

VILLAGE OF VERNON HILLS

ORDINANCE 2014-042

AN ORDINANCE AMENDING THE VERNON HILLS CODE OF ORDINANCES,
APPENDIX C ZONING, ARTICLES 4, 13 AND 16, PROVIDING REGULATIONS FOR
MEDICAL CANNABIS FACILITIES

THE 18th DAY OF NOVEMBER 2014

Published in pamphlet form by the Authority of the
President and Board of Trustees of the Village of
Vernon Hills, Lake County, Illinois, this 20th Day of
November, 2014

ORDINANCE NO. 2014 – 042

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VERNON HILLS CODE OF ORDINANCES,
APPENDIX C ZONING, ARTICLES 4, 13
AND 16, PROVIDING REGULATIONS FOR
MEDICAL CANNABIS FACILITIES**

WHEREAS, the Village of Vernon Hills has petitioned to amend the Code of Ordinances, Appendix C Zoning to approve the following:

1. The amendment of Article 4 to add a new Section 4.15, Medical Cannabis Cultivation and Dispensing Facilities as setforth in Exhibit A; and
2. The amendment of Articles 13 and 16 to reference the new Section 4.15 and its applicability within the B-1 General Business District, BP Business Park District; requiring a Special Uses Permit as setforth in Exhibit B; and

WHEREAS, upon due notice and after public hearings held October 22, 2014 by the Planning and Zoning Commission of the Village of Vernon Hills, pursuant to the Vernon Hills Zoning Ordinance of 1982, as amended, said Planning and Zoning Commission has filed its report concerning said petition and approved with no recommendation the proposed amendments of Articles 4, 13 and 16 as setforth in Exhibits A and B.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF VERNON HILLS, COUNTY OF LAKE AND STATE OF ILLINOIS:

SECTION I. Pursuant to the Vernon Hills Zoning Ordinance of 1982, as amended, the following amendments of the Code of Ordinances, Appendix C Zoning are hereby granted:

1. The amendment of Article 4 to add a new Section 4.15, Medical Cannabis Cultivation and Dispensing Facilities as setforth in Exhibit A; and
2. The amendment of Articles 13 and 16 to reference the new Section 4.15 and its applicability within the B-1 General Business District, BP Business Park District; requiring a Special Uses Permit as setforth in Exhibit B; and

SECTION II. SEVERABILITY. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect. If any part of this Ordinance is found to be invalid in any one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in effect.

EXHIBIT A
SECTION 4.15

Appendix C, "Zoning Ordinance" of the Village of Vernon Hills Code of Ordinances is hereby amended by addition of a new section "Medical Cannabis Cultivation and Dispensing Centers" to read as follows:

ARTICLE FOUR. GENERAL REGULATIONS

Section 4.15 Medical Cannabis Cultivation and Dispensing Facilities

Sec. 4.15.1 Introduction/Purpose.

It is the intent and purpose of this Section to provide regulations regarding the cultivation and dispensing of medical cannabis occurring within the corporate limits of the Village of Vernon Hills. Such facilities shall comply with the Compassionate Use of Medical Cannabis Pilot Program Act, as enacted by the State of Illinois, effective January 1, 2014, and all regulations promulgated pursuant to the Act and as may be amended from time to time (hereinafter referred to as the "Act"), as well as those additional regulations provided below. In the event that the Act is amended, the more restrictive of the State or local regulations shall apply.

Sec. 4.15.2 Definitions.

1. Agent: Shall include local and State officials and those specifically authorized under The Compassionate Use of Medical Cannabis Pilot Program Act (Public Act 098-0122).
2. Cardholder: A qualifying patient or designated caregiver who has been issued and possesses a valid registry identification card by the Illinois Department of Public Health.
3. Designated Caregiver: A person who: 1) is at least 21 years of age; 2) has agreed to assist with a patient's medical use of cannabis; 3) has not been convicted of an excluded offense; and 4) assists with no more than 1 qualifying patient with his or her medical use of cannabis.
4. Enclosed Locked facility: A room, greenhouse, building or other enclosed area equipped with locks or other security devices that permit access only by a cultivation center's staff or agent or a dispensing facility's staff or agent working for the cultivation center or the registered dispensing facility to cultivate, store and distribute cannabis for registered qualifying patients.
5. Medical Cannabis Cultivation Center: A facility operated by an organization or business that is registered by the Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis, including medical cannabis infused products, per the

Compassionate Use of Medical Cannabis Pilot Program Act, enacted by the State of Illinois effective January 1, 2014, as may be amended from time to time.

6. Medical Cannabis Dispensing Facilities: A facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, medical cannabis infused products, paraphernalia, or related supplies and educational materials to registered qualifying patients, per the Compassionate Use of Medical Cannabis Pilot Program Act, enacted by the State of Illinois effective January 1, 2014, as may be amended from time to time.
7. Medical Cannabis Dispensary and Cultivation Center Staff: Shall include owners and employee's of dispensaries and cultivations centers operated by an organization or business that is registered by the Department of Financial and Professional Regulations.
8. Medical Cannabis Infused Product: Means food, oils, ointments, or other products containing usable cannabis that is not smoked.

Sec. 4.15.3 Applicability

This ordinance shall apply to all medical marijuana cultivation and dispensing facilities located within the corporate limits of the Village of Vernon Hill.

Sec. 4.15.4 Medical Cannabis Cultivation Centers - Requirements

Medical Cannabis Cultivations Centers, as defined herein, shall require a Special Use Permit in accordance with Article 18, Special Uses and in accordance with the following requirements:

Sec. 4.15.4.1 Compliance with State Regulations and Rules

All Medical Cannabis Cultivation Centers shall comply with the Compassionate Use of Medical Cannabis Pilot Program Act (Public Act 098-0122) including all rules and regulations adopted in accordance thereto. The petitioner shall file an affidavit with the Village, affirming compliance with all requirements of the Compassionate Use of Medical Cannabis Pilot Program Act and its regulations.

Sec. 4.15.4.2 Setback Requirements

1. The facility shall not be located within two thousand five hundred (2,500) feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, or residential care home at the time of application for a Special Use Permit. Learning centers and vocational/trade centers (Serving only students at least 18 years of age or older) shall not be classified as a public or private school for purposes of this Section.

2. The facility shall not be located within two thousand five hundred (2,500) feet of the property line of a pre-existing property zoned for residential use at the time of application for a Special Use Permit.

Sec. 4.15.4.3 Parking

For purposes of determining required parking, medical cannabis cultivation centers shall be classified as "Wholesale Uses" in accordance with Article 19, "Off Street Parking and Loading", section 19.7.11. provided, however, that the Village may require that additional parking be provided as a result of findings determined during the public hearing process for a Special Use Permit.

Sec. 4.15.4.4 Signage

1. All signage for Medical Cultivation Centers shall be limited to one flat wall sign not to exceed 10 square feet in area.
2. Electronic Message Boards and temporary signs shall not be permitted.
3. Sign wording shall be clinical or botanical in nature and shall not use slang terms and imagery.

Sec. 4.15.4.5 Age and Access Limitation

It shall be unlawful for a Medical Cannabis Cultivation Center to allow any person who is not at least eighteen (18) years of age on the premises. Cultivation Centers shall not employ anyone under the age of eighteen (18). Access shall be limited exclusively to cultivation center staff and local and State officials and those specifically authorized under the Compassionate Use of Medical Cannabis Pilot Program Act (Public Act 098-0122).

Sec. 4.15.4.6 Security, lighting and Video Surveillance

1. The medical cannabis cultivation center shall be within an enclosed locked facility and shall provide and maintain adequate security on the premises, including, but not limited to lighting, video surveillance and alarms reasonably designed to ensure the safety of persons and to protect the premises from theft. For the purpose of this requirement, a Medical Cultivation shall include, but is not limited to production areas, warehousing areas, and loading docks.
2. The medical cannabis cultivation center parking, production, warehousing, areas, including loading docks and entrances shall be monitored by video surveillance equipment whose live images can be viewed by cultivation staff and continually recorded in a tamper proof format that is stored for not less than 30 days. Said recordings shall be made available to the Vernon Hills Police Department upon request.
3. All loading and off loading of medical cannabis products shall occur within a secure enclosed building.

4. Refuse container shall be located within a secure enclosed building and shall not be located outdoors.
5. The Chief of Police or his designee reserves the right to inspect medical cannabis cultivation centers for the purpose of determining compliance with applicable local and state requirements. Such inspections shall be made at reasonable times and in a reasonable manner. Failure to allow entry to the premise for the purposes of inspection shall be cause for revocation of the Special Use Permit by the Village.

Sec. 4.15.4.7 Noxious Odors

All medical cannabis cultivation centers shall operate in a manner that prevents odor impacts on adjoining uses or properties and, if necessary, be ventilated with an odor control system.

Sec. 4.15.4.8 Conduct on Site

1. Retail sales of medical cannabis are strictly prohibited at medical cannabis cultivation centers.
2. It shall be unlawful to cultivate, manufacture, process or package any product, other than medical cannabis in accordance with Compassionate Use of Medical Cannabis Pilot Program Act (Public Act 098-0122).

Sec. 4.15.5 Medical Cannabis Dispensaries - Requirements

Medical Cannabis Dispensaries, as defined herein, shall require a Special Use Permit in accordance with Article 18, Special Uses and in accordance with the following requirements:

Sec. 4.15.5.1 Compliance with State Regulations and Rules

All Medical Cannabis Dispensaries shall comply with the Compassionate Use of Medical Cannabis Pilot Program Act (Public Act 098-0122) including all rules and regulations adopted in accordance thereto. The petitioner shall file an affidavit with the Village, at the time of business license application and annual renewals, affirming compliance with all requirements of the Compassionate Use of Medical Cannabis Pilot Program Act.

Sec. 4.15.5.2 Setback Requirements

1. The medical cannabis dispensary shall not be located within one thousand (1,000) feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, or residential care home at the time of application for a Special Use Permit. Adult learning centers and vocational/trade centers (Serving only students at least 18 years of age or older) shall not be classified as a public or private school for purposes of this Section.

2. The medical cannabis dispensary shall not be located in a home, apartment, condominium or within any area zoned for or containing residential uses at the time of application for a Special Use Permit.

Sec. 4.15.5.3 Parking

For purposes of determining required parking, Medical Cannabis Dispensing Facilities shall be provided with 1 parking space for every 200 square feet of gross floor area, however, that the Village may require that additional parking be provided as a result of findings determined during the public hearing process for a Special Use Permit.

Sec. 4.15.5.4 Signage

1. All signage for medical cannabis dispensary facilities shall be limited to one flat wall sign not to exceed 10 square feet in area.
2. Electronic Message Boards and temporary signs shall not be permitted.
3. Sign wording shall be clinical or botanical in nature and shall not use slang terms or imagery.

Sec. 4.15.5.5 Age and Access Limitation

It shall be unlawful for any medical cannabis dispensary facility to allow any person who is not at least eighteen (18) years of age in said facility. Cannabis dispensary facilities shall not employ anyone under the age of eighteen (18). Access shall be limited exclusively to dispensary staff, cardholders, designated care givers and local and State officials and those specifically authorized under the Compassionate Use of Medical Cannabis Pilot Program Act (Public Act 098-0122).

Sec. 4.15.5.6 Security, lighting and Video Surveillance

1. The medical cannabis dispensary shall be within an enclosed locked facility and shall provide and maintain adequate security on the premises, including lighting, video surveillance and alarms reasonably designed to ensure the safety of persons and to protect the premises from theft.
2. The medical cannabis dispensary parking area, client entrance, sales area, back room, storage areas, loading area and entrances shall be monitored by video surveillance equipment whose live images can be viewed by dispensary staff and continually recorded in a tamper proof format that is stored for not less than 30 days. Said recordings shall be made available to the Vernon Hills Police Department upon request.
3. Deliveries shall occur within a secure enclosed loading area. No deliveries shall be visible from the front of the building.

4. Refuse container shall be located within a secure enclosed building and shall not be located outdoors.
5. The Chief of Police or his designee reserves the right to inspect medical dispensary facilities for the purpose of determining compliance with applicable local and state requirements. Such inspections shall be made at reasonable times and in a reasonable manner. Failure to allow entry to the premise for the purposes of inspection shall be cause for revocation of the Special Use Permit by the Village.

Sec. 4.15.5.7 Drug Paraphernalia

Medical cannabis dispensaries that display or sell drug paraphernalia shall do so in compliance with the Illinois Drug Paraphernalia Control Act (720 ILCS 600/) and the Compassionate Use of Medical Cannabis Pilot Program Act (Public Act 098-0122).

Sec. 4.15.5.8 Product Packaging

Medical cannabis including medical cannabis infused products shall be distributed in a sealed, tamper-evident medical cannabis container. Any additional packaging, such as bags or boxes, shall be opaque with no texts or graphics indentifying the contents of the packages.

Sec. 4.15.5.9 Hours of Operation

Medical cannabis dispensaries shall be permitted to operate between the hours of 7:00 AM and 9:00 PM.

Sec. 4.15.5.10 Drive-Thru Window

A medical cannabis dispensary shall not have a drive-thru window service.

Sec. 4.15.5.11 Conduct on Site

It shall be unlawful to smoke, inhale or consume cannabis products in the medical cannabis dispensary or anywhere on the property occupied by the dispensary. A sign, at least 8.5" x 11.5" shall be posted inside the dispensary facility, in a conspicuous location that shall include the following language: "Smoking, drinking, eating or other forms of consuming cannabis products is prohibited on the dispensary property."

Sec. 4.15.6 Limitations A Special Use Permit for a Medical Cannabis Cultivation Center or Medical Cannabis Dispensing Facility shall expire within one year unless a building permit is issued and construction has commenced within that period, and is thereafter diligently pursued to completion or unless a Certificate of Occupancy is issued and a use commenced within that period.

EXHIBIT B
PROPOSED AMENDMENTS TO ARTICLES 13 AND 16

ARTICLE THIRTEEN B-1 GENERAL BUSINESS DISTRICT

Amend Article 13, Section 13.3; “Special Uses” by addition of a new section, 13.3.34 to read as follows.

“Medical Cannabis Cultivation Centers; subject to the regulations contained in Section 4.15 et seq”.

ARTICLE SIXTEEN BP BUSINESS PARK DISTRICT

Amend Article 16, Section 16.3; “Special Uses” by addition of a new section, 16.3.9 to read as follows.

“Medical Cannabis Dispensing Facility; subject to the regulations contained in Section 4.15 et seq”.

SECTION III. REPEAL AND SAVINGS CLAUSE. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the Village of Vernon Hills prior to the effective date of this Ordinance.

SECTION IV. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

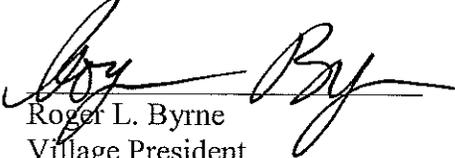
SECTION V. ORDINANCE NUMBER. This Ordinance shall be known as Ordinance Number 2014-042.

Adopted by roll call vote as follows:

AYES: 5 – Byrne, Koch, Marquardt, Schultz, Hebda

NAYS: 1 - Williams

ABSENT AND NOT VOTING: 1 - Schwartz

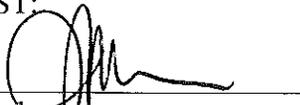

Roger L. Byrne
Village President

PASSED: 11/18/2014

APPROVED: 11/18/2014

PUBLISHED IN PAMPHLET FORM: 11/20/2014

ATTEST:

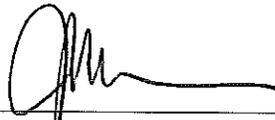


John Kalmar
Village Clerk

AFFIDAVIT OF SERVICE

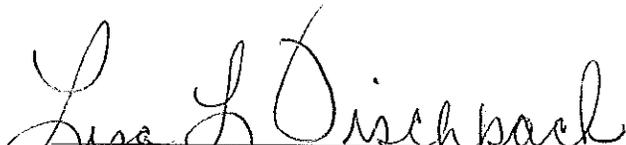
STATE OF ILLINOIS)
)
COUNTY OF LAKE)

I, JOHN M. KALMAR, BEING FIRST DULY APPOINTED, DEPOSES AND SAYS ON OATH THAT AS VILLAGE CLERK OF THE VILLAGE OF VERNON HILLS, HE DID CAUSE THE FOREGOING CERTIFICATE FOR ORDINANCE 2014-042 AN ORDINANCE AMENDING CHAPTER 17 OF THE VERNON HILLS CODE OF ORDINANCES TO CREATE ARTICLE V - ADMINISTRATIVE PROCEDURE TO DETERMINE ELIGIBILITY UNDER THE PUBLIC SAFETY EMPLOYEE BENEFITS ACT TO BE POSTED IN THE VILLAGE HALL AS REQUIRED BY LAW FROM NOVEMBER 20, 2014 TO NOVEMBER 31, 2014.



JOHN M. KALMAR, VILLAGE CLERK

SUBSCRIBED AND SWORN TO BEFORE
THIS 20th DAY OF NOVEMBER 2014



Notary Public

