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CITY OF TROY

ORDINANCE NO. 2019 - 19

50.00 CITY

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY
OF TROY, ILLINOIS TO REGULATE CANNABIS**

**ADOPTED BY THE
CITY COUNCIL OF THE
CITY OF TROY, ILLINOIS
THIS 21ST DAY OF OCTOBER, 2019**

**Published in pamphlet form by the authority of the City Council of the City of Troy,
Madison County, Illinois, this 21st day of October, 2019.**

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ORDINANCE NO. 2019 - 19

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TROY, ILLINOIS TO REGULATE CANNABIS

WHEREAS, the City of Troy, Illinois, has adopted Ordinance 2019-18 - AN ORDINANCE AMENDING CHAPTER 154 OF THE CODE OF ORDINANCES OF THE CITY OF TROY, ILLINOIS ESTABLISHING MUNICIPAL CANNABIS BUSINESS ZONING; and

WHEREAS, in furtherance thereof, and in accord with the provisions of the Illinois Cannabis Act as defined herein, the City Council for the City of Troy, Illinois, believes that it is in the best interest of the health, safety and welfare of the of the City of Troy, Illinois, to amend its Code of Ordinances to regulate cannabis in the City.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TROY, MADISON COUNTY, ILLINOIS, AS FOLLOWS:

That the Code of Ordinances of the City of Troy, Illinois, is hereby amended by adding the following:

Title XI. Business Regulations.

Chapter 118. Regulation of Use of Cannabis.

118.01 – Definitions.

Whenever reference is made in this Chapter to the “Illinois Cannabis Act” or the “Cannabis Act” it shall mean the Cannabis Regulations and Tax Act of Illinois approved June 25, 2019, in force January 1, 2020. All other words and phrases used herein shall have the same meaning as the same or similar words or phrases defined by and used in said Cannabis Regulations and Tax Act, including the following:

“Act” shall mean the Cannabis Regulation and Tax Act of Illinois approved 6-25-19 as Public Act 101-0027.

“Advertise” means 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; and the display of window and interior signs.

“Cannabis” means 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 concentrate and cannabis-infused products.

“Dispensary” means a facility operated by a dispensing organization at which activities licensed by the Act may occur.

“Dispensing organization” means a facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis infused products, cannabis seeds, paraphernalia, or related supplies under this Act to purchasers or to qualified registered medical cannabis patients and caregivers.

“Person” means 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.

118.02 – Registration.

It shall be unlawful for any Person to operate a Dispensary within the boundaries of the City without having first registered with the City Clerk and submitting the following information:

- (a) Name and address of all Persons owning 50% or more of the Dispensing Organization;
- (b) Location of operation;
- (c) Hours of operation; and,
- (d) A copy of the license issued by the Illinois Department of Financial and Professional Registration.

118.03 – Regulations and Restrictions.

- (a) It shall be unlawful to operate a Dispensary between the hours of 10:00 p.m. and 6:00 a.m.
- (b) No Dispensary nor any other Person or entity shall place or maintain, or cause to be placed or maintained, an advertisement of cannabis or a cannabis-infused product in any form or through any medium that:
 - (1) is false or misleading;
 - (2) promotes overconsumption of cannabis or cannabis products;

- (3) depicts the actual consumption of cannabis or cannabis products;
- (4) depicts a person under 21 years of age consuming cannabis;
- (5) makes any health, medicinal, or therapeutic claims about cannabis or cannabis-infused products;
- (6) includes the image of a cannabis leaf or bud; or
- (7) 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 of persons under 21 years of age.

(c) It shall be unlawful to advertise cannabis or a cannabis infused product in any form or through any medium:

(1) Within 1,000 feet of the perimeter of school grounds, a playground, a recreation center or facility, a child-care center, a public park or public library, or a game arcade where admission is not restricted to persons 21 years of age or older;

(2) In or on a public transit vehicle or public transit shelter; or,

(3) On publicly owned or public operated property.

(d) It shall be unlawful to possess or use cannabis on a school bus, grounds of a pre-school primary or secondary school, unless used by a qualifying patient or caregiver pursuant to the Compassionate Use or Medical Cannabis Pilot Program Act;

(e) It shall be unlawful to possess or use cannabis in a private residence used at any time to provide licensed childcare;

(f) It shall be unlawful to use cannabis in any motor vehicle, in any public place or in any place where smoking is prohibited under the Smoke Free Illinois Act;

(g) It shall be unlawful to facilitate the use of cannabis by a person not allowed to use cannabis under the Act;

(h) It shall be unlawful to knowingly use cannabis in close proximity to anyone under the age of 21 who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Pilot Program Act;

(i) It shall be unlawful to grow cannabis unless authorized by the Compassionate Use of Medical Cannabis Pilot Program Act;

(j) It shall be unlawful for a person who is 21 years or older and a resident of Illinois to possess more than: (i) 30 grams of cannabis flower; (ii) 500 milligrams of THC contained in a cannabis-infused product; or, (iii) 5 grams of cannabis concentrate;

(k) It shall be unlawful for a non-resident of Illinois to possess more than: (i) 15 grams of cannabis flower; (ii) 250 grams of THC contained in a cannabis-infused product; or, (iii) 2.5 grams of cannabis concentrate;

(l) It shall be unlawful for a parent or guardian to knowingly permit the consumption of cannabis by a person under the age of 21 in his or her residence, or any other private property under his or her control, or in any vehicle under his or her control;

(m) It shall be unlawful for a Dispensary or any other Person or entity to encourage the sale of cannabis or cannabis products by giving away cannabis or cannabis products, by conducting games or competitions related to the consumption of cannabis or cannabis products, or by providing promotional materials or activities of a manner or type that would be appealing to children.

118.04 – Violations.

Failure to comply with this Chapter shall be punishable in accordance with § 10.99.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TROY, MADISON COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. The recitals set forth above are hereby incorporated herein as if fully set forth.

Section 2: If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

Section 3. This Ordinance shall be in full force and effect upon its passage and approval as required by law.

PASSED by the City Council of the City of Troy, Madison County, Illinois, approved by the Mayor, and deposited in the office of the City Clerk this 21st day of October, 2019.

Those voting aye: Dawson, Hellrung, Henderson, Knoll, Levo, Manley

Those voting nay: Italiano

Those absent: Turner

APPROVED:

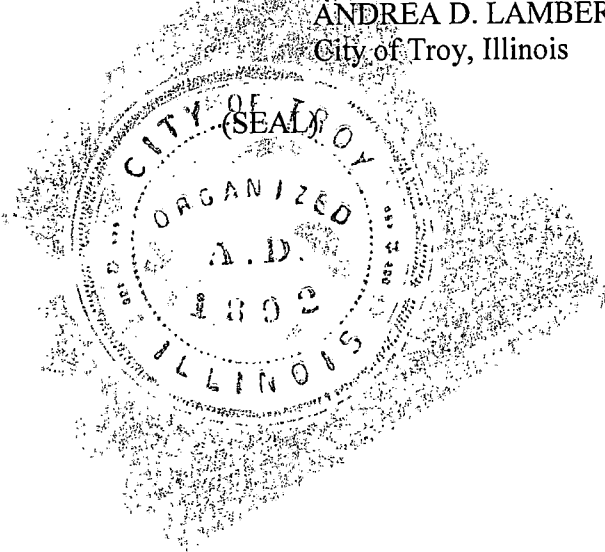
By: 

ALLEN ADOMITE, Mayor
City of Troy, Illinois

ATTEST:

BY: 

ANDREA D. LAMBERT, Clerk
City of Troy, Illinois



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