

VILLAGE OF BRADLEY

ORDINANCE NO. 204-25-02

AN ORDINANCE AMENDING CHAPTER 30 (OFFENSES AND MISCELLANEOUS PROVISIONS), ARTICLE V (NUISANCES), DIVISION 4 (BUSINESSES AND BUSINESS OPERATIONS), OF THE BRADLEY VILLAGE CODE

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 14th DAY OF April, 2025

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley, Kankakee County, Illinois this 14th day of April, 2025

ORDINANCE NO. 0-04-2502

AN ORDINANCE AMENDING CHAPTER 30 (OFFENSES AND MISCELLANEOUS PROVISIONS), ARTICLE V (NUISANCES), DIVISION 4 (BUSINESSES AND BUSINESS OPERATIONS), OF THE BRADLEY VILLAGE CODE

WHEREAS, the Corporate Authorities of the Village of Bradley, Kankakee County, Illinois, have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Illinois General Assembly recently enacted the Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*), which *inter alia* legalizes the possession and use of cannabis under certain circumstances; and

WHEREAS, the Village of Bradley previously passed ordinances that regulate and prohibit the possession and use of cannabis where such possession or use would amount to a violation of the Cannabis Control Act (720 ILCS 550/1, *et seq.*) and other applicable Illinois and federal statutes; and

WHEREAS, products containing tetrahydrocannabinol ("THC") such as Delta-8 tetrahydrocannabinol, ("Delta-8 THC"), and Delta-9 tetrahydrocannabinol, ("Delta-9 THC"), are psychoactive substances typically manufactured from hemp-derived cannabidiol ("CBD"); and

WHEREAS, the United States Drug Enforcement Agency has opined that synthetically derived Delta-8 and Delta-9 are illegal controlled substances; and

WHEREAS, Kratom is an herbal substance that can produce opioid and stimulant-like effects and is not presently regulated under the Controlled Substances Act; and

WHEREAS, some municipalities within the State of Illinois have already taken actions banning Kratom within their jurisdiction; and

WHEREAS, the sale of Delta-8 THC, Delta-9 THC, and Kratom, including to minors, is a danger to public health as these products may cause hallucination, vomiting, tremors, anxiety, dizziness, confusion, erratic behavior, aggression, suicidal ideation, psychosis and loss of consciousness, as well as negatively affecting cognitive functioning and even possibly causing death; and

WHEREAS, psychoactive cannabinoids, including Delta-8 THC, Delta-9 THC, and Kratom need to be regulated to protect public health and safety; and,

WHEREAS, the Corporate Authorities of the Village have determined that the sale and distribution of Delta-8 THC, Delta-9 THC, and Kratom within the Village is considered a public nuisance and therefore it is necessary and in the best interests of the Village and its citizens to

amend its ordinances to prohibit the sale and distribution of Delta-8 THC, Delta-9 THC, and Kratom.

NOW THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:

SECTION 1. The Corporate Authorities hereby find that all the recitals contained in the preamble to this Ordinance are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

SECTION 2. Chapter 30 (Offenses and Miscellaneous Provisions), Article V (Nuisances), Division 4 (Businesses and Business Operations), Section 30-289 (Certain businesses prohibited) is hereby amended with the addition of the bold and underlined text to read as follows:

Sec. 30-289. – Certain businesses prohibited.

(a) To locate and carry on any packinghouse, renderies, tallow candleries, glue and bone factories, soap factories, tanneries, within the limits of the village and within the distance of one mile outside the village limits is hereby declared to be a nuisance within the village.

(b) **No business operating within the Village of Bradley shall manufacture, sell, offer for sale, give away, deliver, or distribute any products that contain Kratom, Delta-8 THC, Delta-9 THC, or any other novel psychoactive or novel synthetic drug, or a chemical analog of Kratom, Delta-8 THC, Delta-9 THC, or any other novel psychoactive or novel synthetic drug.**

SECTION 3. In the event that any provision or provisions, portion or portions, or clause or clauses of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

SECTION 4. That all ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Ordinance, are hereby repealed to the extent of the conflict.

SECTION 5. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 6. That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

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PASSED by the Board of Trustees on a roll call vote on the 14th day of April, 2025.

TRUSTEES:

RYAN LEBRAN	Aye – <input checked="" type="checkbox"/>	Nay – <input type="checkbox"/>	Absent – <input type="checkbox"/>
BRIAN BILLINGSLEY	Aye – <input checked="" type="checkbox"/>	Nay – <input type="checkbox"/>	Absent – <input type="checkbox"/>
DARREN WESTPHAL	Aye – <input checked="" type="checkbox"/>	Nay – <input type="checkbox"/>	Absent – <input type="checkbox"/>
BRIAN TIERI	Aye – <input checked="" type="checkbox"/>	Nay – <input type="checkbox"/>	Absent – <input type="checkbox"/>
GRANT D. VANDENHOUT	Aye – <input checked="" type="checkbox"/>	Nay – <input type="checkbox"/>	Absent – <input type="checkbox"/>
GENE JORDAN	Aye – <input checked="" type="checkbox"/>	Nay – <input type="checkbox"/>	Absent – <input type="checkbox"/>

VILLAGE PRESIDENT:

MICHAEL WATSON Aye – ☐ Nay – ☐ Absent – ☐

TOTALS: Aye – 6 Nay – 0 Absent – 0

ATTEST:


KELLI BRZA, VILLAGE CLERK

APPROVED this 14th day of April, 2025.


MICHAEL WATSON, VILLAGE PRESIDENT

ATTEST:


KELLI BRZA, VILLAGE CLERK

STATE OF ILLINOIS)
) §§
COUNTY OF KANKAKEE)

I, Kelli Brza, Village Clerk of the Village of Bradley, County of Kankakee and State of Illinois, DO HEREBY CERTIFY that the attached is a true, perfect, and complete copy of Ordinance number 0-04-25-02, "AN ORDINANCE AMENDING CHAPTER 30 (OFFENSES AND MISCELLANEOUS PROVISIONS), ARTICLE V (NUISANCES), DIVISION 4 (BUSINESSES AND BUSINESS OPERATIONS), OF THE BRADLEY VILLAGE CODE," which was adopted by the Village Corporate Authorities at a meeting held on the 14th day of April, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 14th day of April, 2025.


KELLI BRZA, VILLAGE CLERK

— (SEAL)





Agenda Cover Memorandum

Meeting Date: April 14th, 2025

Fiscal Year: FY2024-25

Agenda Item: AN ORDINANCE AMENDING CHAPTER 30 (OFFENSES AND MISCELLANEOUS PROVISIONS), ARTICLE V (NUISANCES), DIVISION 4 (BUSINESSES AND BUSINESS OPERATIONS), OF THE BRADLEY VILLAGE CODE

Internal Review

Initials

Date

Item Type: ☒ Ordinance Resolution ☐ Other

Action Requested: ☒ Approval ☒ First Reading ☐ For Discussion ☐ Informational

Staff Contact: Name: Chief Donald Barber

Phone: 815-936-5115

Email: dbarber@bradleyil.org

Brief Summary:

The Village of Bradley Police Department products containing tetrahydrocannabinol ("THC") such as Delta-8 tetrahydrocannabinol, ("Delta-8 THC"), and Delta-9 tetrahydrocannabinol, ("Delta-9 THC"), are psychoactive substances typically manufactured from hemp-derived cannabidiol ("CBD"); and, the United States Drug Enforcement Agency has opined that synthetically derived Delta-8 and Delta-9 are illegal controlled substances; and Kratom is an herbal substance that can produce opioid and stimulant-like effects and is not presently regulated under the Controlled Substances Act; and , some municipalities within the State of Illinois have already taken actions banning Kratom within their jurisdiction; and , the sale of Delta-8 THC, Delta-9 THC, and Kratom, including to minors, is a danger to public health as these products may cause hallucination, vomiting, tremors, anxiety, dizziness, confusion, erratic behavior, aggression, suicidal ideation, psychosis and loss of consciousness, as well as negatively affecting cognitive functioning and even possibly causing death.

Recommendation:

The recommendation is that an ordinance authorizing the ban or sale of any products containing any of the above mentioned products be reviewed and adopted.

Supporting Documents:

Financial (if applicable)

Is this a budgeted item? ☐ Yes ☒ No ☐ Requires Budget Amendment

Line Item: Title:

Amount Budgeted:



Actual Cost:

Agenda Cover Memorandum

Outcome: