

VILLAGE OF TOWER LAKES

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ORDINANCE NO. 2019-O-\_\_\_\_\_

AN ORDINANCE AMENDING TITLE 10, "ZONING REGULATIONS," OF THE  
VILLAGE OF TOWER LAKES VILLAGE CODE

(RE: Amendments to  
Chapter 1, "Administrative Provisions", Section 10-1-3, "Definitions";  
Chapter 6, "General Requirements", to Add a New  
Section 10-6-2, "Adult Use Cannabis Business Establishments Prohibited"; and  
to Chapter 4, "Districts Enumerated", to Add a New "Article F: Interpretation")

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ADOPTED BY THE  
CORPORATE AUTHORITIES  
OF THE

VILLAGE OF TOWER LAKES, ILLINOIS

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019

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Published in pamphlet form by authority of the Corporate Authorities of the Village of Tower  
Lakes, Lake County, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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VILLAGE OF TOWER LAKES VILLAGE CODE

(RE: Amendments to  
Chapter 1, “Administrative Provisions”, Section 10-1-3, “Definitions”;  
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Section 10-6-2, “Adult Use Cannabis Business Establishments Prohibited”; and  
to Chapter 4, “Districts Enumerated”, to Add a New “Article F: Interpretation”)

WHEREAS, in response to Public Act 101-027, the “Cannabis Regulation and Tax Act” (“the Act”), which was adopted on June 25, 2019 and becomes effective January 1, 2020, the President and Board of Trustees of the Village of Tower Lakes (the “Village”) have determined that in order to comply with certain provisions of the Act, amendments to the Village of Tower Lakes Village Code and specifically, to Title 10, “Zoning Regulations”, thereof, are required and are in the best interests of the Village and its residents in order to protect the public health, safety and welfare; and

WHEREAS, paragraph 5 of Section 55-25 of the Cannabis Regulation and Tax Act authorizes units of local government to “enact ordinances to prohibit or significantly limit a cannabis business establishment’s location;” and

WHEREAS, the Corporate Authorities of the Village, in exercise of the powers reserved to them under the Cannabis Regulation and Tax Act desire to adopt certain regulations to prohibit the location of cannabis business establishments within the Village of Tower Lakes; and

WHEREAS, the question of the proposed amendments to Title 10, “Zoning Regulations”, of the Tower Lakes Village Code was referred by the Corporate Authorities of the Village to the Plan Commission of this Village for the required public hearing; and

WHEREAS, the Plan Commission heretofore held a public hearing on \_\_\_\_\_, 2019 at 7:00 p.m., pursuant to notice duly published in the *Daily Herald*, said publication occurring not more than thirty (30) days nor less than fifteen (15) days prior to the public hearing; and

WHEREAS, the Plan Commission has issued its report and recommendation thereon to the Village Board; and

WHEREAS, the Corporate Authorities of the Village find that it is in the best interests of the Village and its residents to adopt the amendments to Title 10, “Zoning Regulations”, of the Village of Tower Lakes Village Code as provided for herein:

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Tower Lakes, Lake County, Illinois, as follows:

SECTION 1: The President and Board of Trustees hereby find that the recitals hereinabove set forth are true and correct and are incorporated into the text of this Ordinance as its findings of fact to the same extent as if such recitals had been set forth herein in their entirety.

SECTION 2: Section 10-1-3, “Definitions”, of Chapter 1, “Administrative Provisions,” of Title 10, “Zoning Regulations”, of the Village of Tower Lakes Village Code is hereby amended by the addition of the following new definitions, each to be added in alphabetical order, as set forth below:

“10-1-3: DEFINITIONS: For the purpose of this Title and future amendments thereto, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular shall include the plural and the plural the singular; the word “building” shall include the word “structure” and the word “shall” is mandatory and not directory.

\* \* \* \*

ADULT USE CANNABIS: Cannabis which is sold, purchased, possessed, and used in compliance with the Cannabis Regulation and Tax Act.

ADULT USE CANNABIS BUSINESS ESTABLISHMENT: An adult use cultivation center, an adult use craft grower, an adult use processing organization, an adult use

dispensing organization, and/or an adult use transporting organization which are regulated or licensed by the Secretary of State of Illinois pursuant to the Cannabis Regulation and Tax Act, as said statute may be amended from time to time.

**ADULT USE 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. A craft grower may contain up to 5,000 square feet of canopy space on its premises for plants in the flowering state. The Illinois Department of Agriculture may authorize an increase or decrease of flowering stage cultivation space in increments of 3,000 square feet by rule based on market need, craft grower capacity, and the licensee's history of compliance or noncompliance, with a maximum space of 14,000 square feet for cultivating plants in the flowering stage, which must be cultivated in all stages of growth in an enclosed and secure area. A craft grower may share premises with a processing organization or a dispensing organization, or both, provided each licensee stores currency and cannabis or cannabis-infused products in a separate secured vault to which the other licensee does not have access or all licensees sharing a vault share more than 50% of the same ownership.

**ADULT USE CULTIVATION CENTER:** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport (unless otherwise limited by the Cannabis Regulation and Tax Act), and perform other necessary activities to provide cannabis and cannabis-infused products to cannabis business establishments.

**ADULT USE 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 a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies under the Cannabis Regulation and Tax Act to purchasers or to qualified registered medical cannabis patients and caregivers. As used in the Cannabis Regulation and Tax Act, dispensary organization shall include a licensed medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Pilot Program Act or its successor Act that has obtained an Early Approval Adult Use Dispensing Organization License.

**ADULT USE 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.

**ADULT USE 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.

**ADULT USE TRANSPORTING ORGANIZATION OR TRANSPORTER:** An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of an adult use cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program.

**CANNABIS REGULATION AND TAX ACT:** Illinois Public Act 101-027, as may be amended from time to time.

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**SECTION 3:** Chapter 6, “General Requirements,” of Title 10, “Zoning Regulations”, of the Village of Tower Lakes Village Code is hereby amended by the addition of a new Section 10-6-12, “Adult Use Cannabis Business Establishments Prohibited”, which new Section shall read as follows:

**“10-6-12: ADULT USE CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED:** Pursuant to the authority reserved to the Village under Section 55-25 of the Cannabis Regulation and Tax Act, the following adult use cannabis business establishments are hereby prohibited in all Zoning Districts of the Village:

Adult Use Cannabis Cultivation Center,  
Adult Use Cannabis Craft Grower,  
Adult Use Cannabis Dispensing Organization,  
Adult Use Infuser Organization or Infuser,  
Adult Use Cannabis Processing Organization or Processor,  
Adult Use Cannabis Transporting Organization or Transporter, and  
Any other Adult Use Cannabis Business Establishment(s) as defined in this Title 10.”

**SECTION 4:** Chapter 4, “Districts Enumerated”, of Title 10, “Zoning Regulations”, of the Tower Lakes Village Code is hereby amended by adding a new Article F, “Interpretation”, and a new Section 10-4F-1, “Interpretation”, which new Article F shall read as follows:

**“ARTICLE F: INTERPRETATION**

**10-4F-1: INTERPRETATION:**

Any use which is not specifically listed as a permitted use or special use in a Zoning District is prohibited in such Zoning District.”

SECTION 5: The Corporate Authorities of the Village intend that this Ordinance will be made part of the Village Code and that sections of this Ordinance can be renumbered or relettered and the word “Ordinance” can be changed to “Section”, “Article”, “Chapter”, or some other appropriate word or phrase to accomplish codification, and regardless of whether this Ordinance is ever codified, the Ordinance can be renumbered or relettered and typographical and/or scrivener’s errors can be corrected with the authorization of the Village Attorney, or his or her designee.

SECTION 6: All parts of the Tower Lakes Village Code in conflict with the terms or provisions of this Ordinance shall be and the same are hereby amended or repealed to the extent of such conflict, and said Village Code and all other existing ordinances shall otherwise remain in full force and effect.

SECTION 7: This Ordinance shall not affect any punishment, discipline, infraction, or penalty or any action based on any other Ordinance of this Village incurred before the effective date of this Ordinance, nor any suit, prosecution or proceeding pending at the time of the effective date of this Ordinance, for an offense or violation committed or cause of action arising before this Ordinance, and said other ordinances as heretofore existing shall continue in full force and effect for said limited purpose.

SECTION 8: If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, or any part thereof. The Corporate Authorities hereby declare that they would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections,

subdivisions, paragraphs, sentence, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 9: This Ordinance shall be in full force and effect immediately from and after its passage, approval and publication as provided by law.

SECTION 10: The Village Clerk is directed to immediately publish this Ordinance in pamphlet form.

Presented, read and passed by the President and Board of Trustees of the Village of Tower Lakes, Lake County, Illinois, on a roll call vote at a duly called regular or special meeting of the Board of Trustees on the \_\_\_\_ day of \_\_\_\_\_, 2019, and deposited and filed in the Office of the Village Clerk of said Village on said date.

ROLL CALL VOTE:

YEAS:

NAYS:

ABSENT:

ABSTAIN:

APPROVED by the President of the Village of Tower Lakes,  
Illinois, this \_\_\_\_ day of \_\_\_\_\_, 2019.

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David Parro, Village President,  
Village of Tower Lakes

ATTEST:

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Christine Burgoon, Village Clerk  
Village of Tower Lakes

Recorded in the Record of Ordinances  
of the Village as Ordinance No. 2019-O-\_\_\_\_\_

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Christine Burgoon, Village Clerk  
Village of Tower Lakes

PUBLISHED IN PAMPHLET FORM THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.