

CITY OF NOKOMIS

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Sandy Leithuser COUNTY CLERK

ORDINANCE NO. 2058

AN ORDINANCE ESTABLISHING A RETAIL CANNABIS SALES LICENSE

PASSED BY THE CITY COUNCIL
OF THE
CITY OF NOKOMIS

THIS 25TH DAY OF NOVEMBER 2019

Published in pamphlet form by authority of the City Council of the City of
Nokomis, Montgomery County, Illinois, this 26th^{day} of November 2019.

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ORDINANCE ESTABLISHING A RETAIL CANNABIS SALES LICENSE

WHEREAS, the City of Nokomis, Montgomery County, Illinois, has the authority to adopt ordinances and promulgate rules and regulations that protect the public health, safety and welfare of the citizens; and

WHEREAS, this Ordinance is enacted as a result of the State of Illinois and acting the Cannabis Regulation Act.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NOKOMIS, MONTGOMERY COUNTY, ILLINOIS, as follows:

SECTION I: That it shall be unlawful to sell or offer for sale at retail in the City any cannabis without having a retail cannabis license.

SECTION II: License Application.

(A) Applications for licenses required by this subchapter shall be made to the Mayor in writing, signed by the applicant if an individual or by a duly authorized agent thereof if a club or corporation, and verified by oath or affidavit of the applicant.

(B) These applications shall contain the following information and statements:

- (1) The name, age, and address of the applicant in the case of an individual; in the case of a corporation, for profit, or a club, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors, and if a majority in interest of the stock of the corporation is owned by 1 person or his or her nominees, the name and address of that person; and in the case of a co-partnership, the persons entitled to share in the profits thereof;
- (2) The citizenship of the applicant, his or her place of birth; and if a naturalized citizen, the time and place of his or her naturalization;
- (3) The character of business of the applicant; and in case of a corporation, the objects for which it was formed;
- (4) The length of time that the applicant has been in business of that character; or in the case of a corporation, the date on which its chapter was issued;
- (5) The amount of goods, wares, and merchandise on hand at the time application is made;
- (6) The location and description of the premises or place of business which is to be operated under the license;

- (7) A statement whether the applicant has made similar application for a similar other license on premises other than described in this application and the disposition of that application;
- (8) A statement that the applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing, contained in this chapter, laws of this state, or the ordinances of this city;
- (9) Whether a previous license by any state of subdivision thereof or by the federal government has been revoked and the reasons therefor; and
- (10) A statement that the applicant will not violate any of the laws of this state, the United States, or any ordinance of the city in the conduct of his or her place of business.

SECTION III: Ineligible Persons or Conditions.

No license of any kind shall be issued to the following:

- (A) A person who is not a residence of the city; except in case of railroad or boat licenses;
- (B) A person who is not of good character and reputation in the community in which he or she resides;
- (C) A person who is not a citizen of the United States;
- (D) A person who has been convicted of a felony under any federal or state law, unless the commission determines that the person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in the person's application and the commission's investigation. The burden of sufficient rehabilitation shall be on the applicant;
- (E) A person who has been convicted of being the keeper or is keeping a house of ill fame;
- (F) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
- (G) A person whose license issued under this act has been revoked for cause;
- (H) A person who at the time of application for renewal of any license issued hereunder would not be eligible for that license upon a first application;
- (I) A co-partnership, if any general partnership thereof, or any limited partnership thereof, owning more than 5% of the aggregate limited partner interest in that co-

partnership would not be eligible to receive a license hereunder for any reason other than residence within the political subdivision;

- (J) A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of that corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision;
- (K) A corporation unless it is incorporated in this state, or unless it is a foreign corporation which is qualified under ILCS Ch. 805, Act 5, §§1.01 *et seq.*, the Business Corporation Act of 1983, to transact business in this state;
- (L) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee;
- (M) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor, subsequent to the passage of this act, or has forfeited his or her bond to appear in court to answer charges for any violation of this type;
- (N) A person who does not beneficially own the premises for which a license is sought, or does not have a least thereon for the full period for which the license is to be issued;
- (O) Any law-enforcing public official, including members of local liquor control commissions, any Mayor, Alderman, or member of the City Council or commission; and no official shall be interested directly in the manufacture, sale or distribution of alcoholic liquor; except that license may be granted to an official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of the license is approved by the State Liquor Control Commission;
- (P) A person who is not a beneficial owner of the business to be operated by the licensee;
- (Q) A person who has been convicted of a gambling offense as prescribed by ILCS Ch. 720, Act 5, §§ 28-1(a)(3) through 28-1(a)(11) of, or as proscribed by ILCS Ch. 720, Act 5, § 28-3, as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforementioned statutory provisions;
- (R) A person to whom a federal wagering stamp has been issued by the federal government for the current tax period;
- (S) A co-partnership to which a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period;

- (T) A corporation, if any officer, manager, or director thereof, or any stockholder owning in the aggregate more than 20% of the stock of that corporation, has been issued a federal wagering stamp for the current tax period;
- (U) Any premises for which a federal wagering stamp has been issued by the federal government for the current tax period;
- (V) Failure to make a tax return;
- (W) The filing of a fraudulent return;
- (X) Failure to pay all or part of any tax or penalty finally determined to be due;
- (Y) Failure to keep books or records;
- (Z) Failure to Secure and display a certificate of sub-certificates of registration, if required; or
- (AA) Willful violation of any rule or regulation of the department relating to the administration and enforcement of tax liability.

SECTION IV: One license is authorized by the City Council of the City of Nokomis, Montgomery County, Illinois to be issued to any entity which would be entitled to sell or distribute cannabis under Public Act 101-0027 as it may be amended from time-to-time and regulations promulgated thereunder.

SECTION V: The fee for a cannabis license shall be paid in one payment at the time of the issuance of the license and on an annual basis for renewal thereafter. The fee for the license shall be \$1000.00

SECTION VI: Each license issued under this subchapter shall terminate on June 30th the next following its issuance. The fee to be paid shall be reduced in proportion in the full calendar months which I have expired in the year prior to the issuance of the license.

SECTION VII: Disposition of Fees.

All fees for licenses issued under this subchapter shall be paid to the Mayor at the time the application is made, and shall be forthwith turned over to the Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, then the fee shall be deposited in the general corporate fund or in the other fund as shall have been designated by the Council by proper action.

SECTION VIII: Record of Licenses.

The Mayor shall keep or cause to be kept a complete record of all licenses issued by him or her under this subchapter, and shall furnish to the City Clerk, City Treasurer, and Police Chief

each a copy thereof, and upon issuance of any license or revocation of any old license, the Mayor shall give each of these officers notice in writing of an action within forty-eight (48) hours of the action.

SECTION IX: Transfer, Encumbrance, and Inheritance Prohibited.

A license issued under this subchapter shall be purely a personal privilege, good for not to exceed 1 year after issuance unless sooner revoked as provided in this chapter, and shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. The license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee; provided, that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when the estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of the decedent, or the insolvency or bankruptcy, until the expiration of the license, but not longer than 6 months after the death, bankruptcy, or insolvency of the licensee. A refund shall be made of that portion of the license fees paid for any period in which the licensee shall be prevented from operating under the license in accordance with provisions of this section.

SECTION X: Bond Required.

Each applicant for a license under this subchapter shall, upon acceptance of his or her application for any license or permit issued hereunder, file with the Mayor of City a surety bond in the penal sum of \$1,000.00 to be approved by the Mayor, payable to the City for the use of any person interested, binding obligors that the applicant will not violate any provisions of this chapter and conditioned upon the prompt and full payment of any fine or penalty that may become due or payable by reason of any violation or violations. The payment of any fine or penalty shall not reduce the liability under the bond for future violations.

SECTION XI: Posting Required.

Every person licensed in accordance with the provisions of this subchapter shall immediately post and keep posted while in force, in a conspicuous place on the premises, the license so issued. Whenever a license shall be lost or destroyed, a duplicated in lieu thereof shall be issued by the City Clerk.


SECTION XII: Revocation.

All license issued under this subchapter are mere revocable and conditional permits. The Mayor may revoke any retail cannabis sale license for any violation of any of the provisions of this chapter or for any violation of any state law pertaining to the sale of cannabis.

PASSED AND ADOPTED THIS 25 day of November,

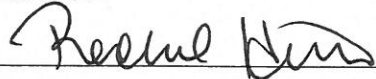
2019 pursuant to roll call vote.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Derek Durbin	<u>X</u>	_____	_____
Michael Holliday	<u>X</u>	_____	_____
Ann Brookshire	<u>X</u>	_____	_____
Jonathan Nash	<u>X</u>	_____	_____



MAYOR

ATTEST:



CITY CLERK



CITY OF NOKOMIS

22 South Cedar Street

Nokomis, IL 62075-1663

Telephone: 217-563-2514

Fax: 217-563-7217

Email: rachael@cityofnokomis.com

Mayor • City of Nokomis
Russ Foster

Commissioner of Finance
Derek Durbin

Commissioner of Streets & Alleys
Michael Holliday

Commissioner of Public Property
Ann Brookshire

Commissioner of Public Health & Safety
Jonathan Nash

November 26, 2019

Sandy Leitheiser
Montgomery County Clerk
PO Box 595
Hillsboro IL 62049

Dear Sandy:

I have enclosed one original of **ORDINANCE NO. 2058 – AN ORDINANCE ESTABLISHING A RETAIL CANNABIS SALES LICENSE IN THE CITY OF NOKOMIS, ILLINOIS**. And one copy of the cover page to be file stamped and returned. This Ordinance was passed at the November 25, 2019 Council meeting. Please return one stamped copy to me for City files after you sign and file-stamp it. I have enclosed an envelope for your convenience.

Please let me know if you need any additional information.

Sincerely,

Rachel Hill
City Clerk

COPY

STATE OF ILLINOIS)
COUNTY OF MONTGOMERY) SS.
CITY OF NOKOMIS)

I, Rachel Hill, certify that I am the duly appointed and acting City Clerk of the City of Nokomis, Montgomery County, Illinois.

I further certify that on November 25, 2019 the City Council of such municipality passed and approved **ORDINANCE NO. 2058, AN ORDINANCE, ESTABLISHING A RETAIL CANNABIS SALES LICENSE, OF ORDINANCES OF THE CITY OF NOKOMIS, ILLINOIS.** Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2058 including the Ordinance and a cover sheet thereof, was prepared and posted in the Municipal Complex commencing on November 26, 2019 and continuing for a least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request to the City Clerk.

DATED at Nokomis, Illinois, this 26th day of November, 2019.

(SEAL)



RACHEL HILL, CITY CLERK