. Each day on which a violation continues shall constitute a separate violation. No special use permit shall be so revoked or suspended and no permittee shall be fined except after a public hearing by the Village with a three-day written notice to the permittee affording the permittee an opportunity to appear and defend. All such hearings shall be open to the public, and the Village shall reduce all evidence to writing and shall maintain an official record of the proceedings.

(iii) If the Village has reason to believe that any continued operation of an Adult-Use Cannabis Business Establishment will immediately threaten the welfare of the community, it may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the Adult-Use Cannabis Business Establishment closed for not more than seven days, giving the permittee an opportunity to be heard during that period.

(iv) The Village shall within five days after such hearing, if it determines after such hearing that the special use permit should be revoked or suspended or that the permittee should be fined, state the reasons for such determination in a written order, and either the amount of

the fine, the period of suspension, or that the special use permit has been revoked, and shall serve a copy of such order within the five days upon the Permittee.

**SECTION 3:** If any portion of this ordinance or its application to any person or circumstance is held invalid by any court or administrative tribunal of competent jurisdiction, the remainder of this Ordinance, or the application of the provision to other persons or circumstances, shall remain in full force and effect.

**SECTION 4: 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 5: Effective Date.** This Ordinance shall be in full force and effect upon its passage and approval as required by law.

PASSED AND APPROVED BY THE PRESIDENT AND VILLAGE BOARD OF THE VILLAGE OF BELLEVUE, PEORIA COUNTY, ILLINOIS, THIS 26<sup>th</sup> DAY OF November, 2019.

AYES	<u>6</u>
NAYS	<u>0</u>
ABSENT	<u>0</u>

VILLAGE OF BELLEVUE, ILLINOIS

By: 

Terry Johnson, Mayor

ATTEST: 

Crystal Murphy, Village Clerk