

AN ORDINANCE AMENDING CHAPTER 7
OF THE MUNICIPAL CODE OF THE VILLAGE OF ARLINGTON HEIGHTS
TO REPEAL THE PROHIBITION ON CANNABIS BUSINESS ESTABLISHMENTS

WHEREAS, the Village of Arlington Heights is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs; and

WHEREAS, on June 25, 2019, the Governor of the State of Illinois signed into law Public Act 101-0027, establishing the Cannabis Regulation and Tax Act ("*Act*"); and

WHEREAS, the Act legalizes the possession and use of cannabis for recreational purposes by adults over the age of 21, authorizes the sale of recreational cannabis at dispensaries, permits the expansion of cultivation centers previously only authorized to supply medical cannabis sales, and authorizes new types of cannabis businesses such as craft growers, infusers, and processors; and

WHEREAS, the Act further provides that municipalities may enact reasonable regulations concerning cannabis business establishments; and

WHEREAS, on June 6, 2022, the Village President and Board of Trustees adopted Ordinance No. 2022-035, amending "The 2002 Comprehensive Amendment of the Zoning Ordinance of the Village of Arlington Heights," as amended ("***Zoning Ordinance***"), to authorize adult use cannabis dispensaries in the Village under specified conditions and in specified zoning districts; and

WHEREAS, Chapter 7 of the Municipal Code of Arlington Heights, Illinois, 1995, as amended ("***Village Code***"), prohibits cannabis business establishments from operating in the Village; and

WHEREAS, in order to align the Village Code with the recently-adopted amendments to the Zoning Ordinance, the President and Board of Trustees desire to amend Chapter 7 of the Village Code to repeal the prohibition of cannabis business establishments; and

WHEREAS, the President and Board of Trustees have determined that it will serve and be in the best interests of the Village and its residents to amend the Village Code pursuant to this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION 1. RECITALS. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. REPEALER. Article XVI of Chapter 7 of the Village Code is hereby repealed in its entirety and is of no further force or effect.

SECTION 3. SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect, and are to be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 4. EFFECTIVE DATE. This Ordinance will be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

AYES:

NAYS:

PASSED AND APPROVED THIS 21st day of June, 2022.

Village President

ATTEST:

Village Clerk