

ORDINANCE NO. #19-LP8

**AN ORDINANCE
PROHIBITING CANNABIS BUSINESS ESTABLISHMENTS**

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

WHEREAS, this Ordinance is adopted pursuant to the provisions of the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027, which provides that the County has the authority to enact ordinances to prohibit or significantly limit a cannabis business establishment's location; and

WHEREAS, the County has determined that the operation of cannabis business establishments would present adverse impacts upon the health, safety and welfare of the residents, and additional costs, burdens and impacts upon law enforcement and regulatory operations of the County; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF MARSHALL 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. CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED. The Ordinance will read as follows:

[Ordinance] CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED.

1. **DEFINITION.** The following words and phrases shall, for the purposes of this [Ordinance], have the meanings respectively ascribed to them by this section, as follows:

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT: A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization

ADULT-USE CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure, and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business

establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION: A facility operated by an organization or business that is licensed by the Illinois Department of financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER: An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

PERSON: Any person, firm, corporation, association, club, society or other organization, including any owner, manager, proprietor, employee, volunteer or agent.

- 2. CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED.** The following Adult-Use Cannabis Business Establishments are prohibited in the County of Marshall. No person shall locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation within the County of Marshall of any of the following:

Adult-Use cannabis Craft Grower

Adult-Use Cannabis Cultivation Center

Adult-Use Cannabis Dispensing Organization

Adult-Use Cannabis Infuser Organization or Infuser

Adult-Use Cannabis Processing Organization or Processor

Adult-Use Cannabis Transporting Organization or Transporter

3. **PUBLIC NUISANCE DECLARED.** Operation of any prohibited Cannabis Business Establishment within the County in violation of the provisions of this [Article / Chapter / Section] is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

4. **VIOLATIONS.** Violations of this Ordinance may be enforced in accordance with the provisions.

SECTION 3. SEVERABILITY. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

Passed by the County Board this ____ day of _____, 2019.

AYES: _____
NAYS: _____
PRESENT: _____
ABSTAIN/ABSENT: _____

Approved this ____ day of _____, 2019.

CHAIRPERSON, MARSHALL COUNTY

ATTEST:

COUNTY CLERK

Discussion Only
Tabled?
Up to the Chairman
if it goes on the
October agenda.

Marshall County Resolution

Tue, Aug 6, 2019 at 7:58 PM

STATE OF ILLINOIS
MARSHALL COUNTY BOARD
COUNTY OF MARSHALL
AUGUST SESSION, A.D. 2019
RESOLUTION

OPPOSING BUFFALO RUN CAFO AND FUTURE CAFOs

A RESOLUTION TO PROTECT THE CITIZENS OF MARSHALL COUNTY IN MAINTAINING THEIR RIGHTS TO CLEAN WATER AND CLEAN AIR AS SET FORTH IN THE ILLINOIS CONSTITUTION

WHEREAS, the Marshall County Board has become aware of the proposed swine confinement, Buffalo Run sow farm, to be located in Marshall County Illinois.

WHEREAS, Article XI of the Illinois Constitution was enacted by the people to protect the citizens' rights to live in a healthy environment; and,

WHEREAS, Section 1, Article XI of the Illinois Constitution-Public Policy-Legislative Responsibility states that the public policy of the State and the duty of each person is to provide and maintain a healthy environment for the benefit of this and future generations. The General Assembly shall provide by law for the implementation and enforcement of this public policy; and,

WHEREAS, Section 2, Article XI of the Illinois Constitution-Rights of Individuals states that each person has the right to a healthful environment. Each person may enforce this right against any party, governmental or private, through appropriate legal proceedings subject to reasonable limitation and regulation as the General Assembly may provide by law; and,

WHEREAS, high-risk health and environmental concerns with this proposed CAFO location, manure decomposes into hydrogen sulfide, ammonia, and other toxic gases.

WHEREAS, serious health risks will be created from the dispersal of dust and particulates, antibiotics, volatile organic compounds, viruses, and antibiotic resistant bacteria including MRSA from the barns and the various manure application sites in the neighborhood; and,

WHEREAS Spills and over application from CAFOs routinely occur and surface water, the Sankoty aquifer, and well water in the community will be threatened; and,

WHEREAS Additional water usage from the operation of the Buffalo Run CAFO will create a shortage of water related to the current water supply of wells and the Sankoty aquifer that supplies those wells as well as the water supplied to the city of Henry; and,

WHEREAS, townships and counties routinely end up paying for upkeep and for damaged local roads due to increased CAFO heavy semi-truck traffic and will place prohibitive financial burdens upon the Saratoga Township and Marshall County budget during construction and in the future; and,

WHEREAS, protecting the health, existing quality of life, use of property, and existing environment of the citizens of Saratoga Township in Marshall County is a number one priority.

NOW, THEREFORE, BE IT RESOLVED that the Marshall County Board request the representatives of the State of Illinois to pass a bill giving our counties and townships binding local control of the siting and size of CAFOs within a county. The Livestock Management Facilities Act (LMFA) needs to be amended to correct loopholes and protect the citizens of all counties in the State of Illinois; and,

NOW, THEREFORE IT BE RESOLVED that the Marshall County Board adopt this resolution expressing its opposition to the planned construction of the Buffalo Run CAFO and reject this proposed construction plan for reasons stated above.

BE IT FURTHER RESOLVED that the Marshall County Board requests the Illinois Department of Agriculture to disapprove the proposed application from Buffalo Run and future CAFOs until there is meaningful reform to the LMFA.

 Final Marshall County Resolution.docx
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