



ORDINANCE NO. 1985-19

AN ORDINANCE IMPOSING A MORATORIUM ON ADULT-USE CANNABIS BUSINESSES PURSUANT TO PUBLIC ACT 101-0027 WHILE THE VILLAGE OF HAWTHORN WOODS REVIEWS POSSIBLE TEXT AMENDMENTS AS PART OF THE VILLAGE CODE IN THE VILLAGE OF HAWTHORN WOODS

BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Hawthorn Woods, Lake County, Illinois, as follows:

WHEREAS, Public Act 101-0027, entitled the "Cannabis Regulation and Tax Act" (the "Act"), enacted by the State of Illinois (the "State"), will become effective on January 1, 2020; and

WHEREAS, the Act provides for the lawful use of marijuana by qualifying state residents and establishes a process for the licensing of Adult-Use Cannabis Businesses including the following:

- a. Adult-Use Cannabis Craft Grower;
- b. Adult-Use Cannabis Cultivation Center;
- c. Adult-Use Cannabis Dispensing Organization;
- d. Adult-Use Cannabis Infuser Organization or Infuser;
- e. Adult-Use Cannabis Processing Organization or Processor;
- f. Adult-Use Cannabis Transporting Organization or Transporter; and
- g. Any and all other cannabis related business establishments authorized by the State of Illinois in the future;

throughout the State; and

WHEREAS, the Act allows units of local government to enact reasonable zoning regulations that are not in conflict with the Act or the Regulatory Agencies' rules and regulations; and

WHEREAS, the corporate authorities of the Village of Hawthorn Woods (the “Village”) have the authority to legislate to further promote the public health, safety and welfare of the citizens of the Village; and

WHEREAS, the Village has a Zoning Ordinance that comprehensively organizes the Village into districts and classifies, regulates, and restricts the location of land uses by reference to such districts; and

WHEREAS, the Village intends to preserve the character of the zoning districts within the Village by encouraging proper and compatible zoning district(s) if the location and operation of licensed adult-use cannabis businesses will be considered for future use in the Village; and

WHEREAS, the purpose of this Ordinance is to provide, during the moratorium period, adequate time for the Village staff to study the rules and regulations issued by one or more of the Regulatory Agencies. Village staff may provide notice of public hearings and/or meetings of the Planning, Building and Zoning Commission and the corporate authorities of the Village who may wish to consider amendments to the Comprehensive Plan of the Village and/or the Village Code, including, but not limited to, the Village Zoning Ordinance and Zoning Map; and

WHEREAS, the status quo must be maintained so that the Planning, Building and Zoning Commission, the Zoning Board of Appeals, and the corporate authorities of the Village are afforded the opportunity to consider potential amendments to the Comprehensive Plan of the Village and/or Village Code, including, but not limited to, the Village Zoning Ordinance and Zoning Map in order to promote, preserve and facilitate compatible uses in the various zoning districts and to further promote the public health, safety and welfare of the citizens of the Village.

WHEREAS, in order to ensure that such review of possible rules and regulations issued by one or more of the Regulatory Agencies is undertaken objectively and dispassionately, it is desirable to have such review occur independent of any particular application for such use; and

WHEREAS, the Village's Mayor and Board of Trustees have determined that it is in the best interest of the residents of the Village to enact a 6-month moratorium preventing the consideration and approval of applications for licensed adult-use cannabis businesses and any corresponding relief; and

WHEREAS, the Village's Mayor and Board of Trustees desire that all applications and any corresponding relief be deferred while consideration of the moratorium ordinance is pending.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Hawthorn Woods, Lake County, Illinois, as follows:

SECTION ONE: The recitals set forth hereinabove are fully incorporated herein by this reference.

SECTION TWO: That there is hereby established a 6-month moratorium on the processing of any applications for zoning approvals or zoning relief for uses related to licensed adult-use cannabis businesses within the Village. This moratorium shall be effective from and after the date of passage.

SECTION THREE: That during the 6-month moratorium, Village staff may review and draft amendments to the Village Code of the Village of Hawthorn Woods, Illinois and work to consider appropriate text amendments with the Planning, Building and Zoning Commission and the Zoning Board of Appeals.

SECTION FOUR: That this moratorium, as provided in Section Two above, shall remain in effect for 6 months from the date of passage of this Ordinance or the adoption by the corporate authorities of the Village of an amendment(s) to the Comprehensive Plan of the Village and/or Village Code, including, but not limited to, the Village Zoning Ordinance and Zoning Map.

SECTION FIVE: Any application for zoning approval or to permit the operation of a licensed adult-use cannabis business in the Village that is submitted to the Village during the period of this moratorium and that is not voluntarily withdrawn, shall not be considered until after this moratorium expires.

SECTION SIX: That during the existence of this moratorium, it shall be unlawful for any person, firm, or corporation or other entity to construct or establish any licensed adult-use cannabis business in the Village.

SECTION SEVEN: Any person, firm, corporation or other entity that shall violate a provision of this ordinance shall be subject to a fine of not more than \$750.00 for each violation. Each day that a violation continues shall be deemed a separate offense.

SECTION EIGHT: The establishment of the fine for violation of this ordinance as contained in the previous section shall not preclude a duly authorized legal officer of the Village from instituting appropriate action to prevent unlawful adult-use cannabis businesses or to restrain, correct, or abate a violation, or to stop an illegal act, conduct, or use of adult-use cannabis businesses.

SECTION NINE: That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, superseded by this ordinance.

SECTION TEN: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as required by law.

SECTION ELEVEN: That any section or provision of this ordinance that is construed to be invalid or void shall not affect the remaining sections or provisions, which shall remain in full force and effect thereafter.

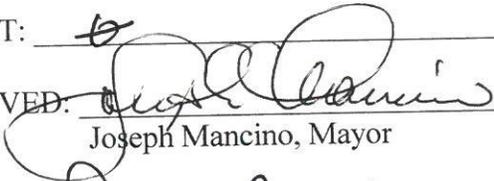
The foregoing Ordinance was adopted by a roll call vote as follows:

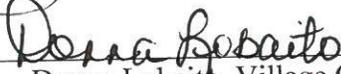
AYES: Kaiser, Kasik, Pless, Corrigan, Dimaggio, David

NAYS: 0

ABSTENTIONS: 0

ABSENT: 0

APPROVED: 
Joseph Mancino, Mayor

ATTEST: 
Donna Lobaito, Village Clerk

PASSED: November 25, 2019

APPROVED: November 25, 2019

PUBLISHED: November 26, 2019