

ORDINANCE NO. 18,099

**ORDINANCE AMENDING ARTICLE 19 (OPERATION OF CANNABIS BUSINESS) OF
CHAPTER 18 (LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS) OF THE
CODE OF THE CITY OF PEORIA**

WHEREAS, the City of Peoria is a home rule unit of government pursuant to Article 7, Section 6 of the Illinois Constitution of 1970 and 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, the Cannabis Regulation and Tax Act (410 ILCS 705 *et. seq.*), effective January 1, 2020, allowed local units of government to determine reasonable zoning restrictions on cannabis businesses; and

WHEREAS, the Cannabis Regulation and Tax Act allowed local units of government to establish civil penalties for a violation of the manner of operation of a cannabis business establishment; and

WHEREAS, the Cannabis Regulation and Tax Act allowed local units of government to authorize the on-premises consumption of cannabis at or in a cannabis establishment; and

WHEREAS, the Cannabis Regulation and Tax Act allowed local units of government to regulate these activities in a manner no more restrictive than the regulation of those activities by the State in the Act; and

WHEREAS, although the State has limited the ability of local governments to prohibit the use of cannabis within its jurisdiction, it allows local governments to regulate the operation, zoning, minimum distances to sensitive areas and on-site consumption at cannabis businesses; and

WHEREAS, the City Council deemed it reasonable and within its authority to adopt a business license procedure for cannabis businesses, consistent with and similar to other adult-use businesses such as alcohol, tobacco and gambling; and

WHEREAS, the City Council has adopted an ordinance regulating the licensing of certain cannabis businesses; and

WHEREAS, the City Council wishes to correct a minor drafting error discovered in Section 18-676 of the Municipal Code regarding the issuance of cannabis businesses licenses.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF
THE CITY OF PEORIA, ILLINOIS, 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. Amendment of Article XIX. Chapter 18 of the Municipal Code of the City of Peoria shall be amended by inclusion of underlined words and deletion of the stricken words as follows:

Sec. 18-676. Issuance.

The city comptroller shall issue the license requested under this division unless he shall find:

- (1) That the applicant is under the age of 21.
- (2) That the applicant or any principal officer therein has held a license or had an interest in a license issued pursuant to this division that was revoked for cause.
- (3) That the applicant is proposing a location that is in violation of the minimum distance limitations of section 18-670.
- (4) That the location is not permitted per the city's zoning regulations and that the structure does not meets all applicable building and fire codes, as reflected in the Unified Development Code, chapter 5 and chapter 11 of the city's Code, respectively, as may be amended

SECTION 3. Effective Date. This ordinance shall be in full force and effect immediately after its passage and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS this 22nd
day of August, 2023

APPROVED:

/s/ Rita Ali
Rita Ali, Mayor

ATTEST:

/s/ Stefanie Tarr
Stefanie Tarr, City Clerk

EXAMINED AND APPROVED:

/s/ Patrick Hayes
Patrick Hayes, Corporation Counsel

ORDINANCE NO. 18,099 was adopted as listed on the Consent Agenda by roll call vote of 11 Yeas; 0 Nays under the Omnibus Vote Designation.