

CITY OF LE ROY
COUNTY OF McLEAN, STATE OF ILLINOIS

ORDINANCE NO. 19-09-10-50

**AN ORDINANCE AMENDING TITLE 3; CHAPTER 10 OF THE MUNICIPAL CODE
OF LE ROY, ILLINOIS, 2006**

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS

16th Day of September, 2019

PRESENTED: **September 16, 2019**

PASSED: **September 16, 2019**

APPROVED: **September 16, 2019**

RECORDED: **September 16, 2019**

PUBLISHED: **September 16, 2019**

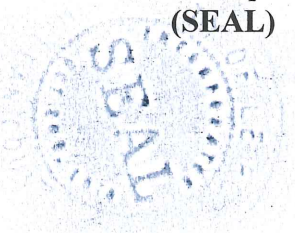
In Pamphlet Form


Voting "Aye" 6

Voting "Nay" 0

The undersigned being the duly qualified and Acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned **ordinance** and that such **ordinance** was presented, passed, approved, recorded and published as above stated.

(SEAL)





Vicki Moreland
City Clerk of the City of
Le Roy, McLean County, Illinois

Dated: **September 16, 2019**

ORDINANCE NO. 19-09-10-50

AN ORDINANCE AMENDING TITLE 3; CHAPTER 10 OF THE MUNICIPAL CODE OF LE ROY, ILLINOIS, 2006

WHEREAS, the Mayor and City Council of the City of Le Roy, McLean County, Illinois, an Illinois municipal corporation, has enacted Municipal Code Regulations 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, 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 Mayor and City Council 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 City deems sensitive; and

WHEREAS, on August 19, 2019, the Mayor and City Council initiated an amendment to Title 10 of the LeRoy Municipal Code to review and consider additional amendments to further regulate adult-use cannabis facilities within the City of LeRoy; and

WHEREAS, the Zoning Board of Appeals conducted public hearings, as required by law, on Friday, September 13, 2019, in regards to the proposed amendments to Title 10 of the LeRoy Municipal Code pertaining to the adult-use cannabis; and

WHEREAS, the Zoning Board of Appeals recommended approval of the proposed amendments to Title 10 on Friday, September 13, 2019; and

NOW, THEREFORE BE IT ORDAINED, by the City Council of the City of Le Roy, Illinois in lawful meeting assembled on Monday, September 16, 2019, as follows:

SECTION 1. Title 3 – Business and License Regulations of the Municipal Code of the City of Leroy shall be amended by the addition of Chapter 10: Adult-Use Cannabis Business Establishments that will read as follows:

Chapter 10: Adult-Use Cannabis Business Establishments

3-10-1: LICENSE REQUIRED: It shall be unlawful to engage in the cultivation, growing, processing, dispensing, packaging, selling, transporting, or other business venture relating to cannabis or any cannabis by-product within the corporate limits of the City of LeRoy without first having obtained a license to do so.

3-10-2: APPLICATION FOR LICENSE; FEES: Application for an adult-use cannabis business establishment license shall be made in writing to LeRoy City Hall upon forms prepared and furnished by the City. Each application shall be signed and verified by the written oath or affirmation of the applicant, if an individual. If the applicant is a partnership, all partners shall sign and verify the applicant. In the event the applicant is a corporation or a limited liability corporation, all officers or managers must sign and verify the application and indicate their official position therein. The information recited in the application form must be verified as to each person signing the application. Such application shall be submitted and filed with the City Clerk, together with a nonrefundable filing fee in the amount of one hundred (\$100.00) dollars, regardless of the type of adult-use cannabis business establishment license the applicant seeks. The application shall contain the following information and statements:

- A. The name, age, and address of the applicant in the case of an individual; in the case of a partnership, the persons entitled to share in the profits thereof; and in the case of a corporation, the date of incorporation, the objects for which it was organized, the name and addresses of the officers and directors, and if a majority in interest of the stock of such corporation is owned by one person and his nominees, the name and address of such person; and in the case of a limited liability corporation the date of organization, the objects or purposes for which it was organized and, if a majority in interest of the ownership of such company is owned by one person, or his nominees, the name and address of such person.
- B. The citizenship of each applicant or member of the applying organization, and if a naturalized citizen, the time and place of his naturalization.
- C. The length of time that said applicant has been in business or in the case of a corporation or limited liability corporation, the date on which its charter was issued.
- D. The amount of goods, wares, and merchandise on hand at the time the application is made.
- E. The location and description of the premises or place of business which is to be operated under such license.
- F. A statement whether applicant has previously applied for a similar license anywhere other than those described in the current application and disposition of such previous application.
- G. Whether human consumption/ingestion is to be permitted in such place of business if the application is allowed.
- H. A statement whether or not the applicant, or any owner of the corporation or limited liability corporation applying as ever been convicted of any state or federal felony.
- I. Whether the applicant or any owner or member of the applicant is the owner of the premises for which a license is sought and, if applicant is not an owner or if one or more members or owners of the applicant are not

an owner of the premises, then the name of the landlord and terms of the lease.

- J. A statement of the business and employment history of the applicant for the past ten (10) years, including previous business or corporation names (as recorded with the Illinois Secretary of State).
- K. A statement that the applicant, or its owners or members, will not violate any of the laws of the State of Illinois or the United States, or any ordinance of the City of LeRoy in the conduct of his place of business.

3-10-3: STATE DOCUMENTS REQUIRED: No adult-use cannabis business establishment license shall be issued to any applicant that does not have a license or other certification as required by the State of Illinois.

3-10-4 LICENSE DURATION: The license year for an adult-use cannabis business establishment shall begin on May 1 of each year and end on April 30 of the following year.

3-10-5 NONTRANSFERABILITY OF LICENSE; RENEWALS; CESSATION OF BUSINESS:

- A. **Nontransferability of License:** A license shall be purely a personal privilege, good for not to exceed one fiscal year after issuance unless sooner revoked as provided in this chapter, and shall not constitute property nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable (voluntarily or involuntarily) or subject to encumbrance or hypothecation. Such license shall not pass by the laws of intestate succession or under the laws of testate succession, but shall automatically cease upon the death or dissolution of the holder; provided, that executors or administrators of the estate of the deceased holder and the trustee of any insolvent or bankrupt holder by order of the appropriate court may exercise the privileges of the deceased or insolvent or bankrupt holder after the death of such decedent or after such insolvency or bankruptcy until the expiration of such license but not longer than one (1) year after the death, bankruptcy, or insolvency of such holder.
- B. **Renewal of License:** Any holder may renew his license at the expiration thereof, provided he is qualified at such time as required by this chapter to receive a license and the premises for which a renewed license is sought are compliant with all applicable ordinances for such activities. All applications for renewal shall be made in writing not later than April 1 of each year. If the information statements have not changed a license holder may, in lieu of a renewal application, file on or before April 1 an affidavit stating such facts and statements have not changed.
- C. **Cessation of Operations:** If such license expires naturally or is terminated by way of suspension or revocation in any manner provided in this chapter, said license shall cease to exist, and the holder of the expired

license shall immediately terminate all activities regulated under this chapter.

3-10-6: SUSPENSION OR REVOCATION OF LICENSE: Any license issued under the provisions of this chapter may be suspended or revoked for noncompliance with the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1 *et seq.*), this chapter, or any other provision of any other ordinance enacted relating to adult-use cannabis business establishments as permitted by Title 3, Chapter 1 of this code.

3-10-7: LIABILITY OF LICENSEE FOR AGENTS AND EMPLOYEES: Every act or omission constituting a violation of any of the provisions of this chapter or any other applicable ordinance by any officer, director, manager, or other agent or employee of any licensee shall be deemed and held to be the act of such licensee; and such licensee shall be punishable in the same manner as if such act or omission had been done or omitted by the licensee personally.

3-10-8: PENALTY: Any person, firm, or corporation violating any of the provisions of this chapter shall be subject to penalty as provided in Title 1, Chapter 4 of this code for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

3-10-9: Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law, provided, however, that the licensing standards provided for herein shall take effect on or after January 1, 2020.

PASSED by the City Council of the City of Le Roy, Illinois, upon the motion made by Kelly Lay and seconded by Matt Steffen by roll call vote on the 16th day of September, 2019 as follows

Aldermen elected 8

Aldermen Present 6

Voting Aye:

Rick Kline, Kyle Merkle, Brad Poindexter, Kelly Lay, Ron Legner, Matt Steffen.

Voting Nay:

None

Absent:

Dawn Hanafin, Greg Steffen

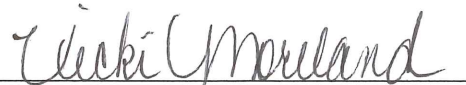
Abstain:

None

Other:

None

And deposited and filed in the office of the City Clerk in said municipality on the 16th day of September, 2019.



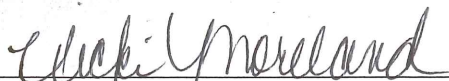
Vicki Moreland, City Clerk of the
City of Le Roy
Mc Lean County, Illinois

APPROVED BY the Mayor of the City of Le Roy, Illinois, this 16th day of September, 2019



Steven M. Dean, Mayor of the City of Le Roy,
Mc Lean County, Illinois

ATTEST: (SEAL)



Vicki Moreland, City Clerk of the City of Le Roy
Mc Lean County, Illinois

CERTIFICATE

I, Vicki Moreland, certify that I am the duly appointed and acting municipal clerk of the City of Le Roy, of McLean County, Illinois.

I further certify that on September 16, 2019 the Corporate Authorities of such municipality passed and approved **ORDINANCE NO. 19-09-10-50**

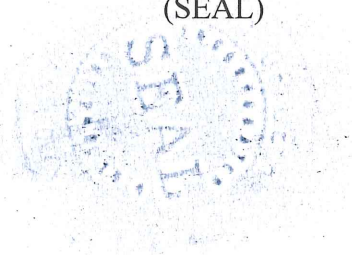
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Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of **Ordinance No. 19-09-10-50**, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on **September 16, 2019** 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 Le Roy, Illinois this 16th day of September, 2019.

(SEAL)


Vicki Moreland
Vicki Moreland
City Clerk of the City of
Le Roy, McLean County, Illinois

STATE OF ILLINOIS)
) SS:
COUNTY OF MCLEAN)

I, Vicki Moreland, do hereby certify that I am the duly qualified and acting City Clerk of the City of Le Roy, McLean County, Illinois, and as such City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

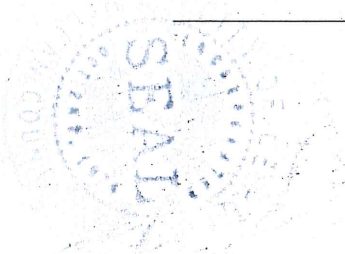
I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

AN ORDINANCE AMENDING TITLE 3; CHAPTER 10 OF THE MUNICIPAL CODE OF LE ROY, ILLINOIS, 2006

I do further certify said *ordinance* was adopted by the City Council of the City of Le Roy at a regular meeting on the 16th day of September, 2019 and prior to the making of this certificate the said ordinance was on file with the permanent records of said City where it now appears and remains as a permanent record of said ordinance in the record books.

Dated this 16th day of September, 2019

(SEAL)


Vicki Moreland
Vicki Moreland, City Clerk of the
City of Le Roy,
McLean County, Illinois