

VILLAGE OF HAMMOND
PIATT COUNTY, ILLINOIS

ORDINANCE #2019-14

“An Ordinance Prohibiting Cannabis Business Establishments in the Village of Hammond”

ADOPTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HAMMOND THIS
11th DAY OF December, 2019

Published in pamphlet form by authority of the Village Board of the Village of Hammond, Piatt
County, Illinois

WHEREAS, the Village of Hammond has the authority to adopt ordinances and to promulgate rules and regulations (that pertain to its government and affairs and) that protect the public health, safety, and welfare of its citizens; and

WHEREAS, this Ordinance is adopted pursuant to the provisions of the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027, which provides that the Village has the authority to prohibit adult-use cannabis business establishments; and

WHEREAS, the Village of Hammond has determined that the operation of cannabis business establishments would present adverse impacts upon the health, safety, and welfare of the residents, and additional costs, burdens, and impacts upon law enforcement and regulatory operation of the Village of Hammond; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Village of Hammond as follows:

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: Cannabis Business Establishments Prohibited.

Definitions. The following words and phrases shall, for the purposes of this Ordinance have the meanings respectively ascribed to them by this section as follows:

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT: A cultivation center, craft grower, processing organization, infuser organization, dispensing organization, or transporting organization.

ADULT-USE CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure, and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport, and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION: A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers,

per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER: An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

CONTROLLED SUBSTANCE: Any drug or controlled substance as defined under any law of the state or of the United States of America.

DRUG PARAPHERNALIA: All equipment, products, and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance. It includes, but is not limited to:

- a. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
- b. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
- c. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
- d. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness, or purity of controlled substances;
- e. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
- f. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting controlled substances;

- g. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
- h. Blenders, bowls, containers, spoons, and mixing devices used, intended for use or designed for use in compounding-controlled substances;
- i. Capsules, balloons, envelopes, or other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
- j. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;
- k. Hypodermic needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;

Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

- 1. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, or punctured metal bowls;
- 2. Water pipes;
- 3. Carburetion tubes and devices;
- 4. Smoking and carburetion masks;
- 5. “Roach Clips”-Objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
- 6. “Cocaine Vials”, and “Cocaine Spoons”-Spoons with bowls so small that the primary use for which they are reasonably adapted or designed is to hold or administer cocaine, and which are so small as to be unsuited for the typical lawful uses of a spoon;
- 7. Chamber pipes;
- 8. Carburetor pipes;
- 9. Electric pipes;
- 10. Air-driven pipes;
- 11. Chillums;
- 12. Bongs;
- 13. Ice pipes or chillers;

In determining whether an object is “Drug Paraphernalia”, a court or other authority should consider, in addition to all other logically relevant factors, the following:

- 1. Statements by an owner or by anyone in control of the object concerning its use;
- 2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any city, state, or federal law relating to any controlled substance;
- 3. The proximity of the object to controlled substances;
- 4. The existence of any residue of controlled substances on the object;
- 5. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object to deliver it to persons who he knows, or should reasonably know, intend to use the object to facilitate a violation of any city, state, or federal law relating to any controlled substance, the innocence of an owner or of anyone in control of the object, as to a direct violation of city, state, or federal law shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;

6. Instruction, oral or written, provided with the object concerning its use;
7. Descriptive materials accompanying the object which explain or depict its use;
8. National or local advertising concerning its use;
9. The manner in which the object is displayed for sale;
10. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
11. The existence and scope of legitimate uses for the object in the community;
12. Expert testimony concerning its use.

PERSON: Any person, firm, corporation, association, club, society, or other organization, including any owner, manager, proprietor, employee, volunteer, or agent.

Possession, Manufacture, and Sale. It is unlawful for any person to use or possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce in to the human body a controlled substance.

It is unlawful for any person to deliver, sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell, drug paraphernalia, knowing that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce in the human body a controlled substance.

It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement knowing or under circumstances where one should reasonably know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

Any person 18 years of age or over who violates this ordinance by delivering drug paraphernalia to a person under 18 years of age who is at least three years his junior is guilty of a special offense.

This section does not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropractors, veterinarians, pharmacists, or embalmers in the normal lawful course of their respective businesses or professions, not to public officers or employees while engaged in the performance of their official duties, not to persons suffering from diabetes, asthma, or any other medical condition requiring self-injection.

Any drug paraphernalia used in violation of this section shall be seized and forfeited to the Village.

Cannabis Business Establishment Prohibited. The following Adult-Use Cannabis Business Establishments are prohibited in the Village of Hammond. No person shall locate, operate, own, suffer, allow to be operated or aide, abet, or assist in the operation within the Village of Hammond of any of the following:

Adult-Use Cannabis Craft Grower
Adult-Use Cannabis Cultivation Center
Adult-Use Cannabis Dispensing Organization
Adult-Use Cannabis Infuser Organization or Infuser
Adult-Use Cannabis Processing Organization or Processor
Adult-Use Cannabis Transporting Organization or Transporter

Public Nuisance Declared. Operation of any prohibited Cannabis Business Establishment within the Village of Hammond in violation of the provisions of this Ordinance is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

Violations. Fines will be assessed as follows:

1st Offense: \$180.00
2nd Offense-committed within 12 months of any prior offense: \$330.00
3rd Offense-committed within 12 months of any prior offense: \$580.00

Notice shall be deemed to be properly served by:

- a. Depositing the notice in U.S. mail, prepaid first-class postage regardless of whether the addressee accepts or refuses delivery; or
- b. Personal service; or
- c. Posting of notice upon property.

Severability. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

Adopted this 11th day of December, 2019.

Ayes: 5
Nays: 0
Abstentions: 0
Absent: 1

Approved this 11th day of December, 2019.

Deborah Waldrop
Village President

Attest:

Brenda Sebens
Village Clerk