

LAKE COUNTY ORDINANCE RECREATIONAL CANNABIS MORATORIUM

WHEREAS, Lake County, a body politic and corporate of the state of Illinois, is a non-home rule unit of local government pursuant to Article VII, § 8 of the 1970 Illinois Constitution; and

WHEREAS, Public Act 101-0027, which is a comprehensive revision of State statutes regulating the adult use of cannabis in Illinois, was signed into law on June 25, 2019 with many of its provisions effective January 1, 2020; and

WHEREAS, the Act authorizes local governments (including counties) to enact “reasonable zoning regulations” to mitigate any impacts from recreational cannabis businesses; and

WHEREAS, upon adoption of the Act on June 25, 2019, the Planning, Building and Development Department convened a multi-jurisdictional recreational cannabis model zoning ordinance task force to develop a series of model tools (including model regulations to ban or permit recreational cannabis businesses within a local government’s jurisdiction) in accordance with the Act; and

WHEREAS, upon the conclusion of the task force, on November 8, 2019, Lake County PB&D staff presented the findings of the task force to Lake County Board members at the Lake County Board Committee of the Whole and engaged in discussion of regulatory options for regulating recreational cannabis in unincorporated Lake County; and

WHEREAS, the heretofore unregulated aspects of recreational cannabis activity raise legitimate and substantial questions about the impact of activities allowed under Public Act 101-0027 with regard to planning, public health, and public safety issues in unincorporated areas; and

WHEREAS, to properly study and consider these potential community impacts, it is reasonable to allow additional time for collection and analysis of relevant information prior to making a decision to permit or ban recreational cannabis businesses in unincorporated Lake County; and

WHEREAS, the Lake County Board has the authority to regulate and restrict the use of land and structures and to prohibit certain uses incompatible with zoning districts within unincorporated Lake County, Illinois pursuant to Chapter 55, Section 5/5-12001 of the Illinois Compiled Statutes and in order to allow sufficient time for Lake County staff to study the potential impacts of and to recommend appropriate rules and regulations for such uses, it hereby implements a moratorium on recreational cannabis business establishments in unincorporated Lake County, Illinois.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF LAKE, ILLINOIS, as follows:

Section 1: Moratorium

Lake County does hereby declare a moratorium on the use of land or structures for the siting and operation of any and all recreational cannabis business establishments as defined in Public Act 101-0027, including but not limited to recreational cannabis dispensaries, cultivation centers, craft growers, infusers, processors and transporters within in unincorporated Lake County.

During the time this moratorium is in effect, no officer, official, employee, office, administrative board or agency of Lake County shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit, and other type of land use approval or permit and/or any other permits or licenses related to a recreational cannabis business establishment.

Section 2: Pending Proceedings

This Ordinance shall govern any proposed recreational cannabis business activity and/or establishment for which an application for a building permit, site plan, certificate of occupancy or any other required approval has been submitted to the Lake County Department of Planning, Building and Development, whether or not a pending proceeding, prior to the enactment of this Ordinance.

Section 3: Medical Cannabis Uses

This Ordinance will not limit the privileges or rights of medical cannabis uses in unincorporated Lake County as outlined in Chapter 151: Unified Development Ordinance of the Lake County, Illinois Code of Ordinances and as afforded by the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/).

Section 4: Violations

If any recreational cannabis business activity is conducted or facility established, in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance and Lake County shall be entitled to all rights available to it pursuant to Chapter 151. 250 et seq. of the Lake County, Illinois Code of Ordinances including, but not limited to fines and penalties, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations.

Section 5: Effective Date

This Ordinance shall be in full force and effect immediately upon its passage and shall remain in full force and effect for a period of 365 days thereafter, unless extended pursuant to law or until a new and revised set of regulations is adopted by Lake County, whichever shall first occur.