

Ordinance No. _____

AN ORDINANCE Amending Chapter 17, Other Businesses, of the
Municipal Code of the Village of Dwight.

WHEREAS, the President and Board of Trustees of the Village of Dwight, Livingston and Grundy Counties, Illinois, have determined that the public health and safety in the Village would be protected and promoted by amending Chapter 17, of the Municipal Code entitled Other Businesses specifically regarding cannabis use and sale; and

WHEREAS, it is in the best interest of the Village to add cannabis use and sale to the Municipal Code,

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Dwight, Livingston and Grundy Counties, Illinois, to amend Chapter 17, Other Businesses as follows:

Section 1. AMEND Chapter 17, of the Municipal Code of the Village of Dwight to read as follows:

ADD Article V as follows:

ARTICLE V
CANNABIS USE AND SALE

17.501 Definitions

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. CANNABIS also means concentrate and cannabis-infused products.*

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.

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.*

PUBLIC PLACE. *Any place where a person could reasonably be expected to be observed by others.*

- (1) **PUBLIC PLACE** *includes all parts of buildings owned in whole or in part, or leased, by the state or a unit of local government as well as all areas in a park, recreation area, wildlife area, or playground owned in whole or in part, leased, or managed by a unit of local government.*
- (2) **PUBLIC PLACE** *includes, but is not limited to, the grounds of any preschool, primary or secondary school, and school buses. PUBLIC PLACE includes any business*

establishment open to the public.

- (3) **PUBLIC PLACE** does not include a private residence unless the private residence is used to provide licensed childcare, foster care, or other similar social service care on the premises.

17.502 CANNABIS USE PROHIBITED IN PUBLIC PLACES.

Cannabis use in ordinary public view, public places, and in any vehicle is a public place is prohibited.

17.503 CANNABIS USE PROHIBITED IN RETAIL ESTABLISHMENTS.

The on-premises consumption of cannabis at or in a cannabis dispensing organization or retail tobacco store (as defined in the Smoke Free Illinois Act) is prohibited.

17.504 PERSONAL CANNABIS CULTIVATION PROHIBITED.

Cannabis cultivation for personal use is prohibited unless an Illinois resident 21 years of age or older is a registered qualifying patient under the Compassionate Use of Medical Cannabis Program Act and follows the limitations under the Cannabis Regulation and Tax Act for personal use cultivation.

17.505 UNLICENSED DISTRIBUTION OF CANNABIS PROHIBITED.

No person shall sell, distribute, or dispense cannabis or cannabis products without a license issued under the Cannabis Regulation and Tax Act and the Village of Dwight.

17.506 CANNABIS PLANT STORAGE.

Cannabis plants shall not be stored or placed in a location where they are subject to ordinary public view, as defined in this chapter. A registered qualifying patient who cultivates cannabis under the Cannabis Regulation and Tax Act shall take reasonable precautions to ensure the plants are secure from unauthorized access, including unauthorized access by a person under 21 years of age.

17.507 CANNABIS POSSESSION LIMITS.

(A) Except if otherwise authorized by the Cannabis Regulation and Tax Act, for a person who is 21 years of age or older and a resident of this state, the possession limit is as follows:

- (1) Thirty grams of cannabis flower.
- (2) No more than 500 milligrams of THC contained in cannabis-infused product; (3) Five grams of cannabis concentrate; and
- (4) For registered qualifying patients, any cannabis produced by cannabis plants grown under the Cannabis Regulation and Tax Act, provided any amount of cannabis or its equivalent must remain secured within the residence or residential property in which it was grown.

(B) For a person who is 21 years of age or older and who is not a resident of this state, the possession limit is:

- (1) Fifteen grams of cannabis flower.
 - (2) Two- and one-half grams of cannabis concentrate; and
 - (3) Two hundred fifty milligrams of THC contained in a cannabis-infused product.
- (C) The possession limits found in divisions (A) and (B) of this section are to be considered cumulative.

(D) No person shall knowingly obtain, seek to obtain, or possess an amount of cannabis from a dispensing organization or craft grower that would cause him or her to exceed the possession limit under this section, including cannabis that is cultivated by a person under

the Cannabis Regulation and Tax Act or obtained under the Compassionate Use of Medical Cannabis Program Act.

(E) No person shall possess cannabis in a motor vehicle unless the cannabis is in a reasonably secured, sealed container and reasonable inaccessible while the vehicle is moving.

17.508 CANNABIS PURCHASE

Cannabis and cannabis product purchase or possession by any person under 21 years of age is prohibited and no person under 21 years of age shall purchase, possess, or consume in any manner or form any cannabis product unless authorized under the Compassionate Use of Medical Cannabis Program Act or by the Community College Cannabis Vocational Pilot Program. No person shall assist or facilitate in a person under 21 years of age from obtaining any cannabis product unless authorized under the Compassionate Use of Medical Cannabis Program Act or by the Community College Cannabis Vocational Pilot Program.

17.509 PROHIBITION OF PERSON UNDER 21 YEARS OF AGE IN A CANNABIS BUSINESS ESTABLISHMENT.

No persons under 21 years of age shall be employed at or present within a cannabis business establishment unless authorized under the Compassionate Use of Medical Cannabis Program Act or by the Community College Cannabis Vocational Pilot Program.

17.510 CONFLICT OF LAWS.

Any provision of this chapter in conflict with federal or state statutory enactments shall be subordinate to said enactments; all other provisions of this chapter being severable and remain valid.

17.511 PENALTY.

Any person, firm, or corporation violating any provision of this article shall be fined as designated in the fine rate schedule for each offense.

Section 2- EFFECTIVE DATE

This Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form.

PASSED by the Dwight Village Board of Trustees On the 26th day of September 2022.

APPROVED and SIGNED by the President of the Village of Dwight, Livingston and Grundy Counties, Illinois, this 26th day of September 2022.

Paul Q. Johnson, Village President

ATTEST:

Whitney M. Scott, Village Clerk