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**THE CITY OF BLUE ISLAND  
COOK COUNTY, ILLINOIS**

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**ORDINANCE  
NUMBER 2020-030**

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**AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK  
COUNTY, ILLINOIS AMENDING TITLE XI (BUSINESS  
REGULATIONS) OF THE CODE OF BLUE ISLAND, ILLINOIS  
REGARDING CANNABIS BUSINESS ESTABLISHMENTS**

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**DOMINGO F. VARGAS, Mayor  
Randy Heuser, City Clerk**

**DEXTER JOHNSON  
FRED BILOTTO  
NANCY RITA  
TOM HAWLEY  
MICHAEL MECH  
CANDACE CARR  
JAMES KLINKER**

**ANNETTE ALEXANDER  
WILLIAM CAZARES  
KEVIN DONAHUE  
BILL FAHRENWALD  
JOHNNY RINGO HILL  
RAEANN CANTELO-ZYLMAN  
ALLAN STEVO**

**Aldermen**

**ORDINANCE NUMBER 2020-030**

**AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS  
AMENDING TITLE XI (BUSINESS REGULATIONS) OF THE CODE OF BLUE  
ISLAND, ILLINOIS REGARDING CANNABIS BUSINESS ESTABLISHMENTS**

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**WHEREAS**, the City of Blue Island, Cook County, Illinois (the “City”) is a duly organized and existing city created under the provisions of the laws of the State of Illinois and is now operating under the provisions of the Illinois Municipal Code, with full powers to enact ordinances for the benefit of the residents of the City; and

**WHEREAS**, the State of Illinois enacted the Cannabis Regulation and Tax Act, 410 ILCS 705/1 *et seq.* (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 City may enact reasonable regulation and oversight of cannabis business establishments not in conflict with the Act; and

**WHEREAS**, the Corporate Authorities have determined it is in the best interest of the health, safety and welfare of the residents of the City to regulate cannabis business establishments.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Blue Island, Cook County, Illinois as follows:

**Section 1.** That the above recitals are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

**Section 2.** Chapter 124 (“Cannabis Business Establishments) is added to Title XI (“Business Regulations”) of Title XV (“*Land Usage*”) of the Code of Blue Island, Illinois is hereby amended by adding the underlined language, as follows:

**TITLE XI: BUSINESS REGULATIONS**  
**CHAPTER 124: CANNABIS BUSINESS ESTABLISHMENTS**  
**§ 124.01 DEFINITIONS.**

**ACT:** the Cannabis Regulation and Tax Act of Illinois and any subsequent amendments, 410 ILCS 705/1 et. seq.

**ADVERTISE:** to engage in promotional activities including, but not limited to, newspaper, radio, internet and electronic media, and television advertising, the distribution of fliers and circulars, billboard advertising and the display of window and interior signs. "Advertise" does not mean exterior signage displaying only the name of the licensed cannabis business establishment.

**AGENT IN CHARGE:** as required by the Act, a full-time agent or principal officer of the cannabis business that is responsible for opening and closing the business, delivery acceptance, oversight of sales and agents, recordkeeping, inventory, training, and compliance with State and local law.

**APPLICANT:** An individual or business seeking a Cannabis Business License from the City or a renewal of said License.

**CANNABIS:** Marijuana, hashish, and other substances that are identified as including any parts of the plant *Cannabis sativa* and including derivatives or subspecies, such as indica, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil, or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means cannabis flower, concentrate and cannabis infused products.

**CANNABIS BUSINESS:** An adult-use cannabis cultivation center, adult-use cannabis craft grower, adult-use cannabis processing organization, adult-use cannabis infuser organization, adult-use cannabis dispensing organization or an adult-use cannabis transporting organization.

**CANNABIS BUSINESS LICENSE:** An authorization licensing the cannabis business to operate within the City.

**CANNABIS CONCENTRATE:** A product derived from cannabis that is produced by extracting cannabinoids, including tetrahydrocannabinol (THC), from the plant through the use of propylene glycol, glycerin, butter, olive oil or other typical cooking fats; water, ice, or dry ice; or butane, propane, CO2, ethanol, or isopropanol and with the intended use of smoking or making a cannabis-infused product. The use of any other solvent is expressly prohibited unless and until it is approved by the Department of Agriculture.

**CANNABIS CONTAINER:** A sealed, traceable, container, or package used for the purpose of containment of cannabis or cannabis-infused product during transportation.

**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 Act, 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 Act, 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 Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

**CANNABIS FLOWER:** marijuana, hashish, and other substances that are identified as including any parts of the plant Cannabis sativa and including derivatives or subspecies, such as indica, of all strains of cannabis; including raw kief, leaves, and buds, but not resin that has been extracted from any part of such plant; nor any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin.

**CANNABIS-INFUSED PRODUCT:** A beverage, food, oil, ointment, tincture, topical formulation, or another product containing cannabis or cannabis concentrate that is not intended to be smoked.

**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 Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

**CANNABIS PARAPHERNALIA:** equipment, products and materials which are intended to be used for planting, propagating, cultivating, growing, harvesting, manufacturing, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting or otherwise introducing cannabis into the human body.

**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 Act, 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 Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

**CLONE:** a plant section from a female cannabis plant not yet rootbound, growing in a water solution or other propagation matric, that is capable of developing into a new plant.

**LIMITED ACCESS AREA:** a building, room, or other area under the control of a cannabis dispensing organization licensed under the Act and upon the licensed premises with access limited to purchasers, dispensing organization owners and other dispensing organization agents, or service professionals conducting business with the dispensing organization.

**MINOR:** Any individual under the age of twenty-one (21) years old.

**ORDINARY PUBLIC VIEW:** within the sight line with normal visual range of a person, unassisted by visual aids, from a public street or sidewalk adjacent to real property, or from within an adjacent property.

**PERSON:** a natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.

**TINCTURE:** a cannabis infused solution, typically comprised of alcohol glycerin, or vegetable oils, derived either directly from the cannabis plant or from a processed cannabis extract. A tincture is not an alcoholic liquor as defined in the Liquor Control Act of 1934. A tincture shall include a calibrated dropper or other similar device capable of accurately measuring servings.

**§ 124.02 BUSINESS LICENSE REQUIRED.**

It shall be unlawful for any person to operate a cannabis business within the City without first obtaining a business license.

**§ 124.03 APPLICATION**

Each cannabis business shall complete a written application, provided by the City Clerk, which must contain the following:

(1) **Applicant Information:**

If the applicant is an Individual: the name, date of birth, home address, telephone number, email address, and a copy of a valid state identification of the person registering the business and anyone with a financial interest in the cannabis business.

If the applicant is a Partnership/Noncorporate Entity: the name, date of birth, home address, telephone number, email address, and a copy of a valid state identification for each partner, principal, member thereof, and anyone with a financial interest in the cannabis business.

If the applicant is a Corporation: the name, date of birth, home address, telephone number, email address, and a copy of a valid state identification of each principal officer, registered agent thereof, and anyone with a financial interest in the cannabis business, a copy of the Corporation or LLC's certificate of good standing issued by the Illinois Secretary of State.

- (2) The legal name of the cannabis business and any other names it may operate under.
- (3) The physical location, telephone number, and internet address of the cannabis business.
- (4) A copy of all documents submitted to the Illinois Department of Financial and Professional Regulation or the Illinois Department of Agriculture for issuance of a state license.
- (5) A copy of the cannabis business's state issued license and a statement as to whether the cannabis business is a qualified social equity applicant by the State of Illinois.
- (6) A copy of the special use license issued by the City Council.
- (7) A copy of the site plan as submitted to the Plan Commission.
- (8) The hours of operation for the cannabis business.

- (9) The name, address, date of birth, and copy of State issued Agent Identification for the designated agent in charge and all other dispensing agents.
- (10) The property owner's name, address, telephone number and email address and a valid copy of the lease agreement if applicable.
- (11) Proof of adequate insurance coverage for liability, worker's compensation, tenant or owner's insurance for the premises and equipment.
- (12) A copy of the cannabis business's security plan that describes the cannabis business's plans to: (i) prevent diversion, theft, or loss of cannabis and monetary funds (ii) monitor the activities in and around the cannabis business and (iii) restrict access to limited access areas and restricted access areas. The Chief of Police shall have the right to review the security plan.
- (13) Nonrefundable application fee of \$2,000.

#### **§ 124.04 INSPECTION**

Once the City Clerk has determined that the business license application is complete, he or she shall forward the application to the Building Commissioner to conduct an inspection of the premises for compliance with all applicable laws, including the building, electrical, plumbing, health, housing, zoning and fire codes of the Village, and any other regulations of the Village relating to the public health, safety and welfare.

#### **§ 124.05 ISSUANCE OF A CANNABIS BUSINESS LICENSE**

The application materials, inspectional reports, and any other relevant information shall be forwarded to the Mayor, or his or her designee, who shall issue a business license if the cannabis business complies with all applicable provisions of this Chapter. If the Mayor denies the cannabis business license, he or she must notify the applicant in writing within 14 days.

#### **§ 124.06 CANNABIS BUSINESS LICENSE FEE**

The yearly fee for a cannabis business license shall be \$1,000.00.

#### **§ 124.07 REVOCATION OR SUSPENSION OF CANNABIS BUSINESS LICENSE**

The Mayor may deny, refuse to renew, suspend or revoke a cannabis business license for any of the following reasons:

- (1) Fraud, misrepresentation of material fact, or false statement on the application for a cannabis business license or any subsequent renewal.
- (2) Failure to inform the Village of any changes to the information contained in the application for a cannabis business license.
- (3) Any outstanding debt owed to the Village by the cannabis business establishment or any of its owners, partners, officers, or board members, including any taxes, fees, or penalties.

- (4) Any violation of the laws of the State of Illinois or any Village Ordinance.
- (5) Revocation or suspension of the cannabis business's State issued license.
- (6) Any violation of the terms of the cannabis business's special use permit.
- (7) Operating without a cannabis business license.
- (8) A pattern of conduct that demonstrates incompetence or that the cannabis business has engaged in conduct or actions that would constitute grounds for discipline under the Adult-Use Cannabis Regulation and Taxation Act.
- (9) Refusing to allow the Mayor, his or her designee, or any member of law enforcement or building department to enter and inspect the cannabis business or refusing to cooperate in an investigation.
- (10) Any fact or condition that, if had existed at the time of the original completion of the application for a cannabis business license would have warranted the denial of the business license

#### **§ 124.08 NOTICE AND HEARING; APPEAL**

- (a) Prior to taking any adverse action against a cannabis business license, and at least fourteen days prior to hearing, the Mayor shall issue by regular and electronic mail to the addresses listed on the application for a cannabis business license, a written notice of hearing. The written notice shall contain the charges made, date, time, and location of the hearing.
- (b) The Mayor has the authority to subpoena and administer oaths to witnesses, hear the charges, agree to negotiated consent orders, and issue a written order within 14 days.
- (c) Any cannabis business that is denied a cannabis business license or whose cannabis business license was declined to be renewed, suspended, or revoked has the right to appeal to the Village Board.

#### **§ 124.09 GENERAL REGULATIONS**

- (a) **Compliance with Law.** All cannabis businesses must comply with all State and local laws, including the Cannabis Regulation and Tax Act, 410 ILCS 705/1 et. seq., building, electrical, plumbing, health, housing, zoning and fire codes.
- (b) **Report to Police.** Every cannabis business must promptly, within twenty-four (24) hours, document and report any loss, theft, security breach, or criminal activity to City police.
- (c) **Inspections.** It shall be unlawful for a cannabis business to refuse entry or otherwise refuse inspection by the Mayor, his or her designee, any member of law enforcement or building services.
- (d) **Employee Identification.** It shall be unlawful for an employee of a cannabis business to engage in employment activities for the cannabis business unless he or

she displays a valid agent identification card, as required by State law. A copy of all agent identification cards shall be forwarded to the City Clerk and updated as the card is renewed, suspended, revoked, or the employee is terminated.

- (e) **Sanitary Conditions.** It shall be unlawful for a cannabis business to maintain any building or equipment in an unclean or unsanitary state. All buildings and equipment shall be free from infestation by insects, rodents, or pests.
- (f) **Deliveries.** It shall be unlawful for a cannabis business to accept cannabis deliveries through public or limited access areas. All deliveries must be accepted into a restricted access area with adequate security.
- (g) **Odor Control.** Sufficient measures and means of preventing smoke, odors, debris, dust, fluids, and other substances from exiting a cannabis business establishment must be provided at all times.
- (h) **Lighting.** No portion of the exterior of the cannabis business shall utilize or contain any flashing lights, search lights or spotlights or any similar lighting system.
- (i) **Minors Prohibited.** It shall be unlawful for a cannabis business to allow any person under the age of twenty-one (21) years old to enter or loiter about any cannabis business. Cannabis dispensaries authorized to sell medical cannabis may allow qualified patients pursuant to the Compassionate Use of Medical Cannabis Program Act over the age of eighteen (18) years old with proper identification to enter the cannabis dispensing organization.
- (j) **On-Site Consumption.** The on-site consumption of cannabis is prohibited within a cannabis business and on the adjacent premises. The business shall be responsible for enforcing the prohibition of on-site consumption of cannabis under all circumstances inside and outside the business and adjacent premises.

#### § 124.10 HOURS OF OPERATION

- (a) It shall be unlawful for a cannabis business to open earlier than 6:00 am.
- (b) It shall be unlawful for a cannabis business to close later than 10:00 p.m. No cannabis business shall allow any person other than himself or employees to remain in the premises where cannabis is offered for sale longer than thirty (30) minutes after the closing hour.
- (c) Hours of operation shall apply to all sales, delivery, and dispensing activities of the business.

#### § 124.11 CANNABIS DISPENSARIES

- (a) **Inoperable Equipment.** It shall be unlawful for a cannabis dispensing organization to operate if its security system, point of sale system, or inventory system are inoperable.

- (b) **Sale to Minors Prohibited.** It shall be unlawful for any cannabis dispensing organization to give, sell, or deliver to any minor, directly or indirectly, any cannabis. Cannabis businesses authorized to sell medical cannabis may allow qualified patients pursuant to the Compassionate Use of Medical Cannabis Program Act over the age of eighteen (18) years old to purchase medical cannabis.
- (c) **Minimum Employees.** It shall be unlawful for a cannabis dispensing organization to operate if less than two licensed employees are present.
- (d) **Prohibited Dispensing.** It shall be unlawful for a cannabis dispensing organization to dispense cannabis through vending machines, drive through windows, or delivery services.
- (e) **Visibility of Products.** It shall be unlawful for any retail cannabis, cannabis products, or cannabis paraphernalia to be displayed or kept so as to be visible outside the cannabis dispensing organization by ordinary public view.
- (f) **Storage.** During hours of operation, all cannabis shall be stored in an enclosed locked room or cabinet accessible only to authorized business agents. When the business is closed, all cannabis and currency shall be stored in a reinforced vault room in the restricted access area in a manner as to prevent diversion, theft or loss.
- (g) **Packaging.** Any product containing cannabis shall be pre-packaged in a sealed, odor-proof, and child-resistant cannabis container consistent with all regulations contained in the Act.
- (h) **Prohibited Products.** It shall be unlawful for any cannabis business to sell:

  - (1) Cannabis seeds, except to those individuals showing valid identification as a qualifying patient under the Compassionate Use of Medical Cannabis Program Act.
  - (2) Clones or other live plant material.
  - (3) Any products containing alcohol, with the exception of tinctures as allowed by State law.
  - (4) Cannabis, cannabis concentrate, or cannabis infused products in combination or bundled with each other or any other items for one price.

#### **§ 124.12 CANNABIS TRANSPORTERS:**

- (a) A cannabis transporting organization agent must keep his or her identification card visible at all times when on the property of a cannabis business establishment and during the transportation of cannabis when acting under his or her duties as a cannabis transporting organization agent and must provide the identification card upon request to any law enforcement officer engaged in his or her official duties.
- (b) It shall be unlawful for any person or individual who is not a licensed cannabis transporting organization agent to be present in a commercial vehicle or trailer engaged in the transportation of cannabis for a cannabis transporter.

- (c) It shall be unlawful for anyone under the age of twenty-one (21) years old to be present in a commercial vehicle or trailer engaged in the transportation of cannabis as a cannabis transporter.
- (d) It shall be unlawful for a cannabis transporter or cannabis transporting organization agent to transport cannabis anywhere other than to a cultivation center, craft grower, infuser organization, dispensing organization, testing facility, or otherwise authorized by law.
- (e) It shall be unlawful for an adult use cannabis transporter or cannabis transporting organization agent to use a commercial motor vehicle with a weight rating over 10,001 pounds.
- (f) It shall be unlawful for an adult use cannabis transporter or cannabis transporting organization agent to operate as a cannabis transporter without a copy of the registration and manifest for the cannabis delivery in the vehicle.
- (g) It shall be unlawful for an adult use cannabis transporter or cannabis transporting organization agent to transport cannabis, so it is visible or recognizable from outside the vehicle.
- (h) It shall be unlawful for a vehicle transporting cannabis to bear any markings to indicate the vehicle contains cannabis or bear the name or logo of the cannabis business establishment.
- (i) It shall be unlawful for an adult use cannabis transporter or cannabis transporting organization agent to transport cannabis unless it is stored in an enclosed, locked, storage compartment that is secured or affixed to the vehicle.

#### **§ 124.13 ADVERTISING AND SIGNAGE**

- (a) It shall be unlawful for a cannabis business or any other person or entity to engage in advertising that is false or misleading, promotes overconsumption of cannabis or cannabis products, depicts the actual consumption of cannabis or cannabis products, depicts a person under 21 years of age consuming cannabis, makes any health, medicinal, or therapeutic claims about cannabis or cannabis infused products, includes the image of a cannabis leaf or bud, includes any image designed or likely to appeal to minors, including cartoons, toys, animals, or children or any other likeness to images, characters, or phrases that is designed in any manner to be appealing to or encourage consumption by persons under 21 years of age.
- (b) It shall be unlawful for a cannabis business or any other person or entity to place or maintain an advertisement of cannabis or a cannabis infused product in any form or through any medium:
  - (1) Within 1000 feet of the perimeter of school grounds, a playground, a recreation center or facility, a childcare center, a public park or public library, or a game arcade.
  - (2) On or in a public transit vehicle or public transit shelter.

(3) On or in publicly owned or publicly operated property.

(c) Electronic message board and temporary signs are not permitted in connection with cannabis businesses.

(d) All signage must comply with the Act.

**Section 3.** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

**Section 4.** All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 5.** This Ordinance shall be effective and in full force immediately upon passage and approval.

**ADOPTED** this 25th day of August, 2020, pursuant to roll call as follows:

	YES	NO	ABSENT	PRESENT	ABSTAIN
Alderman JOHNSON		X			
Alderman ALEXANDER	X				
Alderman BILOTTO	X				
Alderman CAZARES			X		
Alderman RITA	X				
Alderman DONAHUE			X		
Alderman HAWLEY	X				
Alderman FAHRENWALD		X			
Alderman MECH	X				
Alderman HILL	X				
Alderman CANTELO-ZYLMAN					X
Alderman CARR	X				
Alderman STEVO		X			
Alderman KLINKER	X				
Mayor DOMINGO F. VARGAS					
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**APPROVED:** this 25th day of August, 2020.

**MAYOR OF THE CITY OF BLUE ISLAND,  
COUNTY OF COOK AND STATE OF ILLINOIS**

**ATTESTED** and Filed in my office this  
25<sup>th</sup> day of August, 2020.

CITY CLERK

**PUBLISHED** in pamphlet form this  
25<sup>th</sup> day of August, 2020.

CITY CLERK

STATE OF ILLINOIS     )  
                                  ) SS  
COUNTY OF COOK     )

CERTIFICATE

I, RANDY HEUSER, certify that I am the duly elected and acting Municipal Clerk of the City of Blue Island of Cook County, Illinois.

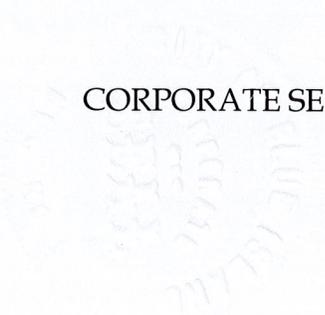
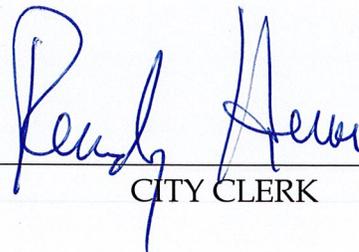
I further certify that on **August 25, 2020** the Corporate Authorities of such municipality passed and approved Ordinance No. **2020 - 030** Entitled:  
**AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS AMENDING TITLE XI (BUSINESS REGULATIONS) OF THE CODE OF BLUE ISLAND, ILLINOIS REGARDING CANNABIS BUSINESS ESTABLISHMENTS.**

Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. **2020 - 030** including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance posted in the municipal building commencing on **August 25, 2020** and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Blue Island, Illinois, this **25th** day of **August, 2020**.

CORPORATE SEAL

  
  
\_\_\_\_\_  
CITY CLERK