

**CITY OF COLUMBIA, ILLINOIS  
ORDINANCE NO. 3488**

**AN ORDINANCE AMENDING TITLE 9 OF THE MUNICIPAL CODE OF THE CITY  
OF COLUMBIA RELATING TO THE USE OF CANNABIS**

**WHEREAS,** the City of Columbia (“City”), Monroe and St. Clair Counties, Illinois is a duly created, organized and validly existing municipality of the State of Illinois under the 1970 Illinois Constitution and the laws of the State of Illinois, including particularly the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto; and

**WHEREAS,** the Cannabis Regulation and Taxation Act specifically allows for the imposition of civil, criminal, or other penalties for violations of provisions relating to the use and possession of cannabis, 410 ILCS 705/0-35; and

**WHEREAS,** the Municipal Code currently contains provisions relating to offenses involving Alcohol, Drugs, and Tobacco; and

**WHEREAS,** the Corporate Authorities of the City deem it to be in the best interest of the public health, safety, and welfare of the residents of the City to amend the guidelines and procedures set forth in the Municipal Code regarding the possession and use of Cannabis within the corporate limits of the City.

**NOW THEREFORE BE IT ORDAINED,** by the Mayor and City Council of the City of Columbia, as follows:

**Section 1.** The preceding recitations in the upper part of this Ordinance are realleged, restated and adopted as paragraph one (“1”) of this Ordinance.

**Section 2.** That Title 9 of the Municipal Code of the City of Columbia shall be amended by the addition of Chapter 9.32 that will read as follows:

**“CHAPTER 9.32 REGULATION OF USE OF CANNABIS**

**Section 9.32.010. Definitions.**

Whenever reference is made in this Chapter to the “Illinois Cannabis Act” or the “Cannabis Act” it shall mean the Cannabis Regulations and Tax Act of Illinois approved June 25, 2019, in force January 1, 2020. All other words and phrases used herein shall have the same meaning as the same or similar words or phrases defined by and used in said Cannabis Regulations and Tax Act, including the following:

“Act” shall mean the Cannabis Regulation and Tax Act of Illinois approved June 25, 2019 as Public Act 101-0027.

“Advertise” means to engage in promotional activities including, but not limited to: newspaper, radio, Internet and electronic media, and television advertising; the distribution of fliers and circulars; and the display of window and interior signs.

“Cannabis” means marijuana, hashish, and other substances that are identified as including any parts of the plant *Cannabis sativa* and including derivatives or subspecies, such as *indica* of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, “cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant this incapable of germination. “Cannabis” does not include industrial hemp as defined and authorized under the Industrial Hemp Act. “Cannabis” also means concentrate and cannabis-infused products.

“Cannabis Business Establishment” means a cultivation center, craft grower, processing organization, infusion organization, dispensing organization, or transporting organization.

“Cannabis Container” means a sealed, traceable container, or package used for the purpose of containment of cannabis or cannabis-infused product during transportation.

“Dispensary” means a facility operated by a dispensing organization at which activities licensed by the Act may occur.

“Dispensing organization” means a facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis infused products, cannabis seeds, paraphernalia, or related supplies under this Act to purchasers or to qualified registered medical cannabis patients and caregivers.

“Ownership and control” means ownership of at least 51% of the business, including corporate stock if a corporation, and control over the management and day-to-day operations of the business and an interest in the capital, assets, and profits and losses of the business proportionate to percentage of ownership.

“Person” means a natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.

“Public Place” means any place where a person could reasonably be expected to be observed by others. “Public Place” includes all parts of buildings owned in whole or in part, or leased by the State of Illinois or the City of Columbia. “Public Place” includes all areas in a park, recreation area, wildlife area, or playground owned in whole or in part, leased, or managed by the State of Illinois or the City of Columbia. “Public Place” does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises.

**Section 9.32.020. Reserved.**

**Section 9.32.030. Regulations and Restrictions.**

- (a) Reserved.
- (b) Reserved.
- (c) It shall be unlawful to consume or use cannabis on the premises of a Cannabis Business Establishment.
- (d) It shall be unlawful to operate any form of a Cannabis Lounge or similar type establishment or for a retail tobacco store to allow on-premises consumption of cannabis.
- (e) It shall be unlawful to advertise cannabis or a cannabis infused product in any form or through any medium:
  - (1) Within 1,000 feet of the perimeter of school grounds, a playground, a recreation center or facility, a child care center, a public park, a public library, or a game arcade where admission is not restricted to persons 21 years of age or older;
  - (2) In or on a public transit vehicle or public transit shelter; or,
  - (3) On publicly owned or publicly operated property.
- (f) It shall be unlawful to undertake any task under the influence of cannabis when doing so would constitute negligence, professional malpractice, or professional misconduct.
- (g) It shall be unlawful to operate, navigate or be in actual physical control of any motor vehicle, aircraft, or motorboat while using or under the influence of cannabis.
- (h) It shall be unlawful to possess or use cannabis on a school bus or grounds of a pre-school, primary, or secondary school unless used by a qualifying patient or caregiver pursuant to the Compassionate Use or Medical Cannabis Program Act.
- (i) It shall be unlawful to possess or use cannabis in a private residence used at any time to provide licensed childcare or other similar social service care on the premises.

- (j) It shall be unlawful to use cannabis in any motor vehicle, in any Public place or in any place where smoking is prohibited under the Smoke Free Illinois Act.
- (k) It shall be unlawful to facilitate the use of cannabis by a person not allowed to use cannabis under the Act.
- (l) It shall be unlawful to knowingly use cannabis in close proximity (within 15 feet) of anyone under the age of 21 who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Program Act.
- (m) It shall be unlawful to grow cannabis unless authorized by the Compassionate Use of Medical Cannabis Program Act.
- (n) It shall be unlawful for a person who is 21 years or older and a resident of Illinois to possess more than:
  - (1) 30 grams of cannabis flower;
  - (2) 500 milligrams of THC contained in a cannabis-infused product; or,
  - (3) 5 grams of cannabis concentrate.
- (o) It shall be unlawful for a non-resident of Illinois to possess more than:
  - (1) 15 grams of cannabis flower;
  - (2) 250 milligrams of THC contained in a cannabis-infused product; or,
  - (3) 2.5 grams of a cannabis concentrate.
- (p) It shall be unlawful for a parent or guardian to knowingly permit his or her residence or any other private property under his or her control, or any vehicle under his or her control to permit the consumption of cannabis by a person under the age of 21.
- (q) Nothing herein shall prevent a private business from restricting or prohibiting the use or possession of cannabis on its property, including areas where motor vehicles are parked.
- (r) Nothing herein shall require an individual or business entity to violate the provisions of federal law.

**Section 9.32.040. Penalties.**

The penalties under this Section shall be as provided in the Municipal Code of the City of Columbia, Section 1.16.010, Violation-Penalty.”

**Section 3.** This Ordinance shall take full force and effect immediately upon passage by the Corporate Authorities.

**PASSED** by the City Council and **APPROVED** by the Mayor of the City of Columbia, Illinois and deposited and filed in the office of the City Clerk on the 16<sup>th</sup> day of December, 2019, the vote being taken by ayes and noes and entered upon the legislative record as follows:

AYES: Aldermen Ebersohl, Niemietz, Roessler, Huch, Holtkamp, Martens, and Riddle.

NOES: None.

ABSTENTIONS: None.

ABSENT: Alderman Agne.

APPROVED:

  
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KEVIN B. HUTCHINSON, Mayor

ATTEST:

  
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WESLEY J. HOEFFKEN, City Clerk

(SEAL)