

## MEMORANDUM

TO: Village President and Board of Trustees

FROM: Robert O. Barber, Village Administrator

DATE: Friday, September 20, 2019

RE: VILLAGE ADMINISTRATOR MATERIALS FOR VILLAGE BOARD MEETING

BOARD MEETING DATE: *Monday, September 23, 2019 at 7:00 p.m.*

## A G E N D A

I. PLEDGE TO THE FLAG

II. ROLL CALL

III. APPROVAL OF MINUTES OF THE PREVIOUS MEETINGS OF THE MONTH

IV. VILLAGE CLERK REPORT

V. RECOGNITION OF AUDIENCE

1. (President Szymanski) (School District Board invited) CONSIDER A MOTION AUTHORIZING THE VILLAGE ATTORNEY TO DRAFT AN ORDINANCE IMPOSING A MORATORIUM ON THE COLLECTION OF ALL WATER AND SEWER TAP-IN AND CASH IN LIEU OF LAND FEES FOR PARKS AND SCHOOLS AND LIMITING THE BUILDING PERMIT FEE FOR A SINGLE FAMILY DWELLING UNIT AT \$1,500. At the last meeting the Village Board desired to discuss this moratorium with the School Board and all School Board members have been invited to this meeting. The School District has also posted this meeting as a public meeting of the School Board. At the meeting those that attend will be provided the same material provided in this packet concerning fees and housing starts in neighboring communities. After the discussion the Village Board can craft a motion describing the length of the moratorium and to what extent it will cover.

2. (President Szymanski) (PZC members invited) CONSIDER AN ORDINANCE IMPOSING A RETAILER'S OCCUPATION TAX OF 3% ON THE SALE OF RECREATIONAL CANNABIS

**AND**

CONSIDER AUTHORIZING THE VILLAGE ATTORNEY TO DRAFT AN ORDINANCE PROHIBITING THE SALE OF RECREATIONAL CANNABIS IN THE VILLAGE. Although the Village Board has already sent a zoning ordinance to the PZC to allow for the sale of recreational cannabis, the Village Attorney has requested that these two items be placed on the agenda and will be at the meeting to explain all options including taxation, prohibition, permitting the sale of cannabis and the timelines to pass such ordinances. Teska has drafted the enclosed maps showing where cannabis could be sold if the current model ordinance is adopted with the suggested boundaries. The PZC has been invited to the meeting to share in the discussion.

A. FINANCE AND ADMINISTRATION COMMITTEE - Frank Basile

1. PRESENTATION OF AUDIT is scheduled for our next Village Board meeting which will be on Tuesday, October 15<sup>th</sup> at 7pm, since Monday is a legal holiday.

2. REQUEST FOR CLOSED SESSION to review, approve and release minutes of prior meetings.

B. PUBLIC BUILDINGS AND PROPERTIES, PARKS AND RECREATION COMMITTEE  
- Scott Wehling

1. PICNIC SHELTER BY BATHROOMS TO BE SKINNED IN METAL. This will standardize the red and white theme on all the buildings in the park. The roof is failing and needs to be replaced.

2. 533 REED UPDATE. The building has been lettered, and the cement ramps are complete. Asphalt grindings are being installed on the property to act as a buffer for weeds and to allow for more public parking in the future.

C. PLANNING, BUILDING AND ZONING COMMITTEE - Stacy Mazurek

1. PZC TO MEET THIS THURSDAY, SEPTEMBER 26<sup>TH</sup> at 7pm to hold a public hearing on the proposed comprehensive plan and to continue discussions on a rec cannabis zoning ordinance pending the results of our Village Board meeting discussion.

2. REQUEST FOR CLOSED SESSION TO DISCUSS PENDING LITIGATION has been requested by the Village Attorney.

D. PUBLIC SAFETY COMMITTEE - Todd Kraus

1. STATUS OF FULL TIME OFFICER HIRING LIST will be provided by the Chair.
2. STATUS OF NEW VEHICLE PURCHASE will be provided by the Chief.
3. CONSIDER A MOTION APPROVING TRICK OR TREAT HOURS FOR THURSDAY, OCTOBER 31<sup>ST</sup> FROM 4-7 PM. There will be no rain dates.

E. PUBLIC WORKS COMMITTEE - Jonathan Kypuros

1. WASTEWATER TREATMENT PLANT PROGRESS UPDATE to be provided by the Administrator.
2. CONSIDER A MOTION APPROVING A CHANGE ORDER FROM I.H.C. IN THE AMOUNT OF \$26,111.00 FOR REPLACING THE PIPING IN THE WET WELL AT THE BEECHER WWTP. When the new pumps were installed cavitation occurred. It was discovered that the existing piping was sucking air since the gases and acids in the sewage from the past 20 years ate through the lining of the pipes which were exposed to both the air and the water in the wet well. This replacement was recommended by the engineer and approved by the Administrator, Village President and the Committee Chair due to the emergency nature of the replacement (the entire job had to be shut down) and the fact that we were bypass pumping at a huge expense. However, in order to receive IEPA loan funding the Village Board has to also approve the change order. It is recommended the change order be approved. This will leave \$20,000 remaining in contingency.
3. LEAD LINE REPLACEMENT PROJECT UPDATE to be provided by the Supt. This will explain all of the blue marking paint showing up in the old part of town.
4. CONSIDER A PROPOSAL FOR DESIGN ENGINEERING: DIXIE HIGHWAY SEGMENT WATERMAIN REPLACEMENT. Two proposals (Baxter and Woodman and Robinson) were solicited for this project. The Robinson proposal of \$19,950 is \$5,050 less expensive than the B+W proposal of \$25,000. The Chair may be requesting that this item be tabled so that he can have further discussion with the Supt. on this project.
5. STUMP REMOVAL UPDATE to be provided by the Supt.
6. ROAD PATCHING UPDATE to be provided by the Supt.
7. CONSIDER REPLACING A STREET LIGHT AT CAMDEN AND STONINGTON IN THE AMOUNT OF \$6,164.00. Last Fall this light was struck by what we believe was a piece of farm equipment but this could not be proven. Public Works went to order a replacement light pole thinking that it would cost around the same as our street sign poles in town but the manufacturer

led them to a distributor who wants \$6,164 for the materials. We thought his was outrageous and spent another few months researching our options. The end result is that we do not have any other option and if this occurs in the future we will turn into insurance. We never thought it would cost this much. Since it is over \$5,000 and not budgeted we bring this to the Board for approval. The street lighting line item will be charged for the light. We have had complaints that it has been a year since this pole has been struck and not replaced.

#### 8. REQUEST FOR CLOSED SESSION AT THE END OF THE MEETING TO DISCUSS PERSONNEL: HIRING OF AN MMI CANDIDATE TO REPLACE JAKE PEVION.

#### F. ECONOMIC DEVELOPMENT AND COMMUNITY RELATIONS COMMITTEE

- Marcy Meyer

1. SESQUICENTENNIAL UPDATE. Sit-N-Bull and Gould Vault are in for the street dance on July 25<sup>th</sup> next year and a letter went out to all of the local eating establishments inviting them to set up at the dance in a "Taste of Beecher" setting free of charge. The deadline to set up for that is October 15<sup>th</sup>. The Village President is also booking a band. We still have to decide on what we want to do for Sunday, August 2, 2020. We need confirmation that we want to do an all-church picnic from noon to 3pm on that day and what we are going to do for that event. Perhaps everyone brings a dish to pass for the picnic and we have a pig roast or something like that. What are your thoughts?

#### G. VILLAGE PRESIDENT REPORT

1. CONSIDER AN AMENDED PROJECT BUDGET FOR THE QUIET ZONE. Enclosed is a revised project budget which is now \$167,299.35. We budgeted \$100,000 for this project. A large part of the cost is the requirements of the Union Pacific Railroad which totals \$44,200. Also, much of this project is now proposed to be contracted out freeing up public works to do other work in town. The General Fund was originally going to borrow this money from the Water and Sewer Debt Fund and repay it over five years. This would require annual payments of \$33,400. Another option is to place a "due to" on the General Fund and when its balances improve pay off the Debt Fund. This is for discussion only at this time since we do not have the permits from the UPRR yet and this work is now scheduled for the Spring of 2020 to stay out of the way of the farmers at harvest time.

2. RESULTS OF ILLINOIS MUNICIPAL LEAGUE CONFERENCE. This conference was held last week and attended by several Board members. An update of the results will be provided at the meeting.

#### H. OLD BUSINESS

#### I. NEW BUSINESS

J. ADJOURN INTO EXECUTIVE SESSION (if necessary)

K. ADJOURNMENT

Monthly Reports:

1. Building Department
2. Police Department
3. EMA
4. Code Enforcement
5. Water
6. Sewer
7. Water Billing Register

**MINUTES OF THE REGULAR MEETING OF THE PRESIDENT  
& BOARD OF TRUSTEES OF THE VILLAGE OF BEECHER  
HELD AT THE BEECHER VILLAGE HALL,  
625 DIXIE HIGHWAY, BEECHER, ILLINOIS  
SEPTEMBER 9, 2019 -- 7:00 P.M.**

All present joined in the Pledge to the Flag.

President Szymanski called the meeting to order.

**ROLL CALL**

**PRESENT:** President Szymanski and Trustees Mazurek, Basile, Wehling, Kypuros, Meyer and Kraus.

**ABSENT:** None.

**STAFF PRESENT:** Clerk Janett Conner, Administrator Robert Barber, Public Works Superintendent Matt Conner and Treasurer Donna Rooney.

**GUESTS:** George Schuitema.

President Szymanski asked for consideration of the minutes of the August 26, 2019 Board meeting. Trustee Basile made a motion to approve the minutes as written. Trustee Meyer seconded the motion.

**AYES:** (5) Trustees Mazurek, Basile, Wehling, Kypuros and Meyer.

**NAYS:** (0) None.

**ABSTAIN:** (1) Trustee Kraus.

Motion carried.

**REPORTS OF VILLAGE COMMISSIONS**

Superintendent Conner reported for the Beautification Commission that dedication for Paul Lohmann's bench in Depot Park is scheduled for October 13<sup>th</sup>.

There was nothing to report for Fourth of July Commission.

Trustee Mazurek reported that the Youth Commission movie night is this Saturday at Faith Church. The movie is "Secret Life of Pets".

Trustee Wehling reported that the next Historic Preservation meeting will be held on September 18<sup>th</sup> at 6 p.m. They are working on comparison of old and current photos of historic buildings.

## **A. FINANCE AND ADMINISTRATION COMMITTEE**

**TREASURER'S REPORT:** A copy of the Treasurer's report was provided to the Board for review and Treasurer Rooney was present to answer questions. Trustee Basile made a motion to approve the Treasurer's Report and the Report of Financial Activity in the prior month. Trustee Wehling seconded the motion.

AYES: (6) Trustees Mazurek, Basile, Wehling, Kypuros, Meyer and Kraus.

NAYS: (0) None.

Motion carried.

Variance reports for the preceding month were provided in the packet for review.

A list of bills totaling \$188,622.86 to be paid was available for review. A summary of the list of bills was provided. Trustee Basile made a motion to approve payment of the list of bills as presented. Trustee Meyer seconded the motion.

AYES: (6) Trustees Mazurek, Basile, Wehling, Kypuros, Meyer and Kraus.

NAYS: (0) None.

Motion carried.

The Board again discussed a moratorium or reduction of fees for new residential construction. President Szymanski met with the School Superintendent to discuss a moratorium or a reduction of the cash in lieu of land fee for schools. The Superintendent expressed concerns regarding increasing enrollments and the fact that they only have three school rooms at capacity at this time. The school said that older homes in town are turning over to new families, and enrollment is up by 50 students this school year. However, it was agreed that the fee may be too high based on the market value of an acre of land at \$85,000 so there will be a new appraisal on that figure. Some Board members questioned if meeting was just held with school staff or School Board members. Trustee Kypuros recommended an ordinance be drafted for next meeting to put a moratorium on all impact fees including the school's. There was more discussion regarding holding a joint meeting with the school district. The attorney would like to hold an executive session the next meeting to consider pending litigation which would also affect the impact fee discussion. The attorney will be contacted to see what he recommends for drafting an ordinance for a moratorium on impact fees based on Board discussions and the pending litigation. Trustee Kypuros said it defeats the purpose if the Village implements moratorium on impact fees if the school district still wants to collect fees. The Board will hear from the attorney on all of these issues at next meeting before making any further decisions.

**ORDINANCE #1313** – An Ordinance amending the building permit fees of the Village to conform with the new contract with Safebuilt which includes the \$1,500 flat building permit fee. A copy of the Ordinance was provided in the packet for review. Trustee Mazurek made a motion to approve Ordinance #1313. Trustee Basile seconded the motion.

AYES: (6) Trustees Mazurek, Basile, Wehling, Kypuros, Meyer and Kraus.

NAYS: (0) None.

Motion carried.

A recreational cannabis update was provided. The Planning and Zoning Commission (PZC) continued its workshop until the September 26<sup>th</sup> meeting. The Village Attorney has asked to attend the next Village Board meeting on September 23<sup>rd</sup> to explain the process required for permitting or prohibiting the sale of recreational cannabis in a municipality. There is still plenty of time to act since the PZC has meetings scheduled. It was also heard that a trailer bill could be coming in the fall veto session which may change the rules. Illinois Municipal League (IML) provided a new brochure on this issue due to many questions from municipalities. Cannabis cafes are another possibility in the legislation which would allow establishments with proper licensing to use cannabis on site. Trustee Meyer explained that she talked to someone with a medical cannabis facility in Mokena. She is scheduling a tour with him for anyone interested. She explained how the Mokena facility operates and that it is all very strictly regulated. There are differences of opinion of when the Village needs to act on this. The attorney is recommending sooner in case someone applies for a license to sell in Beecher. An advisory referendum may be held to get public input on this. The Attorney will explain all of this at the next meeting. Teska and Associates will also produce a map as to where any of these facilities could be located in the Village according to zoning law.

Trustee Kypuros made a motion authorizing payment to Baxter and Woodman in the amount of \$27,918.24 upon receipt of IEPA funds for construction management services. Trustee Wehling seconded the motion.

AYES: (6) Trustees Mazurek, Basile, Wehling, Kypuros, Meyer and Kraus.

NAYS: (0) None.

Motion carried.

Trustee Kypuros made a motion approving a change order from I.H.C. for the replacement of seven underground valves at the wastewater treatment plant for the proper direction of flow at the plant, in the amount of \$92,223. Trustee Mazurek seconded the motion.

AYES: (6) Trustees Mazurek, Basile, Wehling, Kypuros, Meyer and Kraus.

NAYS: (0) None.

Motion carried.

Trustee Kypuros made a motion approving a progress payment to I.H.C. in the amount of \$376,031.74 pending the receipt of I.E.P.A. loan funds. A copy of the invoice and recommendation for payment were provided in the packet for review. Trustee Meyer seconded the motion.

AYES: (6) Trustees Mazurek, Basile, Wehling, Kypuros, Meyer and Kraus.

NAYS: (0) None.

Motion carried.

The Board considered either the purchase of a new John Deere tractor or rebuilding of the existing 2003 John Deere. A new tractor was estimated at \$78,000 depending on the trade in on the old one. Repair of the old tractor was estimated at \$12,000. The front end of the tractor needs to be rebuilt. The rear end was rebuilt in 2012 for \$14,000. The tractor is needed for main breaks and snow removal and is currently out of service. Trustee Kypuros felt the Capital Equipment Sinking Fund may need to be re-evaluated and he recommended to take money out of Water and Sewer Debt Fund and purchase a new tractor. Superintendent Conner commented that through the joint



purchase program we get a large discount as a municipality. Warranty is good for three years. He may have to look into a service maintenance agreement. After some discussion, Trustee Kypuros made a motion authorizing the purchase of a new John Deere 310SL combination unit from Westside Tractor for an amount not to exceed \$80,000 after trade-in. Trustee Wehling seconded the motion.

AYES: (6) Trustees Mazurek, Basile, Wehling, Kypuros, Meyer and Kraus.

NAYS: (0) None.

Motion carried.

### **NEW BUSINESS**

President Szymanski asked Board members who wants to attend the Chicago Southland Convention and Visitor's Bureau annual awards luncheon where Governor Pritzker will be a speaker, so reservations can be made.

Trustee Kypuros asked where we are on code enforcement for long term. A resident who owns farm property along Church Road brought him a letter from the Chief about his farm field not being mowed. He complained that the Police Department is not handling the complaint or giving him direction on what needs to be done. He feels that his property is in compliance but can't get a hold of anyone to resolve the problem. There was a breakdown in communication and staff will handle with Police Department to get resolved.

There being no further business, President Szymanski asked for a motion to adjourn. Trustee Basile made a motion to adjourn the meeting. Trustee Wehling seconded the motion.

AYES: (6) Trustees Mazurek, Basile, Wehling, Kypuros, Meyer and Kraus.

NAYS: (0) None.

Motion carried.

Meeting adjourned at 7:46 p.m.

Respectfully submitted by:

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Janett Conner  
Village Clerk

8/1/18: CURRENT DEVELOPMENT STATUS IN THE VILLAGE OF BEECHER

Current number of dwelling units:

1,704 metered user accounts minus 77 business licenses = 1,627 dwelling units

There are currently 1,068 dwelling units platted and approved for development but not developed or improved. This includes the Preserve at Cardinal Creek, Fieldgate and Creekside Subdivisions.

The following are the number of vacant lots that exist in the Village as of 8/1/18:

<u>Subdivision Name</u>	<u># Single Family Detached</u>	<u>#of Townhome Units</u>
Old Town	6	0
Fairway Drive	10	0
Lange's Phase III	6	0
Prairie Crossings	25	0
Prairie Crossings South	54	25
Preserve at Cardinal Creek	60	163 (37 Sunset Cove 126 Autumn Dr.)
Nantucket Cove	118	0
Hunters Chase East	84	0
Hunters Chase West	6	0
Hunters Chase Original	9	20
Prairie Park	7	49
<b>TOTALS:</b>	<b>385</b>	<b>257</b>

Therefore, there are 642 dwelling units that are not yet built but the lots are fully improved.

## HOUSING STARTS ANF FEES IN ADJOINING COMMUNITIES

<b>COMMUNITY</b>	<b>AVERAGE BUILDING PERMIT COST WITH ALL FEES</b>	<b>AVERAGE ANNUAL HOUSING STARTS (Prior 10 years)</b>
Cedar Lake, IN	\$10,970	176
St. John, IN	\$12,000	198
Manhattan	\$16,245	67
Monee	\$ 6,750	17
Peotone	\$ 5,496	7
Beecher	\$14,400 (avg)	6

CEDAR LAKE, INDIANA

APPROX. \$ 10,970  
CEDAR LAKE

Contact: Michelle in the Building Department

2010 population 11,500. They are about 15,000 now and growing.

Building Permit for a new home with all fees is \$10,970. Not allowed to charge impact fees for other taxing bodies under Indiana State law. They do charge a city park fee which is legal.

YEAR	#of units
2016	152
2017	169
2018	208
First six months 2019	122

ST. JOHN, IN

**Robert Barber**

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**From:** Rick Eberly <reberly@stjohnin.com>  
**Sent:** Wednesday, August 14, 2019 1:37 PM  
**To:** Robert Barber  
**Subject:** housing starts

#12,000  
APPROX.

Mr. Barber,

Here are the housing starts we have had since 2010:

	Single Family	Condo/Townhouses
2010	105	11
2011	79	4
2012	140	23
2013	187	18
2014	169	13
2015	145	19
2016	143	76
2017	291	64
2018	285	38
2019	143	22 (as of the end of July)
Totals	1687	288

Please let me know if there is any other information you need.

Rick Eberly  
Director of Building and Planning  
Town of St. John  
10955 W. 93<sup>rd</sup> Ave.  
St. John, IN 46373  
219-365-6239

ST. JOHN, TN  
\$12,000  
APPROX

## Frequently Asked Questions

### Building and Planning

#### What is the Zoning of a property?

With the correct address, we can tell you the zoning on the property.

#### What are permit costs?

Fences - \$25

Decks - \$60

Sheds - \$ 35 (with electric additional \$45)

Pools/Spas - \$330

Garages, additions, and remodels depend on the cost and square footage of the project.

#### BUILDING PERMIT FEES EXPLANATION

The average single-family new construction Building and Zoning Permit cost is over \$12,000. That permit cost however, has a number of components to it. Here is an explanation of the components that make up the total Building and Zoning Permit.

**Building Permit**-this is a calculated number. An applicant provides us with an estimated cost of construction. We then plug that number into a spreadsheet and the spreadsheet provides the fee. The fee is calculated at \$7 per \$1,000 of construction cost.

**Electrical Permit**-\$1 per amp for residential service

**Early Service (electric service)**-\$50-this is an optional service chosen by the permit applicant. If the applicant does not want Early Service then this fee does not apply.

**Temporary Pole (electric service)**-\$50-this is an optional service chosen by the permit applicant. If the applicant does not want a Temporary Pole then this fee does not apply.

**Plumbing Permit**-\$3 per plumbing fixture

**Sewer Permit**-\$50-this is an administrative fee

**Zoning Permit**-\$50-this is part of the review of the permit to determine if the area where the construction is to be done is properly zoned for the intended use.

**Storm Water Permit**-\$100-this is an administrative fee that helps offset our costs of enforcing the national/state imposed storm water management regulations

**Impact Fee**-\$1,868.01-this is a Parks Impact Fee. This money is used to improve the park lands in our community and is only charged on residential permits.

**Rose/Well Water Recap Fee**-this is a recapture fee that only impacts new construction permits in a specific area of town. It reimburses a developer who put in additional infrastructure to make potable water available to that specific area of town. The fee increases by a few dollars each month. This fee expires in 2021.

**Rose/Well Sewer Recap Fee**-same applies to this fee though the specific area of town is slightly different from the Rose/Well Water Recap Fee area.

**Olthof/Mill Sewer Recap Fee**-this is another recapture fee that is specific to a certain area of town. There is currently no construction activity in town that would be impacted by this fee.

**Building Escrow**-this fee is \$1,000 for new residential construction and \$2,000 for new commercial construction. This is money that is refunded to the permit applicant as long as they comply with all regulations and do not occupy the home/structure before obtaining a Certificate of Occupancy.

**Water Connection**-this is the fee that covers the cost of the town supplied water meter

**Water System Development**-this is the fee that is charged to the applicant for the right to tap into our water system. The money collected helps us maintain and improve the water storage and distribution system. This fee varies in accordance with the size of the water tap. A 1" tap is \$1,500. Almost all residential taps are 1".

**Lotton 36" Transmission Line**-this is a recapture fee that is paid to a developer who put in a large sanitary sewer that ultimately carries all sanitary flows to the Sanitary Sewer Treatment Plant that we share with the Town of Schererville. This fee increases by \$9 per month. It expires in 2024.

**Sewer System Development**-this is the same as the Water System Development fee and it too is determined by the size of the water tap. Almost all residential fees are \$1,500.

**Sewer Expansion and Capacity**-this fee allows us to share maintenance and improvement costs at the treatment plant in Schererville, which is where our sanitary wastes are treated.

**Lotton Sewer Interceptor**-this is yet another recapture fee that is only paid in a specific area of town. It is a reimbursement to a developer for his cost of upsizing a sanitary sewer in the southeast portion of town. It too varies by a few dollars each month.

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## **What are registration fees?**

New contractors fee is \$75, renewal fee is \$50. Business License registration is \$25.

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## **Can Plan Commission & Board of Zoning Appeals minutes and agendas be faxed to me?**

No, however minutes can be found [here](#).

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**Robert Barber**

MANHATTAN

**From:** Marc Nelson <mnelson@VillageOfManhattan.org>  
**Sent:** Wednesday, August 14, 2019 10:51 AM  
**To:** Robert Barber  
**Cc:** Kevin Sing  
**Subject:** RE: NEW HOUSING STARTS  
**Attachments:** Residential Development Map.pdf

16,245  
approx

Robert,

Below are our permit counts for the last ten years. I have also attached a development map which identifies Village of Manhattan subdivisions. Let me know if you need further info.

2009	42
2010	6
2011	5
2012	29
2013	46
2014	47
2015	58
2016	83
2017	98
2018	134
2019	135 issued as of 8/14 (20 additional in the review process)

Thanks,

Marc Nelson  
Community Development Director  
Village of Manhattan  
260 Market Place  
Manhattan, IL 60442

Phone: (815) 418-2100  
Fax: (815) 478-5103

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**From:** Robert Barber [<mailto:rbarber@villageofbeecher.org>]  
**Sent:** Wednesday, August 14, 2019 9:01 AM  
**To:** Marc Nelson  
**Subject:** FW: NEW HOUSING STARTS

Since Kevin is out perhaps you can answer this one. Thanks!

Robert O. Barber  
Village Administrator  
Village of Beecher  
Phone: 708-946-2261  
Fax: 708-946-3764



MANHATTAN

## FEES DUE AT TIME OF APPLICATION

\$  
16,245  
APPROX.

- A. The building permit/inspection fee for the construction, erection of or addition to a building or structure shall be at the rate of: Total square feet of exterior dimension of usable area (including basements and garages) x \$0.272 cents per square foot.
- B. The plan review fees for the construction, erection of or addition to a building or structure shall be at the rate of: Total square feet of exterior dimension of usable area (including basements and garages) x \$0.198 cents per square foot.

## FEES DUE AT FINAL OCCUPANCY

- A. Impact Fees (see attached chart)
- B. Water Fees:
- (a) Water Tap-on fees if applicable - \$3500.00\*
  - (b) Water Meter and Water fees - \$ 360.00
  - (c) Sewer Tap-on Fees if applicable - \$5000.00\*
  - (d) Sewer Line Charge - \$1,250.00

### Residential Units:

\$3,500\* per single-family residential dwelling unit for water only; and  
\$5,000\* per single-family residential dwelling unit for sewer only.

- C. Grading Permit Review Fee - \$200
- D. Re-inspection Fees (if applicable) - \$60 per re-inspection

**\* Due to agreements that are made between the developer of a subdivision and the Village of Manhattan, Water or Sewer Tap-on fees may not be applicable. Other fees may be applicable but may not be listed above. Please call the building department with any questions.**

**EXAMPLE**

TOTAL SQUARE FEET (INCLUDING BASEMENT AND GARAGE) 3,500 SQ. FT.

PLAN REVIEW FEE \$ 693.00 (EQUALS 3,500 sq ft @ 0.198 CENTS PER SQ FT)

PERMIT/INSPECTION FEE \$ 952.00 (EQUALS 3,500 sq ft @ 0.272 CENTS PER SQ FT)

TOTAL PERMIT/PLAN REVIEW & INSPECTION FEES DUE AT TIME OF APPLICATION: **\$1,645.00**

**WATER SYSTEM CHARGES**

WATER METER	\$ <u>330.00</u>
CONSTRUCTION WATER	\$ <u>30.00</u>
WATER TAP-ON	<u>\$3,500.00</u>
SEWER TAP-ON	<u>\$5,000.00</u>
SEWER LINE CHARGE	<u>\$1,250.00</u>

**GRADING PERMIT REVIEW**

GRADING PERMIT REVIEW FEE \$ 200.00

**IMPACT FEES****DETACHED SINGLE FAMILY HOUSING**

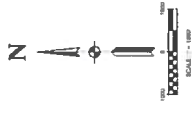
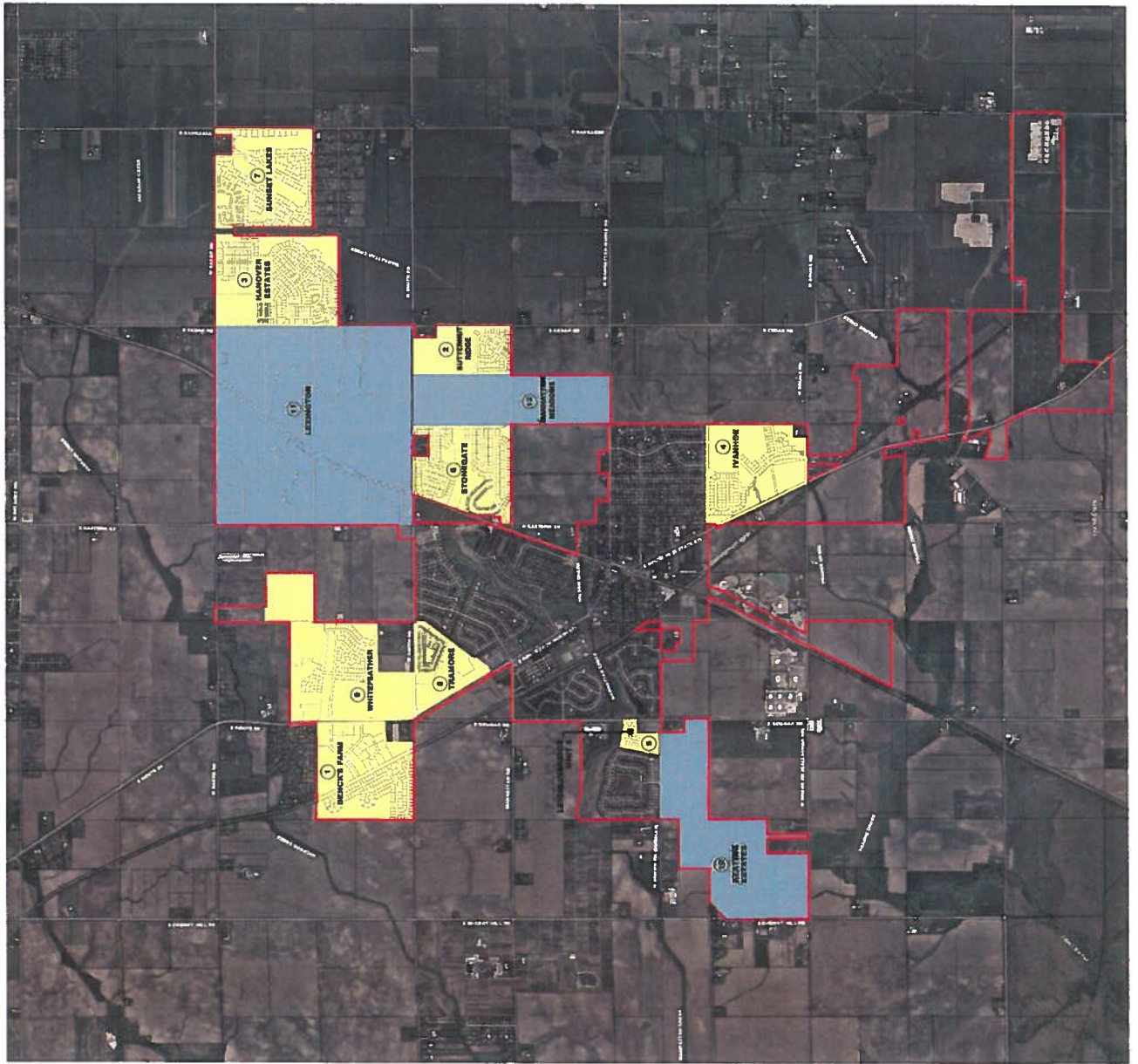
	<b>TWO BEDROOM</b>	<b>THREE BEDROOM</b>	<b>FOUR BEDROOM</b>	<b>FIVE BEDROOM</b>
<b>ELEMENTARY</b>	\$ 407.50	\$ 481.89	\$ 578.07	\$ 623.68
<b>JR. HIGH</b>	\$ 182.48	\$ 202.31	\$ 282.97	\$ 334.54
<b>SR. HIGH</b>	\$ 233.10	\$ 141.75	\$ 227.85	\$ 261.45
<b>TOTAL</b>	\$ 823.08	\$ 825.95	\$1088.89	\$1219.67
<b>LIBRARY</b>	\$ 200.00	\$ 225.00	\$ 250.00	\$ 275.00
<b>FIRE DEPT</b>	\$ 200.00	\$ 225.00	\$ 250.00	\$ 275.00
<b>PARK</b>	\$ 942.84	\$1014.60	\$1199.66	\$1353.83
<b>VILLAGE FEE</b>	\$2000.00	\$2000.00	\$2000.00	\$2000.00
<b>TOTAL FEES</b>	\$3342.84	\$3464.60	\$3699.66	\$3903.83

**ATTACHED SINGLE FAMILY HOUSING**

	<b>TWO BEDROOM</b>	<b>THREE BEDROOM</b>	<b>FOUR BEDROOM</b>
<b>ELEMENTARY</b>	\$ 84.28	\$ 136.83	\$ 268.71
<b>JR. HIGH</b>	\$ 33.06	\$ 50.25	\$ 140.16
<b>SR. HIGH</b>	\$ 30.45	\$ 71.40	\$ 110.25
<b>TOTAL</b>	\$ 147.79	\$ 258.48	\$ 519.12
<b>LIBRARY</b>	\$ 200.00	\$ 225.00	\$ 250.00
<b>FIRE DEPT</b>	\$ 200.00	\$ 225.00	\$ 250.00
<b>PARK</b>	\$ 554.85	\$ 677.77	\$ 950.05
<b>VILLAGE FEES</b>	\$2000.00	\$2000.00	\$2000.00
<b>TOTAL FEES</b>	\$2954.85	\$3127.77	\$3450.05

# VILLAGE of MANHATTAN, ILLINOIS

## ACTIVE RESIDENTIAL DEVELOPMENT MAP



- APPROVED/WITH INFRASTRUCTURE**
- 1 **BENCK'S FARM**  
12.8 ACRES  
PLATTED UNITS = 128  
BUILDABLE LOTS AVAILABLE = 128
  - 2 **BUTTERNUT RIDGE**  
76.1 ACRES  
PLATTED UNITS = 76  
BUILDABLE LOTS AVAILABLE = 76
  - 3 **MANOVER ESTATES**  
16.4 ACRES  
PLATTED UNITS = 164  
BUILDABLE LOTS AVAILABLE = 164
  - 4 **IVANHOE**  
12.8 ACRES  
PLATTED UNITS = 128  
BUILDABLE LOTS AVAILABLE = 128
  - 5 **LEIGHLINGBRIDGE UNIT 5**  
12.8 ACRES  
PLATTED UNITS = 64  
BUILDABLE LOTS AVAILABLE = 28
  - 6 **STONEGATE**  
12.8 ACRES  
PLATTED UNITS = 256  
BUILDABLE LOTS AVAILABLE = 277
  - 7 **SUNSET LAKES**  
16.4 ACRES  
PLATTED UNITS = 164  
BUILDABLE LOTS AVAILABLE = 274
  - 8 **TRAMORE**  
12.8 ACRES  
PLATTED UNITS = 256  
BUILDABLE LOTS AVAILABLE = 140
  - 9 **WHITEFEATHER**  
12.8 ACRES  
PLATTED UNITS = 128  
BUILDABLE LOTS AVAILABLE = 28
- APPROVED/NO INFRASTRUCTURE**
- 10 **KEATING ESTATES**  
238 ACRES  
TOTAL UNITS = 629
  - 11 **LEXINGTON**  
697.2 ACRES
  - 12 **MANHATTAN MEADOWS**  
190 ACRES  
TOTAL UNITS = 388

MONEE

**Robert Barber**

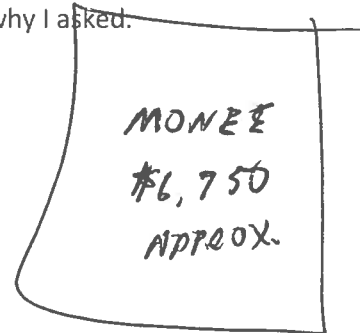
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**From:** Shannon Kruzel <SKruzel@villageofmonee.org>  
**Sent:** Tuesday, August 13, 2019 2:50 PM  
**To:** Robert Barber  
**Subject:** RE: NEW DETACHED RESIDENTIAL BUILDING PERMIT FEES

No problem. We just have one subdivision that is in its own Ordinance! That's why I asked.

This is how our ordinance reads.....

New Construction Residential \$2000.00  
Village Water Tap In (1") \$2500.00 (unless on a well)  
Village Sewer Tap In \$250.00 (unless on septic)  
# of required inspections @ \$50.00 ea



MONEE  
\$6,750  
APPROX.

Then we have a payable to and as follows –  
Aqua Illinois \$600.00  
Peotone Library District \$100.00  
Monee Fire Protection District \$400.00

And we require a clean-up bond in the amount \$500 (refundable if not used)

Building Plan review \$700.00  
Permit Plat Review \$200.00 – These are pass through fees and if additional reviews are required its passed through to the builder

Only Eagle Fair Subdivision do we collect School Impact Fee and Road Impact Fees in addition to above.

I think that is about it!

Thank you,  
Shannon Kruzel

VILLAGE OF MONEE  
Building Services  
5130 W Court St.  
Monee, IL 60449  
708/ 534-8303 (office)  
mailto: [skruzel@villageofmonee.org](mailto:skruzel@villageofmonee.org)  
<http://www.villageofmonee.org>

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## Robert Barber

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**From:** Shannon Kruzel <SKruzel@villageofmonee.org>  
**Sent:** Thursday, August 15, 2019 10:06 AM  
**To:** Robert Barber  
**Subject:** RE: NEW DETACHED RESIDENTIAL BUILDING PERMIT FEES

The "tracker" in place (created before I started) only dates back to March 2015. So it'd be more like the last 5 years??

Looks like 5 new single family residential  
3 town homes (4-5 homes ea)

We have the senior community submitting plans for their next/final phase of homes- I don't know if you care about those.

*Thank you,*  
Shannon Kruzel

VILLAGE OF MONEE  
Building Services  
5130 W Court St.  
Monee, IL 60449  
708/ 534-8303 (office)  
mailto: [skruzel@villageofmonee.org](mailto:skruzel@villageofmonee.org)  
<http://www.villageofmonee.org>

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**From:** Robert Barber [mailto:[rbarber@villageofbeecher.org](mailto:rbarber@villageofbeecher.org)]  
**Sent:** Wednesday, August 14, 2019 8:59 AM  
**To:** Shannon Kruzel <SKruzel@villageofmonee.org>  
**Subject:** RE: NEW DETACHED RESIDENTIAL BUILDING PERMIT FEES

Perfect! Thank you!. Now one last question. How many housing starts have you had in the last 10 years. We believe we are lagging behind due to our proximity to the state line.

Robert O. Barber  
Village Administrator  
Village of Beecher  
Phone: 708-946-2261  
Fax: 708-946-3764

attachments without retaining a copy. This communication does not constitute consent to the use of sender's contact information for direct marketing purposes or for transfers of data to third parties.

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**From:** Robert Barber [<mailto:rbarber@villageofbeecher.org>]  
**Sent:** Tuesday, August 13, 2019 2:10 PM  
**To:** Shannon Kruzel <[SKruzel@villageofmonee.org](mailto:SKruzel@villageofmonee.org)>  
**Subject:** RE: NEW DETACHED RESIDENTIAL BUILDING PERMIT FEES

No in general. We are making sure our fees are in line with our neighbors. Our fee for the 3 bedroom is currently \$14,400 and the Village Board wants to reduce them. Hard to charge an impact fee when you cannot get housing starts.

Robert O. Barber  
Village Administrator  
Village of Beecher  
Phone: 708-946-2261  
Fax: 708-946-3764

---

**From:** Shannon Kruzel [<mailto:SKruzel@villageofmonee.org>]  
**Sent:** Tuesday, August 13, 2019 2:04 PM  
**To:** Robert Barber  
**Subject:** RE: NEW DETACHED RESIDENTIAL BUILDING PERMIT FEES

Mr Barber  
Is this a general question or in a specific lot?

*Thank you,  
Shannon Kruzel*

VILLAGE OF MONEE  
Building Services  
5130 W Court St.  
Monee, IL 60449  
708/ 534-8303 (office)  
[mailto: skruzel@villageofmonee.org](mailto:skruzel@villageofmonee.org)  
<http://www.villageofmonee.org>

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---

**From:** Robert Barber [<mailto:rbarber@villageofbeecher.org>]  
**Sent:** Tuesday, August 13, 2019 2:03 PM  
**To:** Shannon Kruzel <[SKruzel@villageofmonee.org](mailto:SKruzel@villageofmonee.org)>  
**Subject:** NEW DETACHED RESIDENTIAL BUILDING PERMIT FEES

Is it possible for you to email me your bottom line fee for a 3 bedroom ranch having 3,300 square feet of total walking surface. This would include any impact fees that may be charged by school districts, fire districts, etc.

Robert O. Barber  
Village Administrator  
Village of Beecher  
Phone: 708-946-2261  
Fax: 708-946-3764



PEOTONE

**Robert Barber**

---

**From:** admin <admin@villageofpeotone.com>  
**Sent:** Thursday, August 15, 2019 5:57 PM  
**To:** Robert Barber  
**Subject:** FW: PEOTONE NEW HOUSING STARTS

Bob,

We only have electronic records to glean any averages from for the last five years. So our average is 7 hours per year since 2015. We just lifted the moratorium on the Villages impact fee. So, the total impact fee now (minus water and sewer fees) is \$5,496 not including required escrow amounts for landscaping and occupancy. I will get you the average building permit fee. I am still working on that. Thanks, Aimee

---

**From:** admin  
**Sent:** Wednesday, August 14, 2019 3:07 PM  
**To:** 'Robert Barber' <rbarber@villageofbeecher.org>  
**Cc:** 'Stacey Hartwell' <billing@villageofpeotone.com>  
**Subject:** RE: PEOTONE NEW HOUSING STARTS

Bob, I am in receipt of your request and we will get you an answer tomorrow. Thanks, Aimee

---

**From:** Robert Barber <rbarber@villageofbeecher.org>  
**Sent:** Wednesday, August 14, 2019 12:34 PM  
**To:** admin <admin@villageofpeotone.com>  
**Subject:** PEOTONE NEW HOUSING STARTS

Can you give me an average price for a building permit for a new single family home in Peotone, including all impact fees. Also, how many housing starts have you had in the last 10 years? We have had about 6 per year on average.

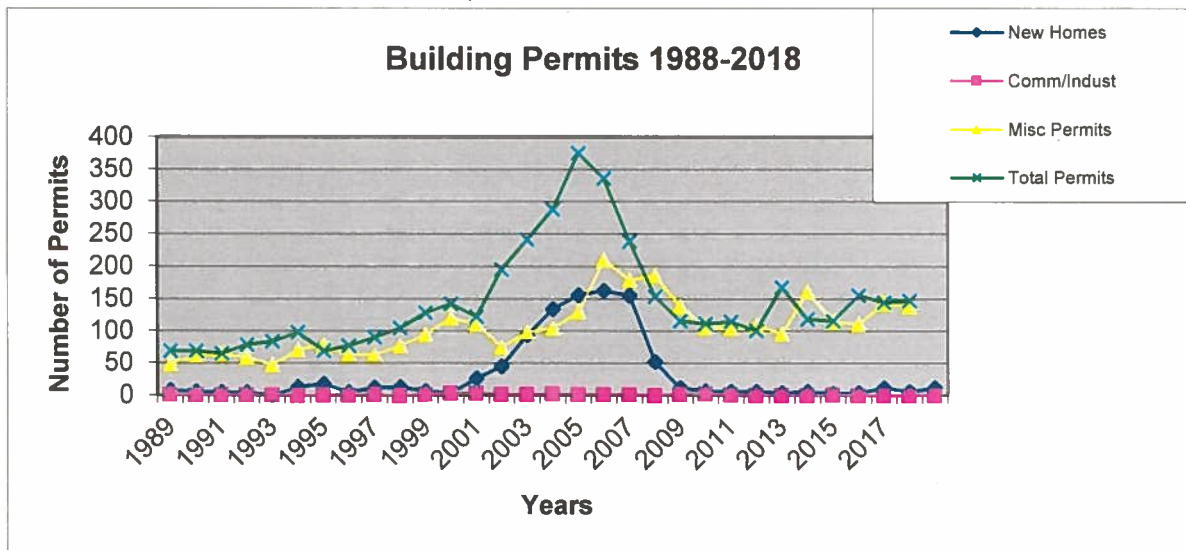
Robert O. Barber  
Village Administrator  
Village of Beecher  
Phone: 708-946-2261  
Fax: 708-946-3764

**VILLAGE OF BEECHER  
BUILDING PERMITS 1988 - 2018**

Year	New Homes	Industrial/Commercial	Misc. "Popcorn" Permits	Total Permits
1988	8	2	48	58
1989	6	1	62	69
1990	5	1	63	69
1991	5	1	59	65
1992	31*	1	47	79
1993	13	0	71	84
1994	18	1	79	98
1995	5	1	63	69
1996	12	2	63	77
1997	13	0	77	90
1998	7	2	95	104
1999	4	4	120	128
2000	27	4	111	142
2001	45	2	75	122
2002	94	2	99	195
2003	134	3	104	241
2004	156	2	130	288
2005	163	2	210	375
2006	155	2	179	336
2007	52	0	186	238
2008	12	2	139	153
2009	7	3	105	115
2010	6	1	104	111
2011	6	0	108	114
2012	4	0	96	100
2013	6	0	161	167
2014	3	1	114	118
2015	4	0	111	115
2016	12	0	143	155
2017	6	0	138	144
2018	12	0	135	147

\*24 unit apartment complex is included in this total (Beecher Manor Apartments)

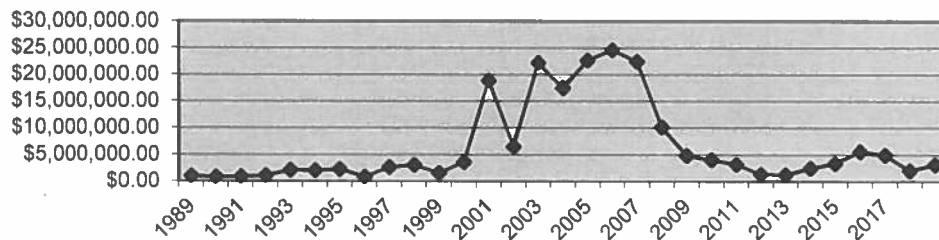
FrontDeskExcel:Permits-ConstrValueAnnualReport



## VILLAGE OF BEECHER CONSTRUCTION VALUE & PERMIT FEES COLLECTED 1988 - 2018

Year	Construction Value	Permit Fees Collected
1988	\$975,654.00	\$11,961.74
1989	\$810,073.00	\$10,201.00
1990	\$876,670.00	\$12,159.00
1991	\$1,058,187.00	\$12,572.00
1992	\$2,103,430.49	\$35,769.50
1993	\$2,018,782.00	\$50,737.62
1994	\$2,297,387.65	\$54,682.50
1995	\$825,880.17	\$21,804.75
1996	\$2,641,976.11	\$50,141.79
1997	\$3,041,012.50	\$54,215.49
1998	\$1,526,856.64	\$48,426.50
1999	\$3,610,531.98	\$29,833.75
2000	\$18,839,725.00	\$103,671.83
2001	\$6,508,399.00	\$113,994.67
2002	\$22,268,410.00	\$114,814.10
2003	\$17,482,561.20	\$360,975.89
2004	\$22,669,429.42	\$1,008,982.68
2005	\$24,615,971.60	\$1,062,837.50
2006	\$22,412,702.92	\$1,116,843.38
2007	\$10,129,699.58	\$368,967.28
2008	\$4,789,029.00	\$118,263.87
2009	\$4,037,148.00	\$75,672.01
2010	\$3,203,297.87	\$63,824.24
2011	\$1,321,517.50	\$52,702.68
2012	\$1,214,620.49	\$28,822.04
2013	\$2,427,923.30	\$47,757.08
2014	\$3,356,438.99	\$28,892.36
2015	\$5,591,331.10	\$39,343.99
2016	\$4,938,764.00	\$57,075.08
2017	\$2,005,582.75	\$34,503.90
2018	\$3,155,859.00	\$51,051.57

**Construction Values of Building Permits**



**VILLAGE OF BEECHER  
 BUILDING DEPARTMENT  
 625 DIXIE HWY, P.O. BOX 1154  
 BEECHER, ILLINOIS 60401  
 708-946-2261 - 708-946-3764 FAX  
 Web site [www.villageofbeecher.org](http://www.villageofbeecher.org)**

**FEEES FOR THE CONSTRUCTION OF SINGLE FAMILY HOMES  
 EFFECTIVE MAY 1, 2006**

Water Tap-in and Inspection Fee:	\$2,059.00
Sewer Tap-in and Inspection Fee:	\$4,283.00
Sidewalk Inspection Fee:	\$ 50.00
Contractor Use of Water Fee:	\$ 25.00
Certificate of Occupancy Fee:	\$ 25.00
General Building Permit Fee:	\$ .50 per square foot*

\*(includes all surface area, including basement, garage floor, deck floor, etc. The fee is based on the perimeter of the structure for each story).

- PLUS Electric \$.07 per sq. ft. habitable
- PLUS HVAC \$.07 per sq. ft. habitable
- PLUS Plumbing \$.08 per sq. ft. habitable
- PLUS 10% Admin. Fee

\*\*\*\*\*

The average building permit cost (Village portion only) for a single family 4-bedroom home with a basement and garage in Beecher having 4,300 sq.ft. of perimeter walking surface would be \$10,807.00 including water and sewer tap-in fees as shown in the following example:

Total Building Permit Fee:	\$ 2,150.00
Park Impact Fee:	\$ 2,225.00
Certificate of Occupancy:	\$ 25.00
Water Tap-in Fee:	\$ 2,059.00
Sewer Tap-in Fee:	\$ 4,283.00
Sidewalk Inspection Fee:	\$ 50.00
Contractor Use of Water Fee:	\$ 25.00
<hr/>	
TOTAL PERMIT FEE(to Village)	\$10,817.00
	<u>\$ 3,414.00</u> School Impact Fee
	\$14,231.00

Any questions regarding building permit fees should be referred to the Building Inspector at the Village Hall, 946-2261.

ORDINANCE No. 720

AN ORDINANCE OF THE VILLAGE OF BEECHER AMENDING  
THE SUBDIVISION REGULATIONS AND PROVIDING  
FOR THE DEDICATION OF SCHOOL SITES OR FOR  
PAYMENTS OF FEES IN LIEU THEREOF

WHEREAS, during the past few years, the Village of Beecher has experienced a population increase due principally to the development of vacant lots, annexation of additional land and the subdivision of vacant land within the jurisdiction of the Village; and

WHEREAS, the Village has found that productive community life depends in a great part on the availability of adequate school facilities to serve the new development; and

WHEREAS, it is hereby found and determined that the public interest, convenience, health, welfare and safety require the establishment of school sites within the Village generally in accordance with the following criteria which is consistent with the site recommendations of the office of the State Superintendent of Public Instruction and the School District operating within the jurisdiction of the Village:

- 600 capacity elementary schools (K-5) on 11 acres of land;
- 700 capacity junior high schools (6-8) on 29 acres of land;
- 1,500 capacity high schools (9-12) on 45 acres of land; and

WHEREAS, demographic studies of the residential portion of a proposed subdivision can be readily and scientifically conducted to determine the number of elementary and secondary school age children and adults to be generated therefrom, and provide a method whereby the required dedications of land directly attributable to the activity of the subdivider, developer or builder and the proposed subdivision or planned development may be calculated; and

WHEREAS, it is found and determined that the location of school sites to serve the immediate and future needs of residents and children of each new development is as essential to proper land development as are streets, water, sewers and sidewalks, and to that end the Village has determined that the dedication of land for school sites or cash contributions in lieu of actual land dedication (where the latter is deemed impractical) or a combination of both, shall be required of each residential builder and each developer of a residential subdivision; and,

C. **Location:** The Comprehensive School Plan and/or the standards adopted by the affected school district shall be used as a guideline in locating sites.

2. **Criteria for Requiring a Contribution in Lieu of School Sites:** Where the development is small and the resulting site is too small to be practical or when the available land is inappropriate for a school site, the Village shall require the builder, subdivider or developer to pay a cash contribution in lieu of the land dedication required. The cash contributions in lieu of school sites shall be held by the recipient school districts for use in the acquisition of land to serve the immediate or future needs of children from that subdivision or development or for the improvement to any existing school site which already serves such needs. Improvement under this Section shall be liberally construed and shall include, but shall not be limited to, the development of classrooms, parking lots; sidewalks; traffic signals; arterial streets; collector streets; internal roadways; connections with sewer, water and electrical lines; playgrounds; recreation grounds; and athletic fields. Improvement shall also include the purchase of any material, goods or equipment necessary to said development and construction. Improvement shall further include the construction of buildings; additions to existing school buildings; remodeled or renovated noninstructional spaces in classrooms and the purchase of prefabricated classroom units to be used at a school site. Receipts from subdividers' and developers' contributions can also be used for augmenting capital replacement funds of the district as needed due to the increased enrollment of students. If any improvement provided for herein shall require a voter referendum approval under existing statutory authority before such funds may be lawfully expended, then and in those cases such approval shall be first obtained.

2.1 **Fair Market Value:** The cash contributions in lieu of land shall be based on the fair market value of the acres of land in the area improved in accordance with all applicable Village regulations for subdivisions that otherwise would have been dedicated as school sites. It has been determined that the present fair market value of such improved land in and surrounding the Village is ~~Forty~~ <sup>SEVENTY FIVE</sup> Thousand Dollars (~~\$40,000~~ <sup>\$75,000</sup>) per acre and such figure shall be used in making any calculation herein unless changed by the Mayor and Board of Trustees by a motion specifically referring to this Section 2.1, or unless a subdivider or a developer files a written objection thereto. In the event of any objection, the fair market value of such improved land shall be determined in the following manner:

(a) At the sole cost of the developer, the Village President and Board of Trustees, the School District and the Developer shall each name

table of population density. Upon their approval, such new table shall be substituted as Exhibit A to this Ordinance.

4. In the event a subdivider or developer files a written objection to the Table of Estimated Ultimate Population listed herein, he shall submit his own demographic study showing the estimated additional population to be generated from the subdivision or planned unit development and in that event final determination of the density formula to be used in such calculation shall be made by the Village Board of Trustees based upon such demographic information submitted by the subdivider or developer and from other sources which may be submitted to the Village Board of Trustees by the school district, or others. It is recognized that population density, age distribution and local conditions change over the years, and the specific formula for the dedication of land, or the payment of fees in lieu thereof, as stated herein, is subject to periodic review and amendment if necessary.
  
5. **Reservation of Additional Land:** Where the Comprehensive Plan of the Village calls for a larger amount of school sites in a particular proposed subdivision or planned unit development than the developer is required to dedicate, the land needed beyond the subdivider's or developer's contribution shall, if so determined by the Village Board of Trustees, be reserved for subsequent purchase by the Village or other public body designated by the Village provided that such acquisition is made within one year from the date of approval of the final plat.
  
6. **Topography and Grading:** The slope, topography and geology of the dedicated site as well as its surroundings must be suitable for its intended purposes. Grading on sites dedicated for school sites shall not differ greatly from surrounding land.
  
7. **Improved Sites:** All sites shall be dedicated in a condition ready for full service of electrical, water, sewer and streets as applicable to the location of the site, or acceptable provision made therefor. The sidewalks and trees normally included within the definition of improved sites may be deleted due to the delay time between dedication of any such school sites and construction of school facilities thereon.

Section 5: This Ordinance shall be in full force and effect immediately after its passage and approval as provided by law.

Passed this 28<sup>th</sup> day of August, 1995.

Ayes: 4

Nays: 2

Absent: 0

APPROVED:

Linda Wehling  
Mayor

ATTEST:

Janet Conner  
Village Clerk



## INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

WHEREAS, School District No. 200-U, which encompasses the Village of Beecher, Washington Township, and part of Will Township, in Will County, Illinois, has requested the Village of Beecher to enact a certain Ordinance providing for the payment of fees for capital school improvements for new construction within the Village; and,

WHEREAS, pursuant to the specific instance and request of said School District, the Village of Beecher, has enacted said Ordinance which provides generally for the imposition of fees on new construction within the Village for the benefit of School District 200-U; and

NOW, THEREFORE, BE IT AGREED that for and in consideration of the Village of Beecher's adoption of said Ordinance, School District 200-U does hereby resolve and agree to indemnify the Village of Beecher for any and all manner of liability which may arise as a result of any challenges, whether through Court, or otherwise, which may be made upon said Ordinance. The School District does further agree to hold the Village harmless from all manner of costs and reasonable attorneys fees, liability, damages or other costs which may be incurred by the Village as a result of the enactment of said Ordinance.

In the event any person, firm, corporation, or other entity seeks, through legal action, or other manner of challenge, to question the validity, formula, valuation, or other matter relating to said capital school improvements ordinance, then the School District 200-U agrees to bear all manner of cost, and to defend and otherwise hold the Village harmless from any

**Beecher School District 200U**  
**Total Cash Contribution - Summary - K-12**

*75,000*  
*473-0157*

<u>Detached Residential (single dwellings)</u>	<u>2 Bedroom</u>	<u>3 Bedroom</u>	<u>4 Bedroom</u>	<u>5 Bedroom</u>
K - 5	\$495	\$1,113	\$1,223	\$1,361
6 - 8	\$310	\$1,180	\$1,553	\$1,926
9 - 12	\$225	\$720	\$967	\$1,237
<b>*TOTAL</b>	<b>\$1,030</b>	<b>\$3,013</b>	<b>\$3,743</b>	<b>\$4,524</b>

Attached Residential

K - 5	\$71	\$500	\$988	\$1,626
6 - 8	\$40	\$62	\$664	\$1,738
9 - 12	\$29	\$177	\$562	\$891
<b>*TOTAL</b>	<b>\$140</b>	<b>\$739</b>	<b>\$2,214</b>	<b>\$4,255</b>

Low Density Apartments

K - 5	\$71	\$277	\$599
6 - 8	\$86	\$335	\$727
9 - 12	\$29	\$128	\$411
<b>*TOTAL</b>	<b>\$186</b>	<b>\$740</b>	<b>\$1,737</b>

High Density Apartments

K - 5	\$35	\$89	\$206
6 - 8	\$43	\$108	\$248
9 - 12	\$15	\$65	\$207
<b>*TOTAL</b>	<b>\$93</b>	<b>\$262</b>	<b>\$661</b>

## Computations for School Developer Contribution for Beecher School District 200U

(Low Density Apartment Units (to 15/acre))

Per Acre Improved Land Cost <u>\$57,500.00</u>	Improved Land Cost for Elementary School Site (=Bx11 acres) <u>\$632,500.00</u>	Per Child Cost for Elementary School Site (=c/600 students) <u>\$1,054.00</u>	Elementary Child Yield Per Residential Unit (Apartment Units) 1 Bdrm 2 Bdrm 3 Bdrm <u>0.052 0.202 0.436</u>	Elementary School Site Cost Per Residential Unit (Apartment Units) 1 Bdrm 2 Bdrm 3 Bdrm (=DxF) (=DxG) (=DxH) <u>\$54 \$212 \$462</u>
*****				
Per Acre Improved Land Cost <u>\$57,500.00</u>	Improved Land Cost for Junior High School Site (=Bx29 acres) <u>\$1,667,500.00</u>	Per Child Cost for Junior High School Site (=c/700 students) <u>\$2,382.00</u>	Elementary Child Yield Per Residential Unit (Apartment Units) 1 Bdrm 2 Bdrm 3 Bdrm <u>0.028 0.108 0.234</u>	Elementary School Site Cost Per Residential Unit (Apartment Units) 1 Bdrm 2 Bdrm 3 Bdrm (=DxF) (=DxG) (=DxH) <u>\$66 \$257 \$557</u>
*****				

Total K-8 School Site Cost Per Residential Unit (Low Density Apartment Unit):

1 Bdrm 2 Bdrm 3 Bdrm  
\$120 \$469 \$1,019

(High Density Apartment Units (16+/acre))

Per Acre Improved Land Cost <u>\$57,500.00</u>	Improved Land Cost for Elementary School Site (=Bx11 acres) <u>\$1,667,500.00</u>	Per Child Cost for Elementary School Site (=c/600 students) <u>\$1,054.00</u>	Elementary Child Yield Per Residential Unit (Apartment Units) 1 Bdrm 2 Bdrm 3 Bdrm <u>0.026 0.065 0.150</u>	Elementary School Site Cost Per Residential Unit (Apartment Units) 1 Bdrm 2 Bdrm 3 Bdrm (=DxF) (=DxG) (=DxH) <u>\$27 \$68 \$158</u>
*****				
Per Acre Improved Land Cost <u>\$57,500.00</u>	Improved Land Cost for Junior High School Site (=Bx29 acres) <u>\$1,667,500.00</u>	Per Child Cost for Junior High School Site (=c/700 students) <u>\$2,382.00</u>	Elementary Child Yield Per Residential Unit (Apartment Units) 1 Bdrm 2 Bdrm 3 Bdrm <u>0.014 0.035 0.080</u>	Elementary School Site Cost Per Residential Unit (Apartment Units) 1 Bdrm 2 Bdrm 3 Bdrm (=DxF) (=DxG) (=DxH) <u>\$33 \$83 \$190</u>
*****				

Total K-8 School Site Cost Per Residential Unit (Low Density Apartment Unit):

1 Bdrm 2 Bdrm 3 Bdrm  
\$60 \$151 \$348

## Computations for School Developer Contribution for Beecher School District 200U

### (Detached Residential Units)

Per Acre Improved Land Cost	\$57,500.00	Improved Land Cost for High School Site (=Bx45 acres)	\$2,587,500.00	Per Child Cost for High School Site (=c/1500 students)	\$1,725.00	High School Child Yield Per Residential Unit (Detached Single Family Units) 2 Bdrm 3 Bdrm 4 Bdrm 5 Bdrm	0.10 0.32 0.43 0.55	High School Site Cost Per Residential Unit (Detached Single Family Units) 2 Bdrm 3 Bdrm 4 Bdrm 5 Bdrm (=DxF) (=DxG) (=DxH) (=DxI)	\$172 \$552 \$741 \$948
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### (Attached Residential Units)

Per Acre Improved Land Cost	\$57,500.00	Improved Land Cost for High School Site (=Bx45 acres)	\$2,587,500.00	Per Child Cost for High School Site (=c/1500 students)	\$1,725.00	High School Child Yield Per Residential Unit (Attached Single Family Units) 2 Bdrm 3 Bdrm 4 Bdrm 5 Bdrm	0.013 0.078 0.250 0.396	High School Site Cost Per Residential Unit (Attached Single Family Units) 2 Bdrm 3 Bdrm 4 Bdrm 5 Bdrm (=DxF) (=DxG) (=DxH) (=DxI)	\$22 \$134 \$431 \$683
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### (Low Density Apartment Units (to 15/acre))

Per Acre Improved Land Cost	\$57,500.00	Improved Land Cost for High School Site (=Bx45 acres)	\$2,587,500.00	Per Child Cost for High School Site (=c/1500 students)	\$1,725.00	High School Child Yield Per Residential Unit (Apartment Units) 1 Bdrm 2 Bdrm 3 Bdrm	0.013 0.057 0.183	High School Site Cost Per Residential Unit (Apartment Units) 1 Bdrm 2 Bdrm 3 Bdrm (=DxF) (=DxG) (=DxH)	\$22 \$98 \$315
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### (High Density Apartment Units (16+/acre))

Per Acre Improved Land Cost	\$57,500.00	Improved Land Cost for High School Site (=Bx45 acres)	\$2,587,500.00	Per Child Cost for High School Site (=c/1600 students)	\$1,725.00	High School Child Yield Per Residential Unit (Apartment Units) 1 Bdrm 2 Bdrm 3 Bdrm	0.007 0.029 0.092	High School Site Cost Per Residential Unit (Apartment Units) 1 Bdrm 2 Bdrm 3 Bdrm (=DxF) (=DxG) (=DxH)	\$12 \$50 \$158
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## Computations for School Developer Contribution for Beecher School District 2000

### (Detached Residential Units)

Per Acre Improved Land <u>Cost</u> \$57,500.00	Improved Land Cost for Elementary School Site <u>(=Bx11 acres)</u> \$632,500.00	Per Child Cost for Elementary School Site <u>(=c/600 students)</u> \$1,054.00	Elementary Child Yield Per Residential Unit (Detached Single Family Units) <u>2 Bdrm 3 Bdrm 4 Bdrm 5 Bdrm</u> 0.36    0.81    0.89    0.99	Elementary School Site Cost Per Residential Unit (Detached Single Family Units) 2 Bdrm 3 Bdrm 4 Bdrm 5 Bdrm <u>(=DxF) (=DxG) (=DxH) (=DxI)</u> \$379    \$853    \$938    \$1043
Per Acre Improved Land <u>Cost</u> \$75,000.00	Improved Land Cost for Jr. High School Site <u>(=Bx29 acres)</u> \$1,667,500.00	Per Child Cost for Jr. High School Site <u>(=c/700 students)</u> \$2,382.00	Jr. High Child Yield Per Residential Unit (Detached Single Family Units) <u>2 Bdrm 3 Bdrm 4 Bdrm 5 Bdrm</u> 0.1    0.38    0.50    0.62	Jr. High School Site Cost Per Residential Unit (Attached Single Family Units) 2 Bdrm 3 Bdrm 4 Bdrm 5 Bdrm <u>(=DxF) (=DxG) (=DxH) (=DxI)</u> \$238    \$905    \$1191    \$1476

### Total K-8 School Site Cost Per Residential Unit (Detached Single Family Units):

2 Bdrm 3 Bdrm 4 Bdrm 5 Bdrm  
\$617    \$1758    \$2129    \$2519

### (Attached Residential Units)

Per Acre Improved Land <u>Cost</u> \$57,500.00	Improved Land Cost for Elementary School Site <u>(=Bx11 acres)</u> \$632,500.00	Per Child Cost for Elementary School Site <u>(=c/600 students)</u> \$1,054.00	Elementary Child Yield Per Residential Unit (Attached Single Family Units) <u>1 Bdrm 2 Bdrm 3 Bdrm 4 Bdrm</u> 0.052    0.364    0.719    1.183	Elementary School Site Cost Per Residential Unit (Attached Single Family Units) 2 Bdrm 3 Bdrm 4 Bdrm 5 Bdrm <u>(=DxF) (=DxG) (=DxH) (DxI)</u> \$54    \$383    \$757    \$1246
Per Acre Improved Land <u>Cost</u> \$57,500.00	Improved Land Cost for Jr. High School Site <u>(=Bx29 acres)</u> \$1,667,500.00	Per Child Cost for Jr. High School Site <u>(=c/700 students)</u> \$2,382.00	Jr. High School Child Yield Per Residential Unit (Attached Single Family Units) <u>1 Bdrm 2 Bdrm 3 Bdrm 4 Bdrm</u> 0.013    0.026    0.214    0.461	High School Site Cost Per Residential Unit (Apartment Units) 1 Bdrm 2 Bdrm 3 Bdrm 4 Bdrm <u>(=DxF) (=DxG) (=DxH) (=DxI)</u> \$30    \$60    \$509    \$1098

### Total K-8 School Site Cost Per Residential Unit (Attached Single Family Units):

1 Bdrm 2 Bdrm 3 Bdrm 4 Bdrm  
\$84    \$443    \$1266    \$2344

ORDINANCE NO. #992

**AN ORDINANCE AMENDING THE VILLAGE CODE OF BEECHER  
RELATING DEDICATION OF PARK SITES OR FOR PAYMENTS OF FEES IN  
LIEU THEREOF**

**ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE  
VILLAGE OF BEECHER THIS 28<sup>th</sup> DAY OF June, 2004.**

**Published in pamphlet form by authority  
of the President and Board of Trustees  
of the Village of Beecher, Illinois  
this 28<sup>th</sup> day of June, 2004.**

ORDINANCE NO. #792

**AN ORDINANCE AMENDING THE VILLAGE CODE OF BEECHER  
RELATING DEDICATION OF PARK SITES OR FOR PAYMENTS OF FEES IN  
LIEU THEREOF**

**BE IT ORDAINED BY THE PRESIDENT AND BOARD OF  
TRUSTEES OF THE VILLAGE OF BEECHER, WILL COUNTY, ILLINOIS,  
THAT ORDINANCE NO. 832, PASSED AND ADOPTED JULY 26, 1999 IS  
HEREBY AMENDED TO READ AS FOLLOWS:**

**Section 1:**

SECTION 1(A) of said ordinance is amended by omitting the words  
"5.5 acres" and substituting the words "12.5 acres";

SECTION 1(C)(1) of said ordinance is amended by omitting the words  
"5.5 acres" and substituting the words "12.5 acres";

SECTION 9(D) of said ordinance is amended by omitting the number  
and words "\$40,000.00 per acre" and substituting the words  
"\$60,000.00 per acre";

**Section 2:** Each and every other provision of Ordinance No. 832 of Beecher, not  
amended as hereinabove provided, shall continue in full force and effect.

**Section 3:** The Village Clerk is hereby ordered and directed to publish this  
ordinance in pamphlet form.

Passed and approved this 28<sup>th</sup> day of June, 2004.

AYES: 6 NAYES: 0 ABSENT: 1

APPROVED:

Ray Hellett  
Village President

Attest:

Janet Conner  
Village Clerk

**S E A L**

Park Site Donation amend FMV

85,000/acre

VALUE OF IMPROVED ACRE OF LAND \$85,000.00		BEECHER SCHOOL DISTRICT 2000				
June 23, 2004		538 MILLER ST.				
		BEECHER, IL 60401				
		1 bedroom	2 bedroom	3 bedroom	4 bedroom	5 bedroom
<b>DETACHED SINGLE FAMILY</b> (Single Dwelling)						
K-5			560.00	1261.00	1386.00	1542.00
6th - 8th			351.00	1337.00	1728.00	2182.00
9th - 12th			255.00	816.00	1096.00	1402.00
			\$1,166.00	\$3,414.00	\$4,210.00	\$5,126.00
<b>ATTACHED SINGLE FAMILY</b>						
K-5		80.00	557.00	1119.00	1842.00	
6th - 8th		45.00	70.00	752.00	1969.00	
9th - 12th		33.00	201.00	637.00	1010.00	
		\$158.00	\$838.00	\$2,508.00	\$4,821.00	
<b>LOW DENSITY APARTMENTS</b> (Up to 15 per acre)						
K-5			80.00	314.00	679.00	
6th - 8th			97.00	380.00	824.00	
9th - 12th			33.00	145.00	466.00	
			\$ 210.00	\$ 839.00	\$1,969.00	
<b>HIGH DENSITY</b> (16 + per acre)						
K-5		40.00	101.00	233.00		
6th - 8th		49.00	122.00	281.00		
9th - 12th		17.00	74.00	235.00		
		\$106.00	\$297.00	\$749.00		



**VILLAGE OF BEECHER, WILL COUNTY, ILLINOIS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ADDING CHAPTER 14 OF TITLE 3 OF THE VILLAGE MUNICIPAL CODE TO IMPOSE A MUNICIPAL CANNABIS RETAILERS' OCCUPATION TAX FOR THE VILLAGE OF BEECHER, WILL COUNTY, ILLINOIS.**

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

**WHEREAS**, the Corporate Authorities of the Village of Beecher, Will County, Illinois, have been advised that this Ordinance may be adopted pursuant to the provisions of the Illinois Municipal Cannabis Retailers' Occupation Tax Law, 65 ILCS 5/11-8-22 *et seq.* ("Act"); and

**WHEREAS**, the Corporate Authorities of the Village of Beecher, Will County, Illinois, have been advised that the imposition of a tax authorized by the Act providing for a municipal cannabis retailers' occupation tax which will be collected by the Illinois Department of Revenue; and

**WHEREAS**, the Corporate Authorities of this Village of Beecher, Will County, Illinois, have been further advised that pursuant to the Act the Village must adopt an Ordinance imposing an Municipal Cannabis Retailers' Occupation Tax effective after January 1, 2020, and further must submit the Ordinance to the Department of Revenue before October 1, 2019, in order for the State to collect the tax; and

**WHEREAS**, the Corporate Authorities of this Village of Beecher, Will County, Illinois, having reviewed the Illinois Compiled Statutes and Village Code provisions, now concur that it is advisable, necessary, and in the best interests of the residents of the Village of Beecher that the Village of Beecher implement and impose a 3% Municipal Cannabis Retailers' Occupation Tax.

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BEECHER, WILL COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION ONE:** 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 TWO:** That Chapter 14, entitled “MUNICIPAL CANNABIS RETAILERS’ OCCUPATION TAX” of Title 3 entitled “BUSINESS REGULATIONS” of the Village Code of the Village of Beecher, be, and the same is hereby added to read and provide as follows, namely:

**“Chapter 14: MUNICIPAL CANNABIS RETAILERS’ OCCUPATION TAX.**

**3-14-1: TAX IMPOSED.**

(a) A tax is hereby imposed upon all persons engaged in the business of selling cannabis, other than cannabis purchased under the Compassionate Use of Medical Cannabis Pilot Program Act, at retail in the Village at the rate of 3% of the gross receipts from these sales made in the course of that business.

(b) The imposition of this tax is in accordance with the provisions of Sections 8-11-22 of the Illinois Municipal Code (65 ILCS 5/8-11-22).

**3-14-2: COLLECTION OF TAX BY RETAILERS.**

(a) The tax imposed by this Ordinance shall be remitted by such retailer to the Illinois Department of Revenue (“Department”). Any tax required to be collected pursuant to or as authorized by this Ordinance and any such tax collected by such retailer and required to be remitted to the Department shall constitute a debt owed by the retailer to the State. Retailers may reimburse themselves for their seller's tax liability hereunder by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with any State tax that sellers are required to collect.

(b) The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department. The Department shall have full power to administer and enforce the provisions of this Chapter.”

**SECTION THREE:** That all existing Ordinances and Village Code provisions, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

**SECTION FOUR:** If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance, and this Village Board hereby expressly acknowledges that it would have enacted this Ordinance even with the invalid portion deleted.

**SECTION FIVE:** That this Ordinance shall be in effect immediately after its passage by the Village Board, its approval by the President and its publication as required by law, and the imposition of the tax herein shall not be imposed until after January 1, 2020.

**SECTION SIX:** That the Village Clerk is hereby authorized and directed to file a certified copy of this Ordinance with the Illinois Department of Revenue on or before September 30, 2019.

**PASSED** and **APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Yeas: \_\_\_\_\_  
Nays: \_\_\_\_\_  
Abstain: \_\_\_\_\_  
Present: \_\_\_\_\_

\_\_\_\_\_  
Greg Szymanski, Village President

**ATTEST:**

\_\_\_\_\_  
Janett Conner, Village Clerk

Date Published: \_\_\_\_\_  
Date Effective: \_\_\_\_\_

STATE OF ILLINOIS    )  
                                  )    SS.  
COUNTY OF WILL     )

**CERTIFICATE**

I, Janett Conner, certify that I am the duly appointed and acting municipal clerk of the Village of Beecher, Will County, Illinois.

I hereby certify that on \_\_\_\_\_, 2019, the Corporate Authorities of such municipality passed and approved Ordinance No. \_\_\_\_\_ entitled “**AN ORDINANCE ADDING CHAPTER 14 OF TITLE 3 OF THE VILLAGE MUNICIPAL CODE TO IMPOSE A MUNICIPAL CANNABIS RETAILERS’ OCCUPATION TAX FOR THE VILLAGE OF BEECHER, WILL COUNTY, ILLINOIS.**” which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. \_\_\_\_\_, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was placed on file on the Office of the Village Clerk in the Village Hall building, commencing on \_\_\_\_\_, 2019, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk in said building.

**DATED** at Beecher, Illinois, this \_\_\_ day of \_\_\_\_\_, 2019.

(SEAL)

\_\_\_\_\_  
Janett Conner, Municipal Clerk

**MODEL ORDINANCE  
MUNICIPAL CANNABIS BUSINESS PROHIBITION**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE MUNICIPAL CODE  
OF THE CITY/VILLAGE OF \_\_\_\_\_  
BY THE ADDITION OF [ARTICLE/CHAPTER] \_\_\_\_\_  
PROHIBITING CANNABIS BUSINESS ESTABLISHMENTS**

**WHEREAS**, the City/Village has the authority to adopt ordinances and to promulgate rules and regulations [that pertain to its government and affairs and] that protect the public health, safety and welfare of its citizens; 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 City/Village has the authority to prohibit adult-use cannabis business establishments; and

**WHEREAS**, the City/Village 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 City/Village; and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City/Board of Trustees of the Village of \_\_\_\_\_ 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.** Chapter \_\_\_\_ of the Municipal Code of the City/Village of \_\_\_\_\_ shall be amended by the addition of [Article/Chapter] \_\_\_\_ that will read as follows:

**ARTICLE [CHAPTER] \_\_\_\_ Cannabis Business Establishments Prohibited.**

**1. Definitions.** The following words and phrases shall, for the purposes of this Article [Chapter], 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 City/Village of \_\_\_\_\_. No person shall locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation within the City/Village of \_\_\_\_\_ 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 City/Village in violation of the provisions of this Article [Chapter] is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

**4. Violations.** Violations of this Article [Chapter] may be enforced in accordance with the provisions of Article [Chapter] \_\_\_\_ of this Code.

**5. 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.

**6. Effective Date.** This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor/Village President

ATTEST:

\_\_\_\_\_  
City/Village Clerk

DAVID M. AUSTGEN  
TIMOTHY R. KUIPER\*  
MICHAEL J. JASAITIS\*  
RYAN A. DEUTMEYER\*

*of Counsel*  
DANETTE GARZA†  
AMERICA L. MCALPIN+  
MICHAEL L. MUENICH  
DONALD R. O'DELL\*  
*1924-2013 Deceased*



REX A. SHERRARD  
*Professional Engineer*  
AMY S. BENJAMIN  
SHANNON R. JONES  
SARA H. KOWALSKY  
*Paralegals*

PAMELA A. WEBERG  
*Elder Law Administrator*  
SHERRY L. GREEN  
*Office Administrator*  
*\*Licensed in IN & IL*  
*+ Licensed in IN, IL & FL*  
*†Also Licensed CPA in IN*

September 3, 2019

**VIA EMAIL ONLY**

Village of Beecher  
P.O. Box 1154  
Beecher, IL 60401

Attn: Robert Barber, Village Administrator

**RE: Beecher / Village-Y2019 Misc.- Cannabis Regulations**

Dear Bob:

You have requested that I review and issue a legal opinion to clarify what actions the Village needs to take under the new Cannabis Regulations and Tax Act ("CRTA").

While the State holds most authority on the recreational cannabis industry, CRTA grants the Village important zoning powers to regulate commercial cannabis activity within their boundaries. The Village may ban cannabis business operations, but cannot ban personal possession and consumption. The Village will still not be able to ban or even unreasonably restrict medical-only dispensaries as has been the case under the Illinois Compassionate Use of Medical Cannabis Pilot Program Act.

Since CRTA allows operations and sales commencing on January 1, 2020, it is critical that the Village either (1) opt out by passing an ordinance banning recreational cannabis businesses or (2) allow recreational cannabis businesses as a Special Use with conditions provided the conditions are "reasonable" and "not in conflict" with the CRTA. CRTA authorizes up to 500 dispensary licenses, allows dispensaries to operate from 6 a.m. to 10 p.m. and enables dispensaries, infusers and/or craft grower to share a facility. Since cannabis business will be legal (with State licenses), if the Village does nothing, the Village would have to allow minimally the retail sale of cannabis products in its commercial districts if a business wanted to locate in Beecher. So it is critical that the Village adopt an ordinance either prohibiting or allow cannabis business as a special use in certain zoning districts prior to January 1, 2020 to stop a de facto approval of a cannabis business in a commercial zoning district.

Additionally, under CRTA, the Village has the option to enact a 3% Municipal Cannabis Retailer's Occupation tax. This Ordinance has to be adopted by September 30, 2019, in order to be effective for the State to collect the tax commencing on January 1, 2020. This Ordinance could be enacted even if the Village prohibits such cannabis businesses. However, if the Village



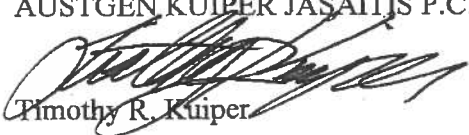
is inclined to allow as a special use with conditions, then if this Ordinance enacting a 3% tax is not enacted, the Village would miss out on the additional tax revenue. Further, even if the Village was to initially prohibit and then later allow, the Ordinance would be in place immediately to capture the additional tax revenue.

Lastly, CRTA prohibits discrimination against employees for using products that are lawful under state law, now cannabis products. The Village needs to evaluate and revise its policies to adjust for this now legal product. The Village may prohibit employees from use or possession of cannabis in the workplace and while on-call, but must have a good faith basis for disciplining employees who appear to be under the influence of cannabis while at the workplace. Any revisions to policies should be adopted, communicated to, and acknowledged by all employees.

If you have any further questions, please let me know. Thank you.

Sincerely,

AUSTGEN KUIPER JASAITIS P.C.

By:  Timothy R. Kuiper

[tkuiper@austgenlaw.com](mailto:tkuiper@austgenlaw.com)

TRK/

cc: Village President (via email)

**VILLAGE OF BEECHER, WILL COUNTY, ILLINOIS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CODE SECTIONS 3.02 AND 12.11 OF ZONING ORDINANCE NO. 1046 OF VILLAGE OF BEECHER PERTAINING TO ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS, AND REPEALING ALL VILLAGE CODE SECTIONS AND ORDINANCES, OR PARTS THEREOF, IN CONFLICT THEREWITH.**

**WHEREAS**, the Corporate Authorities of the Village of Beecher, Will County, Illinois, has enacted Municipal Code Regulations for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of the people; and

**WHEREAS**, the Corporate Authorities of the Village of Beecher, Will County, Illinois, have been advised that the State of Illinois enacted the Cannabis Regulation and Tax Act (“Act”), which pertains to the possession, use, cultivation, transportation and dispensing of adult-use cannabis, which Act became effective June 25, 2019; and

**WHEREAS**, the Corporate Authorities of the Village of Beecher, Will County, Illinois, have been advised pursuant to the Act that the Village of Beecher may enact reasonable zoning ordinances not in conflict with the Act, regulating cannabis business establishments, including adopting rules governing the time, place, manner and number of cannabis business establishments, and minimum distance limitations between cannabis business establishments and locations the Village deems sensitive; and

**WHEREAS**, the Village Planning and Zoning Commission, did, on the \_\_\_\_ day of \_\_\_\_\_, 2019, pursuant to published notice as required by law, held a Public Hearing on the advisability and necessity of amending Village Zoning Ordinance No. 1046, as amended from time to time, to revise certain text provisions for regulating adult-use cannabis business establishments within the Village of Beecher; and

**WHEREAS**, the Corporate Authorities of this Village of Beecher, Will County, Illinois, having reviewed the recommendation of the Planning and Zoning Commission as well as the Village Zoning Ordinance No. 1046 text provisions, as amended from time to time, now concur that it is advisable, necessary, and in the best interests of the residents of the Village of Beecher that Village Zoning Ordinance No. 1046 be amended to regulate adult-use cannabis business establishments within the Village of Beecher.

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BEECHER, WILL COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION ONE:** That Section 3.02, entitled “DEFINITIONS”, of SECTION 3.00, entitled “RULES AND DEFINITIONS”, of Zoning Ordinance No. 1046 of the Village of Beecher, be, and the same is hereby amended to include the following definitions, namely:

### **3.02 DEFINITIONS**

...

**“ADULT-USE CANNABIS BUSINESS ESTABLISHMENT:**

An adult-use cannabis 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.”

**SECTION TWO:** That subsection 12, entitled “ADULT-USE CANNABIS ADDITIONAL PROVISIONS” of Section 12.11, entitled “SPECIAL USES”, of SECTION 12.00, entitled “ADMINISTRATION”, of Zoning Ordinance No. 1046 of the Village of Beecher, be, and the same is hereby added to read and provide as follows, namely:

**“12. Adult-Use Cannabis Business Establishment Additional Special Use Regulations.**

a. **Purpose and Applicability:** It is the intent and purpose of this Section to provide regulations regarding the cultivation, processing and dispensing of adult-use cannabis occurring within the corporate limits of the Village of Beecher. Adult-Use Cannabis Business Establishments shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (“Act”), as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the State or Village regulations shall apply.

b. Adult-Use Cannabis Business Establishment requiring approval of a special use in the respective districts in which they are requested shall be processed in accordance with Section 12.11 and as provided herein. In further determining compliance with Section 12.11, the following components of the Adult-Use Cannabis Business Establishment shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:

1. Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
2. Proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, security installations/security plan and building code compliance.
3. Hours of operation and anticipated number of customers/employees.
4. Anticipated parking demand based on Section 10.05 and available private parking supply.
5. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
6. Site design, including access points and internal site circulation.
7. Proposed signage plan.
8. Compliance with any specific requirements provided hereinafter for Adult-Use Cannabis Craft Grower; Adult-Use Cannabis Cultivation Center; Adult-Use Cannabis Dispensing Organization; Adult-Use Cannabis Infuser Organization; Adult-Use Cannabis Processing Organization; and Adult-Use Cannabis Transporting Organization), as applicable.

c. Adult-Use Cannabis Craft Grower Special Use Additional Requirements: In I-1 and AG-1 zoning districts, Adult-Use Cannabis Craft Grower may be allowed by Special Use and such the proposed facility must comply with the following:

1. Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
2. Facility may not be located within 1,500 feet of the property line of a pre-existing property zoned or used for residential purposes.
3. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

d. Adult-Use Cannabis Cultivation Center Special Use Additional Requirements: In AG-1 zoning districts, Adult-Use Cannabis Cultivation Center may be allowed by Special Use and such proposed facility must comply with the following:

1. Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
2. Facility may not be located within 1,500 feet of the property line of a pre-existing property zoned or used for residential purposes.
3. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

e. Adult-Use Cannabis Dispensing Organization Special Use Additional Requirements: In B-1, B-2, and B-3 zoning districts, Adult-Use Cannabis Dispensing Organization may be allowed by Special Use and such proposed facility must comply with the following:

1. Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
2. Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.
3. At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food for consumption on the premises other than as authorized herein in the same tenant space.
4. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
5. Facility may be issued a permit to host on-site consumption of cannabis if located in a freestanding structure occupied solely by the dispensing organization and smoke from the facility does not migrate into an enclosed area where smoking is prohibited. The security plan for the facility shall also reflect adequate provisions to respond to disruptive conduct and over-consumption. The on-site consumption permit shall be reviewed annually and may be suspended or revoked following notice and hearing by the Village Board.

f. Adult-Use Cannabis Infuser Organization Special Use Additional Requirements: In B-3 and I-1 zoning districts, Adult-Use Cannabis Infuser Organization may be allowed by Special Use and such proposed facility must comply with the following:

1. Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
2. Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.
3. At least 75% of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

g. Adult-Use Cannabis Processing Organization Special Use Additional Requirements: In I-1 and AG-1 zoning districts, Adult-Use Cannabis Processing Organization may be allowed by Special Use and such proposed facility must comply with the following:

1. Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
2. Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.
3. At least 75% of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

h. Adult-Use Cannabis Transporting Organization Additional Requirements: In B-3 and I-1 zoning districts, Adult-Use Transporting Organization may be allowed by Special Use and such proposed facility must comply with the following:

1. Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
2. Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.
3. The transporting organization shall be the sole use of the tenant space in which it is located. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

i. Additional Requirements: Petitioners shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the Special Use Permit, to ensure the safety of employees and customers of the Adult-Use Cannabis Business Establishments, as well as the surrounding area. Such improvements shall be determined based on the specific

characteristics of the floor plan for an Adult-Use Cannabis Business Establishment and the site on which it is located consistent with the requirements of the Act.

11. Co-Location of Cannabis Business Establishments. The Village of Beecher may approve the co-location of an Adult-Use Cannabis Dispensing Organization with an Adult-Use Cannabis Craft Grower Center or an Adult-Use Cannabis Infuser Organization, or both, subject to the provisions of the Act and Section 12.11.”

**SECTION THREE:** That all existing Ordinances and Village Code provisions, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

**SECTION FOUR:** If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance, and this Village Board hereby expressly acknowledges that it would have enacted this Ordinance even with the invalid portion deleted.

**SECTION FIVE:** That this Ordinance shall be in effect immediately after its passage by the Village Board, its approval by the President and its publication as required by law.

**PASSED and APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstain: \_\_\_\_\_

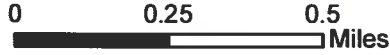
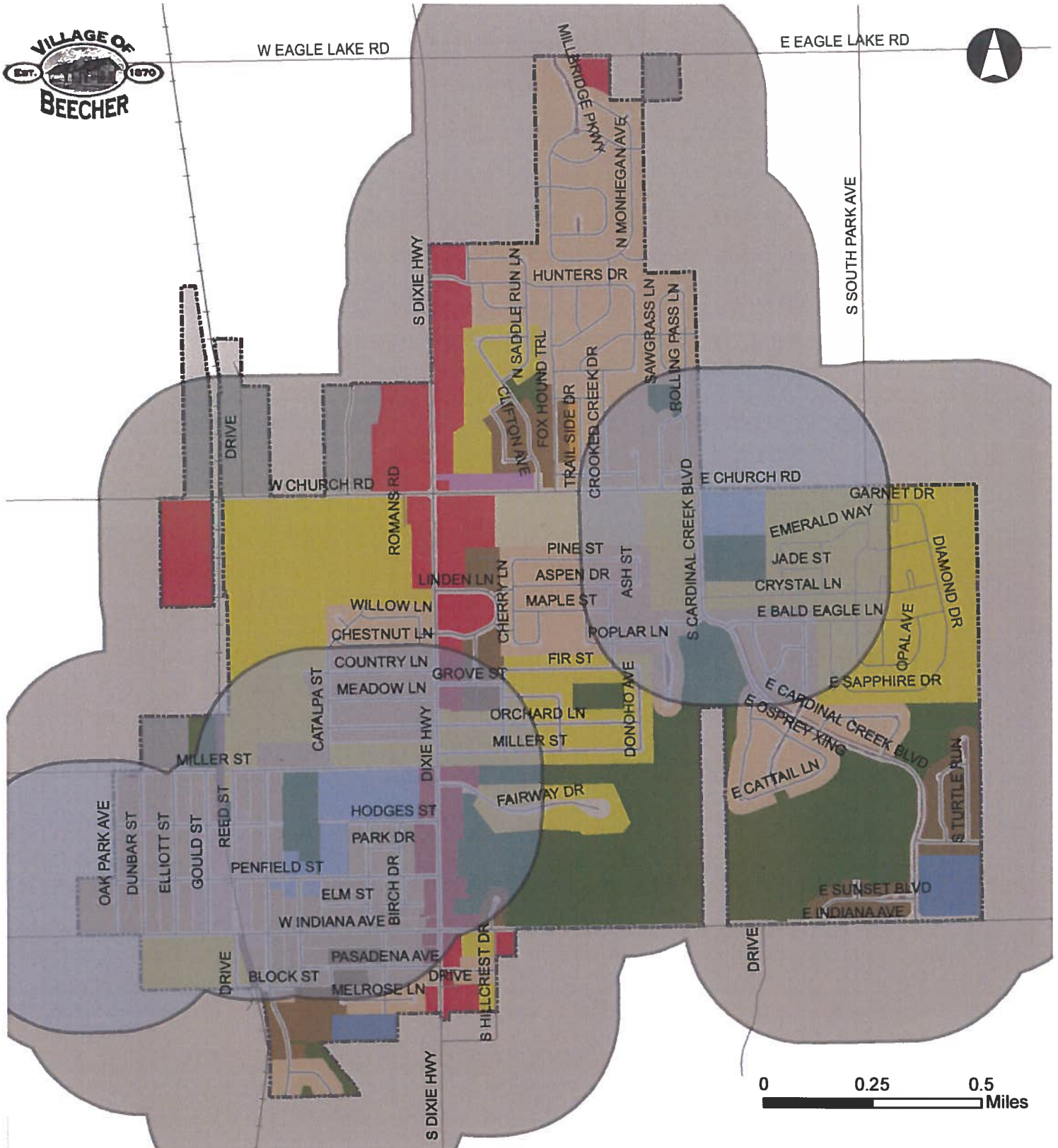
Present: \_\_\_\_\_

\_\_\_\_\_  
Greg Szymanski, Village President

**ATTEST:**

\_\_\_\_\_  
Janett Conner, Village Clerk





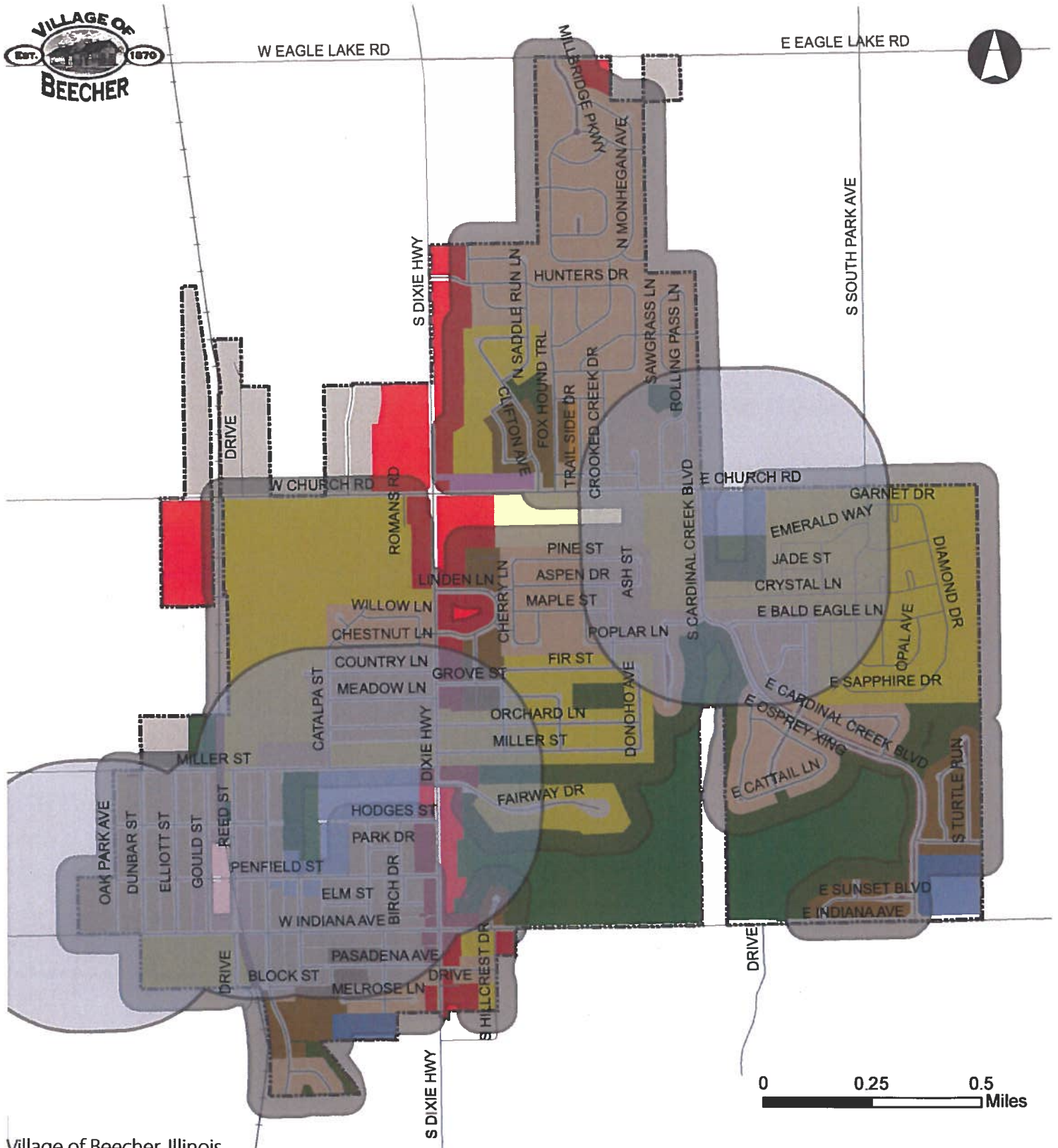
Village of Beecher, Illinois

### Adult-Use Cannabis: IML Model Ordinance Recommended Buffers

1,500-Foot Residential Separation and 1,500-Foot School Separation for Craft Growers and Cultivation Centers

Agricultural	Two Family	Local Business	Government Institutional
Residential Estate	General Residence	General Business	School Buffer
Single Family Detached	Open Space	Limited Industrial	Residential Buffer
Single Family Attached	Historic Downtown	Office Research	



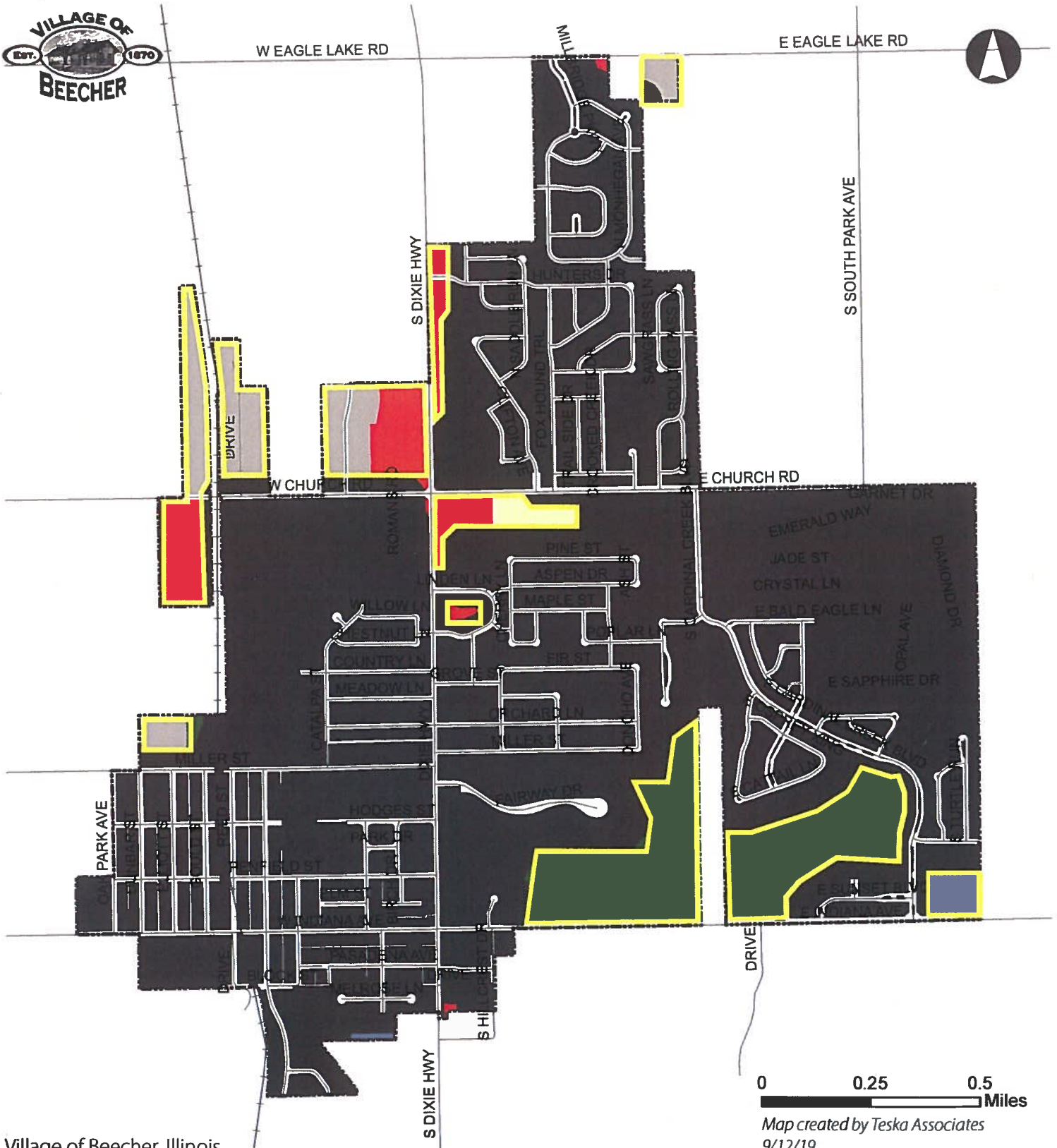


Village of Beecher, Illinois

### Adult-Use Cannabis: IML Model Ordinance Recommended Buffers

250-Foot Residential Separation and 1,500-Foot School Separation for Dispensing, Infusing, Processing, and Transporting Facilities

- |                        |                   |                    |                          |
|------------------------|-------------------|--------------------|--------------------------|
| Agricultural           | Two Family        | Local Business     | Government Institutional |
| Residential Estate     | General Residence | General Business   | School Buffer            |
| Single Family Detached | Open Space        | Limited Industrial | Residential Buffer       |
| Single Family Attached | Historic Downtown | Office Research    |                          |



Village of Beecher, Illinois

0 0.25 0.5 Miles

Map created by Teska Associates  
9/12/19

### Adult-Use Cannabis: Eligible Areas for Dispensing Facility (Per IML Model Ordinance)

250-Foot Residential Separation and 1,500-Foot School Separation for Dispensing, Infusing, Processing, and Transporting Facilities

 Agricultural	 Two Family	 Local Business	 Government Institutiona
 Residential Estate	 General Residence	 General Business	 Ineligible Area
 Single Family Detached	 Open Space	 Limited Industrial	
 Single Family Attached	 Historic Downtown	 Office Research	





# Frequently Asked Questions Cannabis Regulation and Tax Act Public Act 101-0027

**Updated September 9, 2019**

**Provided by**

**KTJ**

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**FREQUENTLY ASKED QUESTIONS**

**Cannabis Regulation And Tax Act – Public Act 101-0027**

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## **FREQUENTLY ASKED QUESTIONS**

### **Cannabis Regulation And Tax Act – Public Act 101-0027**

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#### **ADVERTISING**

##### ***What are the restrictions on advertising for a cannabis business establishment?***

- “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.
  
- No cannabis business establishment nor any entity or person shall engage in advertising that contains any statement or illustration that is:
  - False or misleading;
  - Promotes the overconsumption of cannabis;
  - Displays cannabis;
  - Shows someone under 21 consuming cannabis;
  - Makes health or medicinal claims about cannabis;
  - Includes the image of the cannabis leaf or bud; or
  - Includes any image that is likely to appeal to minors.
  
- No cannabis business establishment nor any person or entity shall place or maintain or cause to be placed or maintained an advertisement in any form:
  - Within 1,000 feet of school grounds, playgrounds, hospitals, health care facilities, recreation centers, child care centers; public parks, public libraries; or game arcades that admit persons under the age of 21;
  - On or in a public transportation vehicle or on a public transportation shelter; or
  - On or in publicly-owned or publicly-operated property.

## **FREQUENTLY ASKED QUESTIONS**

### **Cannabis Regulation And Tax Act – Public Act 101-0027**

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#### **CRAFT GROWERS**

##### ***What is the definition of "craft grower?"***

- "Craft grower" means 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. A craft grower may contain up to 5,000 square feet of canopy space on its premises for plants in the flowering stage. The Department of Agriculture may authorize an increase or decrease of flowering stage cultivation space in increments of 3,000 square feet by rule based on market need, craft grower capacity and the licensee's history of compliance or noncompliance, with a maximum space of 14,000 square feet for cultivating plants in the flowering stage, which must be cultivated in all stages of growth in an enclosed and secure area. A craft grower may share premises with a processing organization or a dispensing organization, or both, provided each licensee stores currency and cannabis or cannabis-infused products in a separate secured vault to which the other licensee does not have access or all licensees sharing a vault share more than 50% of the same ownership.

##### ***Are craft growers inspected? How, and by whom?***

- Craft growers are subject to random inspections by the Illinois Department of Agriculture, the Illinois Department of Public Health, local safety or health inspectors and the Illinois State Police.

##### ***To whom may craft growers sell cannabis?***

- Craft growers may sell or distribute cannabis to a cultivation center, a craft grower, an infuser organization, a dispensing organization or as otherwise authorized by rule.

##### ***What are the limitations on the location of craft growers?***

- A craft grower may not be located in an area zoned for residential use.
- A craft grower shall not be located within 1,500 feet of another craft grower or a cultivation center.

## **FREQUENTLY ASKED QUESTIONS**

### **Cannabis Regulation And Tax Act – Public Act 101-0027**

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#### **CULTIVATION CENTERS**

##### ***What is the definition of “cultivation center?”***

- "Cultivation center" means a facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, process, transport (unless otherwise limited by the Act) and perform other necessary activities to provide cannabis and cannabis-infused products to cannabis business establishments.

##### ***Are cultivation centers inspected? How, and by whom?***

- Cultivation centers are subject to random inspections by the Illinois Department of Agriculture, the Illinois Department of Public Health, local safety or health inspectors and the Illinois State Police.

##### ***To whom may cultivation centers sell cannabis?***

- Cultivation centers may sell or distribute cannabis or cannabis-infused products to dispensing organizations, craft growers, infusing organizations, transporters or as otherwise authorized by rule.

##### ***What is the maximum space a cultivation center may provide for plants in the flowering stage?***

- A cultivation center may not contain more than 210,000 square feet of canopy space for plants in the flowering stage for cultivation of adult-use cannabis as provided in this Act.

## **FREQUENTLY ASKED QUESTIONS**

### **Cannabis Regulation And Tax Act – Public Act 101-0027**

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#### **DISPENSING ORGANIZATIONS**

##### ***What is the definition of “dispensing organization?”***

- "Dispensing organization" means a facility operated by an organization or business that is licensed by the Illinois 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 the Act to purchasers or to qualified registered medical cannabis patients and caregivers. As used in the Act, a “dispensing organization” shall include a registered medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Program Act or its successor Act that has obtained an Early Approval Adult Use Dispensing Organization License.

##### ***What methods of sale by dispensing organizations are prohibited?***

- Drive-through windows
- Vending machines
- Transport of cannabis to residences or other locations where purchasers may be for delivery

##### ***When are dispensing organizations allowed to operate?***

- Operation is allowed between 6:00 a.m. and 10:00 p.m. local time.
- Operation is prohibited when video surveillance equipment is inoperative.
- Operation is prohibited when point-of-sale equipment is inoperative.
- Operation is prohibited when the state’s cannabis electronic verification system is inoperative.
- Operation is prohibited when there are fewer than two people working at any time within a dispensing organization.

##### ***What products are dispensing organizations prohibited from selling?***

- Dispensing organizations may not sell any product containing alcohol except tinctures, which are limited to containers no larger than 100 milliliters.
- Selling clones or other live plant material is prohibited.



## **FREQUENTLY ASKED QUESTIONS**

### **Cannabis Regulation And Tax Act – Public Act 101-0027**

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- Selling cannabis, cannabis concentrate or cannabis-infused products in combination or bundled with each other for one price is prohibited.

#### ***Can dispensing organizations sell cannabis outside of Illinois or obtain cannabis from outside of Illinois?***

- No. Dispensing organizations may not transport cannabis or cannabis products across state lines.
- No. Dispensing organizations may not obtain cannabis or cannabis-infused products from outside the State of Illinois.

#### ***What type of packaging is required for cannabis sold at dispensing organizations?***

- All cannabis sold by a dispensing organization to purchasers must be in a container or package with a label identifying, at a minimum, the name of the dispensing organization, the contents and the weight of the raw cannabis in grams or, for cannabis products, the amount of Tetrahydrocannabinol (THC) in milligrams.

#### ***Are there restrictions in the Act on the location of dispensing organizations?***

- Yes. A dispensing organization may not be located within 1,500 feet of the property line of a pre-existing dispensing organization.

#### ***What is the process for a dispensing organization to dispense cannabis to a purchaser?***

- Before cannabis is dispensed:
  - The age of the purchaser shall be verified by checking a government-issued identification card by use of an electronic reader or electronic scanning device to scan the identification;
  - The validity of the government-issued identification card must be verified;
  - Any appropriate purchaser education or support materials shall be offered; and
  - Information must be entered into the state's cannabis electronic verification system, including the dispensing organization's agent's identification number, the dispensing organization's identification number, the amount, type (including strain, if applicable) of cannabis or cannabis-infused product dispensed, and the date and time the cannabis is dispensed.
- A dispensing organization shall refuse to sell cannabis to anyone unless the person produces valid identification showing that the person is 21 years of age or older. However, a medical cannabis dispensing organization may sell cannabis-infused products to a person who is under

## **FREQUENTLY ASKED QUESTIONS**

### **Cannabis Regulation And Tax Act – Public Act 101-0027**

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21 years of age if the sale complies with the provisions of the Medical Cannabis Program Act and rules.

- Public Act 101-0363, effective August 8, 2019, revised the Medical Cannabis Program Act to provide that registered qualifying patients under 21 years of age shall be prohibited from consuming forms of cannabis other than medical cannabis-infused products, and purchasing any usable cannabis or paraphernalia used for smoking or vaping medical cannabis.

## **FREQUENTLY ASKED QUESTIONS**

### **Cannabis Regulation And Tax Act – Public Act 101-0027**

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#### **DRIVING UNDER THE INFLUENCE (DUI)**

##### *How will DUI's be addressed under the new law?*

- Driving under the influence of cannabis will continue to be illegal.
- The Act allows for use of validated roadside chemical tests or standardized field sobriety tests approved by the National Highway Traffic Safety Administration when conducting investigations of a violation of Section 11-501 of the Illinois Motor Vehicle Code (625 ILCS 5/11-501) or a similar local ordinance by drivers suspected of driving under the influence of cannabis.
- The results of validated roadside chemical tests and standardized field sobriety tests are, under the Act, admissible at a civil or criminal trial or proceeding for an arrest for a cannabis-related offense as defined in Section 11-501 of the Illinois Motor Vehicle Code or a similar local ordinance.
- The Act creates a DUI Cannabis Task Force to examine best practices for enforcement of driving under the influence of cannabis laws and emerging technology in roadside testing for impairment.
- The Act creates various statutory presumptions applicable to cannabis DUIs:
  - Tetrahydrocannabinol (THC) concentration of 5 nanograms or more in whole blood or 10 nanograms or more in an other bodily substance creates a presumption that a person was under the influence of cannabis; and
  - Tetrahydrocannabinol (THC) concentration of less than 5 nanograms in whole blood or less than 10 nanograms in an other bodily substance does not give rise to a presumption that the person was or was not under the influence of cannabis, but may be considered with other competent evidence in determining whether the person was under the influence of cannabis.
- The refusal to submit to a chemical test will result in the imposition of driver's license sanctions under Section 11-501.1 of the Illinois Motor Vehicle Code.
- The refusal to take validated roadside chemical tests or standardized field sobriety tests is admissible in any civil or criminal action or proceeding regarding impairment by use of cannabis.
- An authorized medical cannabis patient who drives is deemed to have given consent to (i) validated roadside chemical tests or (ii) standardized field sobriety tests.

## **FREQUENTLY ASKED QUESTIONS**

### **Cannabis Regulation And Tax Act – Public Act 101-0027**

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- Law enforcement officers must have an independent, cannabis-related factual basis giving reasonable suspicion that a person is driving or in actual physical control of a motor vehicle while impaired by the use of cannabis to conduct validated roadside chemical tests or standardized field sobriety tests.

## **FREQUENTLY ASKED QUESTIONS**

### **Cannabis Regulation And Tax Act – Public Act 101-0027**

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#### **EMPLOYMENT CONCERNS**

##### ***May an employer maintain a drug-free workplace?***

- Yes. The Act specifies that nothing shall prohibit an employer from adopting:
  - reasonable zero-tolerance or drug-free workplace policies;
  - employment policies concerning drug testing; or
  - regulations concerning smoking, consumption, storage or use of cannabis at the workplace or while on call.
- These policies must be applied in a nondiscriminatory manner.
- Employers' policies may cover use of cannabis in the employer's workplace, while performing the employee's job duties or while "on call." An employee is deemed "on call" when he or she is scheduled with at least 24 hours' notice by employer to be on standby or otherwise responsible for performing tasks related to his or her employment.
- An employer may discipline an employee for violating a workplace drug policy. If the employer elects to discipline the employee, the employer must give the employee reasonable opportunity to contest the determination.
- Nothing in the Act shall be construed to interfere with any federal, state or local restrictions on employment including, but not limited to, the United States Department of Transportation regulation 49 CFR 40.151(e), or impact an employer's ability to comply with federal or state law or cause it to lose a federal or state contract or funding.
- The Illinois Right to Privacy in the Workplace Act prohibits discrimination for the use of a lawful product while off duty or not on call. (820 ILCS 55/5.)

##### ***How can an employer determine whether an employee is impaired by the use of cannabis?***

- An employer may consider an employee to be impaired by the use of cannabis if the employer has a good faith belief that the employee manifests specific, articulable symptoms while working that decrease or lessen the employee's performance of the duties or tasks.

## **FREQUENTLY ASKED QUESTIONS**

### **Cannabis Regulation And Tax Act – Public Act 101-0027**

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#### **EXPUNGEMENTS**

##### ***What records will be automatically expunged?***

- The Act mandates that arrest records relating to offenses under the Illinois Cannabis Control Act for possession of under 30 grams of any substance containing cannabis that are not associated with an arrest, conviction or other disposition of a violent crime as defined in subsection (c) of Section 3 of the Illinois Rights of Crime Victims and Witnesses Act. “Minor Cannabis Offenses” will be automatically expunged by all law enforcement agencies, including records of an arrest, charges not initiated by arrest, orders of supervision or orders of qualified probation for all offenses committed prior to the Act if:
  - One year or more has elapsed since the date of the arrest or law enforcement interaction documented in the records; and
  - No criminal charges were filed or if filed they were dismissed and/or arrestee was acquitted.

##### ***What is the schedule for automatic expungement?***

- The Act provides that all law enforcement agencies must expunge qualifying records according to the following schedule:
  - Records created prior to the effective date of the Act, but on or after January 1, 2013, shall be automatically expunged prior to January 1, 2021;
  - Records created prior to January 1, 2013, but on or after January 1, 2000, shall be automatically expunged prior to January 1, 2023; and
  - Records created prior to January 1, 2000, shall be automatically expunged prior to January 1, 2025.

##### ***What is the process for expungement for offenders actually convicted of Minor Cannabis Offenses or of more serious violations under the Cannabis Control Act?***

- Within 180 days of the effective date of the Act, the Illinois State Police must notify the Prisoner Review Board of those convictions for Minor Cannabis Offenses that are eligible for expungement under the Act.
- The Act provides a process for the Prisoner Review Board to make recommendations to the Governor for pardons for certain convictions for Minor Cannabis Offenses.
- Those convicted for more serious violations of the Cannabis Control Act and not qualifying for a pardon have the option of petitioning for expungement through the circuit court.

## **FREQUENTLY ASKED QUESTIONS**

### **Cannabis Regulation And Tax Act – Public Act 101-0027**

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#### **FREEDOM OF INFORMATION ACT**

*Are all records and documents created or obtained by a public body pursuant to the provisions of the Act subject to the Illinois Freedom of Information Act (FOIA)?*

- The Act adds an exemption to FOIA for confidential information described in Section 55-30 of the Illinois Cannabis Regulations and Tax Act (information received by state agencies from cannabis establishment licensees or applicants).
- The name and address of a dispensing organization licensed under the Act shall be subject to disclosure under FOIA. The name and cannabis business establishment address of the person or entity holding each cannabis business establishment license shall be subject to disclosure.
- Complaints from consumers or members of the general public received regarding a specific, named licensee or complaints regarding conduct by unlicensed entities shall be subject to disclosure.

## **FREQUENTLY ASKED QUESTIONS**

### **Cannabis Regulation And Tax Act – Public Act 101-0027**

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#### **HOME CULTIVATION**

##### ***What are the limitations and requirements to grow cannabis at home?***

- Only registered medical cannabis patients over 21 years of age may participate in home cultivation.
- Additionally, cultivation in private residences by medical cannabis patients is subject to the following limitations:
  - There is a limit of five plants that are five inches or more per household without a cultivation center or craft grower license;
  - Cannabis plants may not be cultivated in an area subject to public view;
  - Reasonable precautions must ensure that the plants are secure from unauthorized access or access by a person under 21 years of age;
  - Cannabis cultivation must occur in an enclosed locked space;
  - Cannabis cultivation may only occur on residential property lawfully in possession of the medical cannabis patient or with the consent of the person in lawful possession of the property;
  - A medical cannabis patient may allow their authorized agent to tend to the plants for brief periods of time if the patient is temporarily away;
  - A medical cannabis patient may only purchase cannabis seed from a dispensary;
  - Purchase of live plant material is prohibited; and
  - If the home grown plants yield more than the allowable possession limit of 30 grams of raw cannabis, then the excess cannabis must remain secured within the residence of residential property in which it was grown.

##### ***May a landlord prohibit growth of cannabis on their property?***

- Yes. An owner or lessor of residential property may prohibit the cultivation of cannabis by a lessee.



## **FREQUENTLY ASKED QUESTIONS**

### **Cannabis Regulation And Tax Act – Public Act 101-0027**

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#### **INFUSER ORGANIZATIONS OR INFUSERS**

##### ***What is the definition of “infuser organization” or “infuser?”***

- "Infuser organization" or "infuser" means 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.

##### ***Are infusers inspected? How, and by whom?***

- Infusers are subject to random inspections by the Illinois Department of Agriculture, the Illinois Department of Public Health, local safety or health inspectors and the Illinois State Police.

##### ***To whom may infusers sell cannabis?***

- Infusers may only sell or distribute cannabis to a dispensing organization, or as otherwise authorized by rule.

##### ***What are the limitations on the location of infusers?***

- An infuser may not be located in an area zoned for residential use.
- An infuser may share premises with a craft grower or a dispensing organization, or both, provided each licensee stores currency and cannabis or cannabis-infused products in a separate secured vault to which the other licensee does not have access or all licensees sharing a vault share more than 50% of the same ownership.

## **FREQUENTLY ASKED QUESTIONS**

### **Cannabis Regulation And Tax Act – Public Act 101-0027**

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#### **LICENSING**

##### ***Is a license required to operate a cannabis establishment in Illinois?***

- Yes. The Illinois Office of Cannabis Control shall issue licenses for all dispensing organizations. Dispensing organizations are defined by the Act as a facility operated by an organization or business that is licensed by the Illinois 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 the Act to purchasers or to qualified registered medical cannabis patients and caregivers.

##### ***May municipalities require licenses to operate a cannabis establishment within their boundaries?***

- Since licensing is a function of the state under the Act, local governments may only enforce generally applicable business registration requirements for cannabis establishments and conduct inspections of the premises to ensure compliance with local ordinances.

##### ***What are the different types of licenses?***

- The Act creates the following adult-use cannabis licenses, subject to various fees and subject to administration by the Illinois Department of Agriculture and the Illinois Department of Financial and Professional Regulation:
- Early Approval Adult-Use Dispensing Organization - A license that permits a medical cannabis dispensing organization licensed under the Illinois Medical Cannabis Program Act as of the effective date of the Act to begin selling cannabis to purchasers as permitted by the Act as of January 1, 2020.
- Early Approval Adult-Use Cultivation Center - A license that permits a medical cannabis cultivation center licensed under the Illinois Medical Cannabis Program Act as of the effective date of the Act to begin cultivating, infusing, packaging, transporting (unless otherwise provided in the Act) and selling cannabis to cannabis business establishments for resale to purchasers as permitted by the Act as of January 1, 2020. A cultivation center may begin producing cannabis and cannabis-infused products once the Early Approval Adult Use Cultivation Center License is approved. A cultivation center that obtains an Early Approval Adult Use Cultivation Center License may begin selling cannabis and cannabis-infused products to approved dispensing organizations on December 1, 2019.

## **FREQUENTLY ASKED QUESTIONS**

### **Cannabis Regulation And Tax Act – Public Act 101-0027**

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- **Conditional Adult-Use Dispensing Organization License** - A license awarded to top-scoring applicants for an Adult-Use Dispensing Organization License that reserves to the applicant the right to an adult-use dispensing organization license if the applicant meets certain conditions described in the Act. A dispensing organization that is awarded a Conditional Adult-Use Dispensing Organization License is not entitled to purchase, possess, sell or dispense cannabis or cannabis-infused products until the applicant has received an Adult-Use Dispensing Organization License.
- **Conditional Adult-Use Cultivation Center License** - A license awarded to top-scoring applicants for an Adult-Use Cultivation Center License that reserves to the applicant the right to an Adult-Use Cultivation Center License if the applicant meets certain conditions as determined by the Illinois Department of Agriculture by rule. A cultivation center applicant that is awarded a Conditional Adult-Use Cultivation Center License is not entitled to grow, purchase, possess or sell cannabis or cannabis-infused products until the applicant has received an Adult-Use Cultivation Center License.
- **Adult-Use Dispensing Organization** - A license issued by the Illinois Department of Financial and Professional Regulation that permits a person to act as a dispensing organization under the Act and any administrative rule made in furtherance of the Act.
- **Adult-Use Cultivation Center** - A license issued by the Illinois Department of Agriculture that permits a person to act as a cultivation center under the Act and any administrative rule made in furtherance of the Act.
- **Craft Grower** - The Illinois Department of Agriculture shall issue up to 40 craft grower licenses by July 1, 2020. A "craft grower" is 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.
- **Infuser** - The Illinois Department of Agriculture shall issue up to 40 infuser licenses through a process provided for in the Act no later than July 1, 2020. "Infuser organization" or "infuser" means 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. An infuser is prohibited from extracting cannabis concentrate from raw cannabis material. Only cultivation centers and craft growers will be allowed to extract cannabis concentrate.
- **Transporter** - "Transporting organization" or "transporter" means an organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on

## **FREQUENTLY ASKED QUESTIONS**

### **Cannabis Regulation And Tax Act – Public Act 101-0027**

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behalf of a cannabis business establishment or a community college licensed under the Illinois Community College Cannabis Vocational Training Pilot Program.

#### ***Do state licenses need to be renewed?***

- Yes. All licenses expire and are subject to the renewal provisions set forth in the Act.
- Adult-Use Dispensing Organization Licenses shall expire on March 31 of even-numbered years. Licensees must submit a renewal application as provided by the Illinois Department of Financial and Professional Regulation and pay the required renewal fee.

## **FREQUENTLY ASKED QUESTIONS**

### **Cannabis Regulation And Tax Act – Public Act 101-0027**

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#### **LOCAL GOVERNMENT**

##### ***May municipalities prohibit cannabis establishments within their boundaries?***

- Yes. A municipality may enact ordinances to prohibit or significantly limit an adult-use cannabis business establishment's location.
- While adult-use cannabis business establishments may be prohibited, the Illinois Medical Cannabis Program Act specifically provides that medical cannabis dispensing organizations may not be prohibited within municipal boundaries. For medical cannabis establishments, then, municipalities may only regulate location via reasonable zoning regulations (special use permits, etc.).

##### ***May municipalities and other units of local government regulate cannabis establishments within their boundaries?***

- A unit of local government may enact reasonable zoning ordinances or resolutions not in conflict with the Act or with Illinois Office of Cannabis Control, Illinois Department of Public Health, Illinois Department of Financial and Professional Regulation and Illinois Department of Agriculture rules regulating cannabis establishments.
- A unit of local government may enact ordinances or rules governing the time, place, manner and number of cannabis establishment operations, including a minimum distance limitation between cannabis establishments and locations it deems sensitive through the use of special use permits.

##### ***May municipalities prohibit or regulate cannabis establishments outside of their boundaries?***

- A municipality may exert extra territorial zoning authority in the unincorporated area within one and one half miles of its corporate limits through the adoption of a comprehensive plan and zoning for that area pursuant to 65 ILCS 5/11-13-1. The municipal ordinances would control that area absent a county zoning ordinance, or another municipality with zoning already in place.

##### ***May municipalities regulate the on-premises consumption of cannabis and/or allow cannabis cafes and lounges?***

- Yes. A municipality may regulate and/or allow the on-premises consumption of cannabis at or in a cannabis business establishment within its jurisdiction in a manner consistent with the Act. The Act allows the creation of “cannabis cafes/lounges” in the discretion of the municipality. Cannabis business establishments or other entities authorized or permitted by a municipality to

## **FREQUENTLY ASKED QUESTIONS**

### **Cannabis Regulation And Tax Act – Public Act 101-0027**

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allow on-site consumption shall not be deemed a public place within the meaning of the Smoke Free Illinois Act.

#### ***May municipalities and other units of local government prohibit the use of cannabis within their boundaries?***

- No unit of local government, including a home rule unit, may unreasonably prohibit the use of cannabis authorized by the Act.

#### ***Does the Act contain any location restrictions on dispensaries?***

- A dispensing organization may not be located within 1,500 feet of the property line of a preexisting dispensing organization.
- These distance restrictions are different than those originally imposed by the Illinois Medical Cannabis Program Act. Under the Medical Cannabis Program Act, registered cultivation centers could not locate within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility or an area zoned for residential use (410 ILCS 130/105(c)) and registered dispensing organizations could not locate within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility or be located in a house, apartment, condominium, or an area zoned for residential use (410 ILCS 130/130(d)). P.A. 101-0363, which made various amendments to the Medical Cannabis Program Act and became effect on August 8, 2019, eliminated the distance restrictions for medical cannabis dispensaries registered after July 1, 2019.

#### ***Does failure to be in compliance with local zoning regulations have any impact on a cannabis establishment's ability to operate in Illinois?***

- Yes. A state-issued cannabis establishment license will be denied if the applicant is not in compliance with local zoning rules.

#### ***May municipalities and other units of local government fine or penalize cannabis establishments for violation of local zoning regulations?***

- A unit of local government may establish civil penalties for violation of an ordinance or rules governing the time, place and manner of operation of a cannabis establishment within the jurisdiction of the unit of local government.

## **FREQUENTLY ASKED QUESTIONS**

### **Cannabis Regulation And Tax Act – Public Act 101-0027**

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#### ***May municipalities regulate personal possession and consumption of cannabis?***

- The Act provides municipalities with the authority to locally regulate possession and consumption of cannabis by private citizens in a manner consistent with the Act. Therefore, municipalities may adopt the prohibitions and penalties of the Act into their codes which will give the local governments the ability to enforce and prosecute personal possession and consumption violations through local adjudication or the circuit court.

#### ***Does the Act apply to home rule units of government?***

- Yes. A unit of local government may not regulate cannabis-related activities in a manner more restrictive than their regulation by the state under the Act. Home rule preemption applies here.
  - “This subsection is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.” Section 55-25(4).
- Home rule preemption is specifically set forth in Section 55-90 of the Act. *“Except as otherwise provided in this Act, a unit of local government, including a home rule unit, may not regulate or license the activities described in this Act.” [emphasis added]*

#### ***May voters choose to limit or prohibit cannabis establishments within a municipality?***

- Only within the City of Chicago. The Act allows the legal voters of any precinct within a municipality with a population of over 500,000 to petition their local alderman, using a petition form made available online by the city clerk, to introduce an ordinance establishing the precinct as a restricted cannabis zone. "Restricted cannabis zone" means a precinct within which home cultivation, one or more types of cannabis business establishments, or both has been prohibited pursuant to an ordinance initiated by a petition under the Act.

#### ***Does the Act contain any operational rules for adult-use cannabis dispensing organizations?***

- The Act, in Section 15-70, contains a list of specific business operational rules for adult-use cannabis dispensing organizations that provide a clear baseline of regulatory guidelines for these establishments. Municipalities may include these in any statement on approvals or conditions that are part of any conditional use permit. These rules include:
  - A dispensing organization must include the legal name of the dispensary on the packaging of any cannabis product it sells.
  - Dispensing organizations are prohibited from selling any product containing alcohol except tinctures, which are limited to containers that must be no larger than 100 milliliters.

## **FREQUENTLY ASKED QUESTIONS**

### **Cannabis Regulation And Tax Act – Public Act 101-0027**

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- A dispensing organization may only accept cannabis deliveries into a restricted access area. Deliveries may not be accepted through the public or limited access areas unless otherwise approved under the Act.
- A dispensing organization shall maintain compliance with state and local building, fire and zoning requirements or regulations.
- A dispensing organization shall submit a list to the state of the names of all service professionals that will work at the dispensary.
- A dispensing organization's license allows for a dispensary to be operated only at a single location.
- A dispensing organization may operate between 6:00 a.m. and 10:00 p.m. local time.
- A dispensing organization must keep all lighting outside and inside the dispensary in good working order and wattage sufficient for security cameras.
- A dispensing organization shall not:
  - Produce or manufacture cannabis;
  - Accept a cannabis product from an adult-use cultivation center, craft grower, infuser, dispensing organization or transporting organization unless it is pre-packaged and labeled in accordance with the Act and any rules that may be adopted pursuant to the Act;
  - Obtain cannabis or cannabis-infused products from outside the State of Illinois;
  - Sell cannabis or cannabis-infused products to a purchaser unless the dispensary organization is licensed under the Illinois Medical Cannabis Program Act, and the individual is registered under the Medical Cannabis Program Act or the purchaser has been verified to be over the age of 21;
  - Enter into an exclusive agreement with any adult-use cannabis cultivation center, craft grower or infuser;
  - Refuse to conduct business with an adult-use cannabis cultivation center, craft grower, transporting organization or infuser that has the ability to properly deliver the product and is permitted by the Illinois Department of Agriculture, on the same terms as other adult-use cannabis cultivation centers, craft growers, infusers or transporters with whom it is dealing;
  - Operate drive-through windows;
  - Allow for the dispensing of cannabis or cannabis-infused products in vending machines;
  - Transport cannabis to residences or other locations where purchasers may be for delivery;
  - Enter into agreements to allow persons who are not dispensing organization agents to deliver cannabis or to transport cannabis to purchasers;
  - Operate a dispensing organization if its video surveillance equipment is inoperative;
  - Operate a dispensing organization if the point-of-sale equipment is inoperative;



## **FREQUENTLY ASKED QUESTIONS**

### **Cannabis Regulation And Tax Act – Public Act 101-0027**

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- Operate a dispensing organization if the state's cannabis electronic verification system is inoperative;
- Operate a dispensing organization when there are fewer than two people working at any time;
- Be located within 1,500 feet of the property line of a pre-existing dispensing organization;
- Sell clones or any other live plant material;
- Sell cannabis, cannabis concentrate or cannabis-infused products in combination or bundled with each other or any other items for one price, and each item of cannabis, concentrate or cannabis-infused product must be separately identified by quantity and price on the receipt;
- Violate any other requirements or prohibitions set by the Act or administrative rules.

## **FREQUENTLY ASKED QUESTIONS**

### **Cannabis Regulation And Tax Act – Public Act 101-0027**

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#### **SOCIAL JUSTICE**

*What other agency oversight does the state have for social issues related to cannabis production, sale and use?*

- The Restoring Our Communities (ROC) program will be created. The ROC program will be a performance incentive funding program for high-need, underserved communities throughout the state.
- The purpose of the ROC program will be to directly address the impact of economic disinvestment and the historical use of criminal justice responses to community and individual needs by supporting local design and control of community-based responses to these impacts that can be accessed outside of the criminal justice system.
- The ROC program will provide planning and implementation grants as well as technical assistance to collaborative groups that include human service providers and community-based organizations, individuals who have experienced the criminal justice system or other systems of state intervention, individuals who have been consumers of social programs administered by the state or local jurisdictions, and local leaders from all sectors.

## **FREQUENTLY ASKED QUESTIONS**

### **Cannabis Regulation And Tax Act – Public Act 101-0027**

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#### **TAXATION, REVENUES AND APPROPRIATIONS**

##### ***How is cannabis cultivation going to be taxed at the state level?***

- Beginning on January 1, 2020, a Cannabis Cultivation Privilege Tax is imposed by the State of Illinois upon the privilege of cultivating cannabis at the rate of 7% of the gross receipts from the sale of cannabis by a cultivator.
  - This tax rate already exists under current medical cannabis law.
  - As all funds collected under the Cannabis Regulation and Tax Act and under the Compassionate Use of Medical Cannabis Program Act will be deposited into the state's Cannabis Regulation Fund, the 7% cultivation tax that previously only applied to the cultivation of medical cannabis is repealed, effective July 1, 2020 (See 410 ILCS 130/200), and replaced by the same tax that applies to both adult-use and medical cannabis cultivation.
  - All funds received by the Illinois Department of Revenue under the privilege tax shall be paid into the Cannabis Regulation Fund in the state treasury.
  
- The Cannabis Cultivation Privilege Tax will be collected in addition to all other occupation or privilege taxes imposed by the State of Illinois or by any municipal corporation or political subdivision (whether the cultivation is for medical or adult-use purposes).

##### ***How is the sale of cannabis going to be taxed at the state level?***

- Beginning on January 1, 2020, a Cannabis Purchaser Excise Tax is imposed by the State of Illinois upon purchasers for the privilege of using cannabis at the following rates:
  - Cannabis flower or products with less than 35% Tetrahydrocannabinol (THC): 10% tax.
  - Cannabis-infused products (i.e., edibles): 20% tax.
  - Cannabis flower or products with a THC concentration higher than 35%: 25% tax.
  
- The purchase price of any product that contains any amount of cannabis or any derivative is subject to the excise tax on the full purchase price of the product.
  
- The purchase of cannabis is also subject to state and local sales taxes. Sales tax is collected in addition to all other occupation, privilege or excise taxes imposed by the State of Illinois or by any municipal corporation or political subdivision of the state.
  
- All funds received by the Illinois Department of Revenue under the excise tax will be paid into the Cannabis Regulation Fund in the state treasury.

## **FREQUENTLY ASKED QUESTIONS**

### **Cannabis Regulation And Tax Act – Public Act 101-0027**

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***What is the state going to do with the funds collected in the form of state taxes, license fees and any other monies collected with regard to cannabis production and sale?***

- The Cannabis Regulation Fund is created in the state treasury. Unless otherwise provided, all funds collected under the Cannabis Regulation and Tax Act and under the Medical Cannabis Program Act shall be deposited into the Cannabis Regulation Fund, consisting of taxes, license fees, other fees and any other amounts required to be deposited or transferred into the Fund.
- Monthly, the transfers of revenues received into the Cannabis Regulation Fund shall be certified as follows:
  - First, to pay for the direct and indirect costs associated with the implementation, administration and enforcement of the Compassionate Use of Medical Cannabis Program Act and the Cannabis Regulation and Tax Act, the Illinois Department of Revenue shall certify the transfer of 1/12 of the fiscal year amount appropriated to the numerous agencies involved with the program;
  - Second, after the above-noted transfers have been made, the remainder shall be transferred by formula to the following funds:
    - 35% transferred to the state General Revenue Fund
    - 25% transferred to the Criminal Justice Information Projects Fund to support the Restore, Reinvest and Renew Program for community reinvestment
    - 20% transferred to the Illinois Department of Human Services Community Services Fund to fund mental health and substance abuse services at local health departments
    - 10% transferred to the Budget Stabilization Fund to pay the backlog of unpaid state bills
    - 8% transferred to the Local Government Distributive Fund (LGDF) to fund crime prevention programs, training, and interdiction efforts relating to the illegal cannabis market and cannabis-based DUIs
    - 2% transferred to the Drug Treatment Fund for public education and awareness

***How may cannabis be taxed at the local level?***

- On and after January 1, 2020, the corporate authorities of any county or municipality may, by ordinance, impose a County and Municipal Cannabis Retailers' Occupation Tax (MCROT).
- For municipalities, the MCROT is imposed upon purchasers for the privilege of using adult-use cannabis purchased in the municipality. The rate of tax shall not exceed 3% of the purchase price. If imposed, the tax shall only be imposed in 0.25% increments.
- Counties are authorized to impose a tax of up to 3% in incorporated areas and 3.75% on sales emanating from unincorporated areas.

## **FREQUENTLY ASKED QUESTIONS**

### **Cannabis Regulation And Tax Act – Public Act 101-0027**

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- The Illinois Department of Revenue will collect and administer the MCROT.
- The MCROT shall not be imposed on cannabis that is subject to tax under the Medical Cannabis Program Act. Sales of medical cannabis from registered medical cannabis dispensaries are taxed at the 1% rate imposed on prescription and nonprescription drugs in Illinois.
- Any ordinance imposing the tax must be certified by the municipal clerk of that unit of local government and filed with the Illinois Department of Revenue before June 1 of any year, to be effective and enforced by the Department of Revenue on September 1 of that year.
- The MCROT will be collected in addition to all other occupation, privilege or excise taxes imposed by the State of Illinois or by any municipal corporation or political subdivision of the state.

#### ***How are existing sales taxes affected?***

- Retailers' Occupation Taxes (sales taxes), assessed at both a local and state level, will not be deposited into the Cannabis Regulation Fund. Nothing in the Medical Cannabis Program Act and the Cannabis Regulation and Tax Act affects the collection of these taxes or their deposit in the state's general fund and/or distribution to municipalities under local ordinance.
- Under the state Retailers' Occupation Tax, the sale of cannabis is classified as a "sale of tangible personal property at retail."

## **FREQUENTLY ASKED QUESTIONS**

### **Cannabis Regulation And Tax Act – Public Act 101-0027**

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#### **USE AND POSSESSION**

##### ***How much cannabis may a resident of the State of Illinois legally possess under the Act?***

- For an Illinois resident who is 21 years of age or older, the possession limit is any combination of the following:
  - 30 grams of raw cannabis;
  - Cannabis-infused product or products containing a total of no more than 500 mg of Tetrahydrocannabinol (THC);
  - 5 grams of cannabis product in concentrated form.
  
- For individuals who register as qualifying patients under the state’s existing medical cannabis program only:
  - Up to 5 cannabis plants and the cannabis produced from those 5 plants, secured within the residence or dwelling unit (no matter how many people reside in a residence, only 5 plants are allowed per residence).
  - Any combination of the amounts indicated above. Additionally, if they have plants that yield more than the 30 grams of raw cannabis, the excess must remain secured in the residence or residential property it is grown.

##### ***How much cannabis may a non-resident of the State of Illinois legally possess under the Act?***

- For a person who is 21 years of age or older and who is not a resident of Illinois, the possession limit is any combination of the following:
  - 15 grams of raw cannabis;
  - Cannabis-infused products or products containing a total of no more than 250 mg of THC;
  - 2.5 grams of cannabis product in concentrated form.
  
- A non-resident may not possess cannabis plants.

##### ***Where is a person prohibited from possessing cannabis?***

- The Act does not permit any person to engage in, and does not prevent the imposition of any civil, criminal or other penalties for engaging in, any of the following conduct:
  - Possessing cannabis on a school bus.
  - Possessing cannabis on the grounds of any preschool or primary or secondary school unless approved as a medical cannabis patient.
  - Possessing cannabis in any correctional facility.

## **FREQUENTLY ASKED QUESTIONS**

### **Cannabis Regulation And Tax Act – Public Act 101-0027**

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- Possessing cannabis in a vehicle not open to the public unless the cannabis is in a reasonably secured, sealed, tamper-evident container and reasonably inaccessible while the vehicle is moving.
- Possessing cannabis in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises.

#### ***Where is the use of cannabis prohibited?***

- The Act does not permit any person to engage in, and does not prevent the imposition of any civil, criminal or other penalties for engaging in, the following:
  - Consuming cannabis on a school bus.
  - Consuming cannabis on the grounds of any preschool or primary or secondary school unless authorized in the medical cannabis program.
  - Consuming cannabis in any correctional facility.
  - Consuming cannabis in any motor vehicle.
  - Consuming cannabis in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises.
  - Consuming cannabis in any public place or knowingly in close physical proximity to anyone under 21 years of age.
  - Consuming cannabis in any public place where a person could reasonably be expected to be observed by others.
  - Consuming cannabis in any location where smoking is prohibited by the Smoke Free Illinois Act (410 ILCS 82/1 *et seq.*), including hospitals, restaurants, retail stores, offices, commercial establishments, etc.
  - Universities, colleges and other post-secondary educational institutions may restrict or prohibit cannabis use on their property.

#### ***How is a “public place” defined under the Act?***

- A “public place” is defined as any place where a person could reasonably be expected to be observed by others.
- A “public place” includes all parts of buildings owned in whole or in part, or leased, by the state or a unit of local government.
- A “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.

## **FREQUENTLY ASKED QUESTIONS**

### **Cannabis Regulation And Tax Act – Public Act 101-0027**

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*Are there certain specific activities that an individual may not perform while using cannabis?*

- Operating, navigating or being in actual physical control of any motor vehicle, aircraft or motorboat while using or under the influence of cannabis.
- Use of cannabis by a law enforcement officer, corrections officer, probation officer or firefighter while on duty.
- Use of cannabis by a person who has a school bus driver's permit or a Commercial Driver's License (CDL) while on duty.
- Driving under the influence and reckless driving based on THC impairment may continue to be charged.