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**THE VILLAGE OF BURNHAM  
COOK COUNTY, ILLINOIS**

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**ORDINANCE NO. 2019 - O - 007**

**PROHIBITION OF RECREATIONAL CANNABIS BUSINESS  
ESTABLISHMENTS**

**AN ORDINANCE AMENDING CHAPTER 62 – OFFENSES AND  
MISCELLANEOUS PROVISIONS – ARTICLE V – OFFENSES  
AGAINST PUBLIC HEALTH, PEACE AND SAFETY,  
OF THE CODE OF ORDINANCES, VILLAGE OF BURNHAM,  
COOK COUNTY, ILLINOIS**

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**WHEREAS**, the Village of Burnham, Cook County, Illinois, has elected by referendum on March 11, 1980, to become a home rule unit, and accordingly, pursuant to the provisions of the *Constitution of the State of Illinois* of 1970, particularly Article VII Sec. 6 (a) thereof, the Village is a home rule unit; and

**WHEREAS**, pursuant to the powers of a home rule unit set forth in Article VII, Section 6(a) of the *Constitution of the State of Illinois* of 1970, the Village may exercise any power and perform any function pertaining to its government and affairs including, but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; to enact ordinances therefore; and

**WHEREAS**, the President and Board of Trustees of the Village of Burnham (“the Corporate Authorities”) have determined that it is advisable, necessary, and in the best interest of the public health, safety, and welfare to enact certain regulations with regard to the cannabis

business establishments within the Village of Burnham; and

**WHEREAS**, the Corporate Authorities of the Village of Burnham deem it advisable and in the best interest of the residents of the Village of Burnham to amend the Code of Ordinances of the Village of Burnham to prohibit adult-use recreational business establishments within the Village of Burnham; and

**WHEREAS**, this Ordinance is adopted pursuant to the provisions of the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027, which provides that the Village has the authority to prohibit cannabis business establishments; and

**WHEREAS**, the Village has determined that the operation of cannabis business establishments would present adverse impacts upon the health, safety and welfare of the residents, and additional costs, burdens and impacts upon law enforcement and regulatory operations of the Village; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois, by and through its home rule powers, as follows:

**Section 1. INCORPORATION OF PREAMBLES**

**THAT**, the Corporate Authorities of the Village hereby find that all the recitals contained in the preambles of this Ordinance are full, true and correct and do incorporate them into this Ordinance by this reference as if they were set forth verbatim in this section; and

**Section 2. CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED**

**THAT**, Chapter 5 Section 62-203 “Prohibition of Recreational Cannabis Business Establishments” of the Village Code shall be amended by the addition to Article V that will read as follows:

**Article V Sec. 203. Cannabis business establishments prohibited**

(1) Definitions. The following words and phrases shall, for the purposes of the Article 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.

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.

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.

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.

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.

CANNABIS LOUNGE OR SOCIAL SPACE: A facility operated by an organization or business that is or is not 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 that may permit the on-premises consumption of cannabis at or within the business in a manner consistent with the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

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.

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.

- (2) Cannabis Business Establishments Prohibited. The following cannabis business establishments are prohibited in the Village. No person shall locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation within the Village of any of the following:

- Cannabis Craft Grower
- Cannabis Cultivation Center
- Cannabis Dispensing Organization
- Cannabis Infuser Organization or Infuser
- Cannabis Lounge or Social Space
- Cannabis Processing Organization or Processor
- Cannabis Transporting Organization or Transporter

- (3) Public Nuisance Declared Operation of any prohibited Cannabis Business

Establishment within the Village in violation of the provisions of this Article is hereby declared an offense and public nuisance and shall be abated pursuant to all available remedies.

- (4) Penalty. Any person violating this Section shall be subject to a mandatory fine of not less than \$500.00, plus administrative costs, nor more than \$5,000.00, plus administrative costs, per offense per day. A separate violation occurs for each day of operation.
- (5) Administrative adjudication of violations. All proceedings for violations of this Chapter 62 – Offenses and miscellaneous provisions – Article V – Section 62-203, *et seq.*, shall be processed and proceed with the administrative adjudication procedures, Chapter 2 – Article VII – Administrative adjudication of non-vehicular code violations.
- (6) Non-exclusivity. Administrative adjudication procedures are not exclusive. The adoption by the Village of a system of administrative adjudication does not preclude the municipality from using other methods to enforce Village ordinances. Nothing contained in this Chapter shall prevent the Village from pursuing all available remedies by law or inequity by a temporary restraining order or injunction.
- (7) Per se violation. A violation of this Section is a per se violation and does not require a specific intent to possess for a violation to occur.

**Section 3. LEGISLATIVE ACT OF HOME RULE MUNICIPALITY**

**THAT**, this Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such Ordinance should (a) contain terms contrary to the

provisions of current or subsequent non-preemptive state law, or, (b) legislate in a manner or regarding a manner not delegated to municipalities by state law. It is the intent of the Corporate Authorities of the Village of Burnham, Cook County, Illinois, that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, that this Ordinance should supersede state law in that regard within its jurisdiction.

**Section 4. SEVERABILITY**

**THAT**, 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.

**Section 5. REPEALER OF CONFLICTING ORDINANCES**

**THAT**, all Ordinances, Resolutions, Motions or Orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 6. EFFECTIVE UPON PUBLICATION**

**THAT**, this Ordinance shall be in full force and effect after its passage, approval and publication according to law.

**Section 7. PUBLISHED IN PAMPHLET FORM**

**THAT**, this Ordinance shall be published in pamphlet form by the authority of the Village President (Mayor) and the Board of Trustees of the Village of Burnham, Cook County, Illinois.

**PASSED** by the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois, this 26<sup>th</sup> day of November, 2019.

**PRESIDENT AND VILLAGE BOARD MEMBERS**

	AYES:	NAYS:	ABSENT:	ABSTAIN:
Trustee John Cap Jr.	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Trustee Denise Bonner	<u>          </u>	<u>          </u>	<u>  X  </u>	<u>          </u>
Trustee Graciela Garcia	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Trustee Brenda Greer	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Trustee Carmela Richardson	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Trustee Travis Claybrooks	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>

Robert E. Polk  
ROBERT E. POLK  
Village President (Mayor)

ATTEST:

[Signature]  
LUS E. CHAVEZ  
Village Clerk (SEAL)

Recorded in Village Records:

Published in pamphlet form by authority of the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois, on 26<sup>th</sup> day of November, 2019.

ATTEST:

[Signature]  
LUS E. CHAVEZ, VILLAGE CLERK  
(SEAL)