

VILLAGE OF BRADLEY

ORDINANCE NO. O-11-19-5

AN ORDINANCE REPEALING ORDINANCE NO. O-9-17-4 AND THE SPECIAL USE
PERMIT FOR A MEDICAL CANNABIS DISPENSARY GRANTED THEREBY

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 12 DAY OF November, 2019

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois this 12 day of November, 2019

ORDINANCE NO. O-11-19-5

AN ORDINANCE REPEALING ORDINANCE NO. O-9-17-4 AND THE SPECIAL USE PERMIT FOR A MEDICAL CANNABIS DISPENSARY GRANTED THEREBY

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, in 2017, Regatta Partners, LLC (the “Applicant”), requested a special use permit for the purposes of operating a medical cannabis dispensary within the corporate boundaries of the Village (the “Special Use Permit”); and

WHEREAS, on September 25, 2017, the Village passed Ordinance No. O-9-17-4, granting the Applicant the Special Use Permit for property commonly known as 265 Stebbings Court, Bradley, Illinois 60915 (the “Subject Property”) — a copy of Ordinance No. O-9-17-4 is attached hereto as Exhibit A and fully incorporated herein; and

WHEREAS, at all time the Applicant was acting on behalf of the owner of the Subject Property, Common Developers, Inc. (the “Owner”), as its authorized agent; and

WHEREAS, to date no medical cannabis dispensary use has been established on the Subject Property and no other development has occurred in connection with the Special Use Permit; and

WHEREAS, Section 60-403 of the Bradley Zoning Ordinance provides that where, as here, “a special use has been granted [but] no development has taken place within two years, the planning and zoning commission may recommend to the village board that such zoning be affirmed or repealed to its most appropriate zoned district classification”; and

WHEREAS, on November 8, 2019, the Village of Bradley Planning and Zoning Commission (the “Plan Commission”) conducted a public hearing on the question of whether or not to recommend repealing Ordinance No. O-9-17-4, with notice of said hearing having been duly provided, by certified and regular mail, to both the Applicant and the Owner; and

WHEREAS, at the November 8, 2019, public hearing, all interested parties were given a full and fair opportunity to be heard; and

WHEREAS, the Plan Commission has recommended that the Village Board repeal Ordinance No. O-9-17-4; and

WHEREAS, the Corporate Authorities of the Village concur in the Plan Commission’s recommendation; and

WHEREAS, the Corporate Authorities of the Village have determined that repealing Ordinance No. O-9-17-4 and the Special Use Permit granted thereby are in the best interests of the Village and its citizens.

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 of 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. That Ordinance No. O-9-17-4 and the special use permit granted thereby are hereby repealed.

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.

PASSED by the Board of Trustees on a roll call vote on the 12 day of November, 2019.

TRUSTEES:

ROBERT REDMOND	Aye - <u>X</u>	Nay - <u> </u>	Absent - <u> </u>
MICHAEL WATSON	Aye - <u>X</u>	Nay - <u> </u>	Absent - <u> </u>
RYAN LEBRAN	Aye - <u>X</u>	Nay - <u> </u>	Absent - <u> </u>
BRIAN BILLINGSLEY	Aye - <u>X</u>	Nay - <u> </u>	Absent - <u> </u>
DARREN WESTPHAL	Aye - <u>X</u>	Nay - <u> </u>	Absent - <u> </u>
BRIAN TIERI	Aye - <u>X</u>	Nay - <u> </u>	Absent - <u> </u>

ACTING VILLAGE PRESIDENT:

MICHAEL WATSON Non-Voting - X

TOTALS: Aye - 6 Nay - 0 Absent - 0

ATTEST:

Julie Tambling
JULIE TAMBLING, VILLAGE CLERK

APPROVED this 12 day of November, 2019.

Michael Watson
MICHAEL WATSON, ACTING VILLAGE PRESIDENT

ATTEST:

Julie Tambling
JULIE TAMBLING, VILLAGE CLERK

STATE OF ILLINOIS)
) §§
COUNTY OF KANKAKEE)

I, Julie Tambling, 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 O-11-19-5, "AN ORDINANCE REPEALING ORDINANCE NO. O-9-17-4 AND THE SPECIAL USE PERMIT FOR A MEDICAL CANNABIS DISPENSARY GRANTED THEREBY," which was adopted by the Village Corporate Authorities at a meeting held on the 12 day of Nov, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 12 day of Nov, 2019.



JULIE TAMBLING, VILLAGE CLERK

(SEAL)



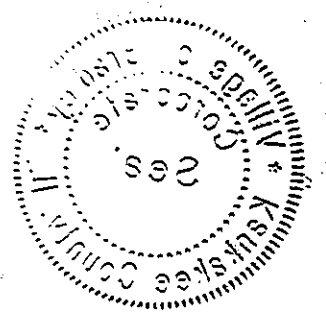


EXHIBIT A

VILLAGE OF BRADLEY

ORDINANCE NO. 0-9-17-4

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR THE OPERATION OF A
MEDICAL MARIJUANA DISPENSARY ON CERTAIN PREMISES LOCATED WITHIN THE
VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 25 DAY OF SEPT., 2017

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois this 25 day of SEPT., 2017

ORDINANCE NO. O-9-17-4

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR THE OPERATION OF A MEDICAL MARIJUANA DISPENSARY ON CERTAIN PREMISES LOCATED WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS

WHEREAS, the President and Board of Trustees 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 land described in Section 2 of this Ordinance (the “Subject Property”), *infra*, is located within the corporate boundaries of the Village; and

WHEREAS, Regatta Partners, LLC (the “Applicant”), holds a leasehold interest in the Subject Property and has been duly authorized by the owner of said property to apply and receive approval for a special use permit to operate a medical marijuana dispensary upon the Subject Property; and

WHEREAS, the Applicant’s application for approval of a special use permit, with all necessary documentation and supporting data (the “Application”), has been submitted to the President and Board of Trustees of the Village by the Village of Bradley Planning and Zoning Commission (the “Plan Commission”); and

WHEREAS, the Plan Commission held a public hearing to consider the Application on September 5, 2017, with notice having been properly given for the same, and at that time made all findings of fact required by and pursuant to the Village of Bradley Code of Ordinances (the “Village Code”); and

WHEREAS, the Plan Commission has recommended that the President and Board of Trustees approve the Application and pass this Ordinance granting the Applicant a special use permit for the operation of a medical marijuana dispensary upon the Subject Property, subject to the conditions set forth herein; and

WHEREAS, the Plan Commission has supported its recommendation by setting forth its findings of fact in accordance with the requirements of the Village Code; and

WHEREAS, the President and Board of Trustees of the Village hereby approve and adopt the Plan Commission’s findings of fact; and

WHEREAS, the President and Board of Trustees of the Village hereby find that it is in the best interest of the citizens of the Village to grant the Applicant’s Application for a special use permit for the operation of a medical marijuana dispensary upon the Subject Property, subject to the conditions imposed herein.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:

SECTION 1. The President and Board of Trustees hereby find that all of 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. That the President and Board of Trustees of the Village hereby accept the recommendations of the Plan Commission and grant and approve a special use permit for the purpose of operating a medical marijuana dispensary over and upon the land legally described in this Section (hereinafter the "Subject Property"). The Subject Property is zoned M (Industrial District) and is legally described as follows:

Lots 6 & 7, Hoover Plaza being a Subdivision of part of the Southeast Quarter of Section 20, Township 31 North, Range 12 East of the Third Principle Meridian, Kankakee County, Illinois.

Bearing the Tax PIN: 17-09-20-416-015

Commonly known as: 265 Stebbings Court, Bradley, Illinois 60915

SECTION 3. That the Subject Property, legally described in Section 2 of this Ordinance, *supra*, is hereby granted a special use permit for the purposes of operating a medical marijuana dispensary (the "Dispensary") pursuant to Section 60-401(b) of the Bradley Village Code, provided however that such special use permit is explicitly granted subject to (1) the conditions set forth in Section 4 of this Ordinance, *infra*, and (2) the revocation provision set forth in Section 5 of this Ordinance, *infra*.

SECTION 4. That pursuant to Section 60-400 of the Bradley Village Code, the special use permit granted by this Ordinance shall be subject to the following special conditions:

- (1) The Dispensary shall be operated at all times in full and strict compliance with every applicable requirement of the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1, *et. seq.*) (the "Medical Cannabis Act"), as amended from time to time, as well as all applicable rules and regulations promulgated by any and all agencies of the State of Illinois as may, from time to time, have rulemaking and enforcement authority under said act, including but not limited to the Illinois Department of Public Health, the Illinois Department of Agriculture, and/or the Illinois Department of Financial and Professional Regulation, as the case may be.
- (2) The Applicant shall (a) maintain at all times that the Dispensary is in operation and (b) present for inspection upon the request of any peace officer of the Village of Bradley or of any other political subdivision of the State of Illinois its valid dispensing organization registration, as defined in the Medical Cannabis Act.

(3) The Dispensary shall not be located within 1,000 feet of the property line of a pre-existing public preschool, private preschool, elementary school, secondary school, day care center, day care home, group day care home, or part day child care facility.

(4) The Dispensary shall not hold itself open for business or offer service to any person for any purpose at any time except as follows:

Monday–Saturday: 8:00 a.m. through 8:00 p.m.
Sunday: 10:00 a.m. through 6:00 p.m.

(5) Before commencing operation of the Dispensary, the Applicant shall submit a plan detailing any and all proposed signage to be placed upon the Subject Property to the Village and shall not put up any signage or begin operating the Dispensary until such signage plan has been duly approved by the Village. Once the signage plan anticipated by this section has been approved by the Village and the Dispensary has commenced operation, the Applicant shall not in any way change, alter, supplement, or replace the signage on the Subject Property without first seeking and receiving Village approval for any such change, alteration, supplementation, or replacement.

Under no circumstances shall any signage be permitted upon the Subject Property (1) that includes any graphic depiction of the cannabis plant; (2) that includes any variation of the words “marijuana” or “cannabis”; (3) that includes any variation of any slang word commonly used to reference or identify marijuana/cannabis; or (3) that is a neon sign.

(6) Before commencing operation of the Dispensary, the Applicant shall submit a proposed security plan to the State of Illinois that details each and every security measure that the Applicant intends to put into effect to secure the Subject Property during all times that the Dispensary will be in operation. Under no circumstances will the Applicant be allowed to commence operation of the Dispensary pursuant to the special use permit granted by this Ordinance until (1) the Applicant submits its proposed security plan as required by this section, and (2) the Applicant certifies that each and every security measure contained within the approved security plan has been put into effect and is properly functioning, as the case may be. Thereafter, no change, alteration, supplementation, or replacement of any aspect of the security system approved by the State of Illinois shall be permitted unless the Applicant first requests and secures approval from the State of Illinois for such change, alteration, supplementation, or replacement.

The Applicant shall at all times operate in strict compliance with the security plan approved by the State of Illinois.

SECTION 5. That by beginning and continuing to operate pursuant to the special use permit granted by this Ordinance, the Applicant explicitly acknowledges and agrees that if, after reasonable notice and a public hearing, the Village President and Board of Trustees determine that the Applicant is operating or has operated the Dispensary in violation of (1) any provision of the Medical Cannabis Act or (2) any of the special conditions imposed upon such operation by this Ordinance and set out in Section 4 hereof, *supra*, the Applicant’s special use permit, as granted by this Ordinance, is and shall be immediately and automatically revoked and this Ordinance shall be immediately and automatically repealed without the requirement of any further action by the

Village. With specific regard to any revocation arising from any violation of the Medical Cannabis Act, the Applicant explicitly acknowledges and agrees, by beginning and continuing to operate pursuant to the special use permit granted by this Ordinance, that the operation of this revocation provision shall not in any way be dependent upon a prior determination by any other public body that the Applicant is operating or has operated the Dispensary in violation of the Medical Cannabis Act.

SECTION 6. 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 7. 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 8. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 9. 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.

PASSED by the Board of Trustees on a roll call vote on the 25 day of Sept., 2017.

TRUSTEES:

GERALD BALTHAZOR	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
ROBERT REDMOND	Aye - <input type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input checked="" type="checkbox"/>
LORI GADBOIS	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
MICHAEL WATSON	Aye - <input type="checkbox"/>	Nay - <input checked="" type="checkbox"/>	Absent - <input type="checkbox"/>
DON BARBER	Aye - <input type="checkbox"/>	Nay - <input checked="" type="checkbox"/>	Absent - <input type="checkbox"/>
JACLYN DUGAN-ROOF	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>

VILLAGE PRESIDENT:

BRUCE ADAMS	Aye - <input type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
TOTALS:	Aye - <u>3</u>	Nay - <u>2</u>	Absent - <u>1</u>

ATTEST:


 MICHAEL J. LAGESSE, VILLAGE CLERK

APPROVED this 25 day of SEPTEMBER, 2017.



Bruce W. Adams
BRUCE ADAMS, VILLAGE PRESIDENT

ATTEST:

Michael J. Lagesse
MICHAEL J. LAGESSE, VILLAGE CLERK

STATE OF ILLINOIS)
)
COUNTY OF KANKAKEE) §§

I, Michael J. LaGessee, 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 O-9-17-4, "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR THE OPERATION OF A MEDICAL MARIJUANA DISPENSARY ON CERTAIN PREMISES LOCATED WITHIN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS" which was adopted by the Village President and Board of Trustees at a meeting held on the 25 day of SEPT, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 25 day of SEPT, 2017.



MICHAEL J. LAGESSE, VILLAGE CLERK

