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VILLAGE OF BARRINGTON

ORDINANCE NO. 2023-4342

AN ORDINANCE AMENDING
THE VILLAGE OF BARRINGTON VILLAGE CODE

(RE: Amendments to:
TITLE 3, "Business and License Regulations":
Chapter 3, "Liquor Control", Section 3-3-1, "Definitions", and
Section 3-3-7, "Classification of Licenses; Fees", and
Section 3-3-17, "Additional Prohibited Acts and Conditions", and
Chapter 7, "Tobacco Products and Alternative Nicotine Product Sales"
and
TITLE 5, "Police Regulations":
Chapter 2, "General Offenses")

ADOPTED BY THE

CORPORATE AUTHORITIES

OF THE

VILLAGE OF BARRINGTON, ILLINOIS

THIS 27TH DAY OF NOVEMBER, 2023

Published in pamphlet form by authority of the Corporate Authorities of the Village of Barrington, Cook and Lake Counties, Illinois, this 28th day of November, 2023.

AN ORDINANCE AMENDING
THE VILLAGE OF BARRINGTON VILLAGE CODE

(RE: Amendments to:
TITLE 3, “Business and License Regulations”:
Chapter 3, “Liquor Control”, Section 3-3-1, “Definitions”, and
Section 3-3-7, “Classification of Licenses; Fees”, and
Section 3-3-17, “Additional Prohibited Acts and Conditions”, and
Chapter 7, “Tobacco Products and Alternative Nicotine Product Sales”
and
TITLE 5, “Police Regulations”:
Chapter 2, “General Offenses”)

WHEREAS, the Corporate Authorities of the Village of Barrington have determined that it is in the best interests of the Village, its residents, and the general public to amend Title 3, “Business and License Regulations”, and Title 5, “Police Regulations”, of the Barrington Village Code to add provisions regulating the sale of certain products within the Village as set forth herein:

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Barrington, Cook and Lake Counties, Illinois, in exercise of the authority of this Village as a Home Rule unit, as follows:

SECTION 1: The Corporate Authorities of the Village hereby find that the recitals hereinabove set forth are true and correct and are incorporated into the text of this Ordinance as its findings to the same extent as if each such recital had been set forth herein in its entirety.

SECTION 2: Section 3-3-1, “Definitions”, of Chapter 3, “Liquor Control”, of Title 3 of the Village of Barrington Village Code shall be and is hereby amended to read as follows:

“3-3-1: DEFINITIONS.

Except as otherwise defined in this Section, the words and phrases used in this Chapter shall have the respective meanings ascribed to them in the Illinois Liquor Control Act, as amended from time to time, and the following terms as used in this Chapter shall be construed according

to the definitions given below:

Alcoholic liquor includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, capable of being consumed as a beverage by a human being. The provisions of this Chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half of one percent, or less, of alcohol by volume. No license fee provided for in this Chapter shall apply to wine intended for use and used by any church or religious organization for sacramental purposes; provided, that such wine shall be purchased from a licensed manufacturer or importing distributor under State law.

Beer means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

Caterer means a person who serves alcoholic liquors for consumption, either on-site or off-site, whether the location is licensed or unlicensed, as an incidental part of food service. Prepared meals and alcoholic liquors are sold at a package price agreed upon under a catering contract.

Club means a corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale and consumption of alcoholic liquors, kept, used, and maintained by its members, through the payment of annual dues, and owning or hiring or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and guests; provided, that such club files with the village president at the time of its application for a license under this Chapter, two copies of a list of names and residences of its members, and similarly files within ten days of the election of any additional member of his name and address; and provided, that its affairs and management are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting, and that no member or any officer, agent, or employee of the club is paid, or directly receives, in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or its members or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting of the members or by its board of directors or other governing body out of the general revenue of the club.

Hotel means every building or other structure, kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to the travelers and guests, whether transient, permanent, or residential, in which 25 or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

Initial license means the first license of a specific class applied for by and/or issued to an applicant pursuant to this Chapter.

Initial license fee or any other term of similar import, means and refers to the license fee specified in Section 3-3-7 of this Chapter for the class of license for which an application has been filed and/or for which a license has been issued.

Liquor licenses defined by class:

Class 1-A. Sale and/or serving of alcoholic liquor for consumption on licensed premises.

Class 1-B. Sale and/or serving of beer and/or wine for consumption on licensed premises.

Class 2-A. Sale of alcoholic liquor in original package for consumption off the premises.

Class 2-B. Sale of beer and/or wine in original package for consumption off the premises.

Class 3. Caterer license, not held in combination with any other village liquor license.

Class 4. Mail order, other remote ordering, and/or broker sales of alcoholic liquor in original package, not held in combination with any other village liquor license.

Class 5. The serving and/or sale of beer and/or wine for consumption only on the licensed premises of a full service personal services establishment.

Class 6. The sale and/or serving of alcoholic liquor for consumption only on the licensed premises, i.e., Barrington's White House.

Class 7. A special temporary license issued to a not-for-profit organization or such other "qualifying organization" as defined in subsection 3-3-7G of this Chapter which authorizes the sale and serving of alcoholic liquor by officers, members, volunteers, employees, and/or agents of the specified qualifying organization or by a caterer holding a current and valid catering liquor license for such purpose for a period of not to exceed five consecutive days (or for such longer period of time as otherwise approved by the corporate authorities of the village) for consumption on the premises or within the area of a special event such as a picnic, outing, festival, fundraiser, or other similar occasion.

Possess or possession means to be within the physical control of a person or within the area of a person's reasonably expected physical control (i.e., in their constructive possession), but for the purposes of this Chapter, "possession" shall not include the act of lawfully serving of alcoholic liquor to one or more customers at tables on the licensed premises by an employee or agent of a licensee of a Class 1-A, Class 1-B, Class 5, Class 6, or Class 7 license issued pursuant to this Chapter in the course of their employment if such employee meets the age, employee training, and supervision requirements of this Chapter.

Powdered alcohol means, for purposes of this Chapter, "powdered alcohol" (also sometimes referred to as "alcohol without liquid") means any powder or crystalline substance containing alcohol, as defined in section 1-3.01 of the Illinois Liquor Control Act, produced for human consumption.

Powdered alcohol devices means a device designed, manufactured, marketed or used for the purpose of mixing powdered alcohol with oxygen, air or another gas to produce a mist or vapor for inhalation or snorting for other than therapeutic purposes. It shall not include medical devices such as inhalers, nebulizers, atomizers or other devices being used to dispense a prescribed medication to the holder of such prescription for therapeutic purposes.

Renewal license means each subsequent license after the initial license applied for by and/or issued to an applicant for a specific class of license pursuant to this Chapter.

Renewal license fee, or any other term of similar import, means and refers to the license fee specified in Section 1-14-1 of this Code for the class of license for which an application has been filed and/or for which a license has been issued.

Restaurant means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests. A "meal" for this purpose means any food and/or beverage that is or may be served for or as part of breakfast, lunch, brunch, or dinner. A coffee shop may be considered a "restaurant" if it serves meals.

Retail sale means the sale for use or consumption and not for resale in any form.

Spirits means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, which includes brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

Tetrahydrocannabinol or "THC" means any product or substance that contains Delta 8 THC or Delta 9 THC derived from any plant or a chemical analog of THC or any cannabinoid which can undergo aging, heating, or a decarboxylation process to develop or activate THC and may be used for human consumption.

Therapeutic purposes Where prescribed or recommended by a physician or other healthcare provider.

Village means the Village of Barrington, an Illinois Municipal Corporation in Cook and Lake Counties, Illinois.

Wine means any alcoholic beverage obtained by the fermentation of the natural contents of fruits, or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits.

SECTION 2: Subparagraph 8 of Paragraph E, "Class 5 License", of Section 3-3-7, "Classification of Licenses; Fees", of Chapter 3, "Liquor Control", of Title 3 of the Village of Barrington Village Code shall be and is hereby amended to read as follows:

"SECTION 3-3-7: CLASSIFICATION OF LICENSES; FEES:

* * * *

8. No holder of a Class 5 liquor license shall sell alcoholic liquor other than such as authorized by their Class 5 liquor license. ~~In no event shall any holder of such a Class 5 liquor license sell, deliver, and/or give away on the licensed premises of the holder any product(s) designed to, intended to, or actually eaten, chewed, ingested, inhaled, smoked, or otherwise consumed by a human being when such products contain or are infused with any amount of alcoholic liquor or any other such product(s) containing alcohol in any form, or containing or infused with any product(s) containing any Delta 8 THC or Delta 9 THC, or cannabidiol, cannabidiolum, or CBD, or any synthetic version of any of the foregoing substances.~~

* * * *

SECTION 3: Section 3-3-17, “Additional Prohibited Acts and Conditions”, of Chapter 3, “Liquor Control”, of Title 3 of the Village of Barrington Village Code shall be and is hereby amended by the addition of a new subparagraph K and a new subparagraph L, which shall read as follows:

“SECTION 3-3-17: ADDITIONAL PROHIBITED ACTS AND CONDITIONS:

* * * *

- K. Other Products Containing Alcohol: Any liquid containing alcohol or any solid infused with and/or containing alcohol which liquid or solid contains one-half of one percent or more of alcohol by volume may only be sold delivered, and/or served within the Village on the licensed premises of a current holder of a Village liquor license.
- L. In no event shall any current holder of a Village liquor license sell, deliver, serve, and/or give away on the licensed premises of such holder any product or substance designed to, intended to, or which may actually be eaten, chewed, ingested, inhaled, smoked, or otherwise consumed by a human being when such product or substance contains any Delta 8 THC, Delta 9 THC, cannabidiol, or cannabidiolum, or any synthetic version of any of the foregoing substances.”

SECTION 4: Chapter 7, “Tobacco Products and Alternative Nicotine Product Sales”, of Title 3 of the Village of Barrington Village Code shall be and is hereby amended by amending Section 3-7-1, “Definitions”, by the addition of a new Section 3-7-9, and by the re-numbering of the remaining Sections of said Chapter 7 as follows:

“CHAPTER 7

TOBACCO PRODUCTS AND ALTERNATIVE NICOTINE PRODUCT SALES

3-7-1: Definitions.

For the purposes of this Chapter, the following words and phrases shall have the following meanings:

Alternative nicotine product means a product, substance, or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means. "Alternative nicotine product" excludes cigars, cigarettes, smokeless tobacco, or other tobacco products as these terms are defined in 720 Illinois Compiled Statutes 675/1 et seq., and any product approved by the United States Food and Drug Administration as a non-tobacco product for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

Licensee means a person who has or is required to have a license issued pursuant to this chapter. This term includes but is not limited to any officer, director, manager, employee or agent of such a licensee.

Smoke or smoking means the carrying, smoking, burning, inhaling or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, and/or any other lighted tobacco product or accessory and/or the inhaling, exhaling, vaporizing, vaping, and/or otherwise using, any alternative nicotine products, and/or the carrying of any activated alternative nicotine accessory.

Smokeless tobacco means any tobacco products that are suitable for dipping or chewing.

Smoking herbs means all substances of plant origin and their derivatives, including, but not limited to, broom, calea, California poppy, damiana, hops, ginseng, lobelia, jimsonweed and other members of the Datura genus, passionflower and wild lettuce, which are processed or sold primarily for use as smoking materials.

Tetrahydrocannabinol or THC means any product or substance that contains Delta 8 THC or Delta 9 THC derived from any plant or a chemical analog of THC or any cannabinoid which can undergo aging, heating, or a decarboxylation process to develop or activate THC and may be used for human consumption.

Tobacco and alternative nicotine product accessories means any items designed primarily for the smoking, the ingestion of, the inhaling of, the vaporizing of, or for otherwise using tobacco products, and/or alternative nicotine products, and/or of substances made illegal under any statute or of substances whose sale, gift, barter or exchange is made unlawful under this chapter.

Tobacco products means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, or smokeless tobacco.

Vape or vaping means the inhaling, exhaling, vaporizing, or otherwise using alternative nicotine products.

Vending machine means any mechanical, electric or electronic self-service device which, upon

insertion of money, tokens or any other form of payment, dispenses tobacco products or alternative nicotine products.

* * * *

- ~~3-7-9:~~ A. The advertising, display, sale, offering for sale, giving away or delivery of any product or substance containing Delta 8 THC or Delta 9 THC or cannabidiol, cannabidiolum, or any synthetic version of any of the foregoing substances are prohibited on any licensed premises pursuant to this Chapter.
- B. In no event shall any holder of a current Village license authorizing the selling or offering for sale, giving away, delivering, or keeping with intent to sell, give away, or deliver tobacco products or alternative nicotine products containing any Delta 8 THC, Delta 9 THC, cannabidiol, or cannabidiolum, or any synthetic version of any of the foregoing substances.
- C. The printed labeling or packaging of any such product shall establish the contents of such product by a preponderance of the evidence.
- D. This Chapter shall have no bearing or effect on the Cannabis Regulation and Tax Act (410 ILCS 705/1, et seq.) or the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1, et seq.).

~~3-7-9~~ 3-7-10: Vending machines; locking devices: It shall be unlawful for any licensee to sell or offer for sale, give away, deliver or to keep with the intention of selling, giving away or delivering tobacco products and/or alternative nicotine products by use of a vending machine unless such vending machine is equipped with a manual, electric or electronic locking device controlled by the licensee so as to prevent its operation by persons under the age of 21 years. Any premises where access by persons under the age of 21 years is prohibited by law or premises where the public is generally not permitted and where vending machines are strictly for the use of employees of a business located at such premises shall be exempt from the requirements of this Section.

~~3-7-10~~ 3-7-11: Liability of licensee for agents and employees: Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Chapter by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such licensee; and such licensee shall be punishable in the same manner as if such act or omission had been done or omitted by the licensee personally.

~~3-7-11~~ 3-7-12: Suspension or revocation of license and costs.

- A. Suspension or revocation; license surcharge in lieu thereof. The Village President may suspend or revoke any license issued under the provisions of this Chapter if he or she determines that the licensee has violated any of the provisions of this Chapter. In lieu of suspension or revocation of a license, the Village President may instead levy a license surcharge which shall be as specified from time to time in Section 1-14-1 of this Code for each violation. Each day on which a violation continues shall constitute a separate violation.
- B. Hearing. No such license shall be suspended or revoked and no licensee shall be fined except after a public hearing by the Village President, with a seven day written notice to

the licensee, affording the licensee an opportunity to appear and defend against the charges contained in such notice. The seven day notice provisions shall begin the day following delivery by certified mail or by personal service.

- C. Decisions. The Village President shall, within seven days after such hearing, if he or she determines after such hearing that the license should be revoked or suspended or that the licensee should be fined, state the reason for such determination in a written order and either the amount of the fine, the period of suspension or that the license has been revoked and serve a copy of such order upon the licensee within the seven days.

D. Costs.

1. Any licensee determined by the Village President to have violated any of the provisions of this Chapter shall pay to the Village the costs of the hearing before the Village President on such violation. The Village President shall determine the costs incurred by the Village for said hearing, including, but not limited to: court reporter fees, the cost of transcripts or records, attorney fees, the cost of preparing and mailing notices and orders and all other miscellaneous expenses incurred by the Village or such lesser sum as the Village President may allow.
2. The licensee shall pay said costs to the Village within 30 days of notification of the amount of such costs by the Village President. Failure to pay said costs within 30 days of notification is a violation of this Chapter and may be cause for license suspension or revocation or the imposition of the license surcharge as aforesaid.”

SECTION 5: Subsection 5-2-5-1, “Possession, Use and/or Delivery of Cannabis and/or Other Illegal Substances”, of Section 5-2-5, “Offenses Involving Drugs and Drug Paraphernalia”, of Chapter 2, “General Offenses”, of Title 5 of the Village of Barrington Village Code shall be and is hereby amended to read as follows:

“5-2-5-1: Possession, Use and/or Delivery of Cannabis and/or Other Illegal Substances:

- A. Definitions. As used in this Section, the following words and terms shall have the meanings ascribed to them in this Section unless the context otherwise requires:

Adult use cannabis means cannabis which is sold, purchased, possessed, and used in compliance with the Cannabis Regulation and Tax Act.

Cannabis includes marijuana, hashish and other substances which are identified as including any parts of the plant *Cannabis sativa*, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including the naturally occurring or synthetically produced ingredients, whether produced directly or indirectly or by extraction, or independently by means of chemical syntheses or by a combination of extraction and chemical synthesis, including but not limited to any product or substance containing Delta 8 THC, Delta 9 THC, or any combination thereof, in any concentration; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination. Cannabis does not include industrial hemp as authorized under the Illinois Industrial Hemp Act (505 ILCS 89/1, et seq.).

Cannabis Regulation and Tax Act means the Illinois Public Act 101-027, as said act may be amended from time to time.

Compassionate Use Act means the Compassionate Use of Medical Cannabis Pilot Program Act, Public Act 98-0122 in force beginning January 1, 2014, as said Act may be amended from time to time (410 ILCS 130).

Controlled substance shall have the meaning ascribed to it in the Illinois Controlled Substances Act, as amended from time to time, as if that definition were incorporated herein.

Deliver or delivery means the actual, constructive or attempted transfer of possession of cannabis, with or without consideration, whether or not there is an agency relationship.

Drug paraphernalia means all equipment, products and materials of any kind, other than methamphetamine manufacturing materials as defined in Section 10 of the Methamphetamine Control and Community Protection Act, which are intended to be used unlawfully in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body cannabis or a controlled substance in violation of the Illinois Cannabis Control Act, as amended from time to time, the Illinois Controlled Substances Act, as amended from time to time, or the Methamphetamine Control and Community Protection Act, as amended from time to time. It includes, but is not limited to:

1. Kits intended to be used unlawfully in manufacturing, compounding, converting, producing, processing or preparing cannabis or a controlled substance;
2. Isomerization devices intended to be used unlawfully in increasing the potency of any species of plant which is cannabis or a controlled substance;
3. Testing equipment intended to be used unlawfully in a private home for identifying or in analyzing the strength, effectiveness, or purity of cannabis or controlled substances;
4. Diluents and adulterants intended to be used unlawfully for cutting cannabis or a controlled substance by private persons;
5. Objects intended to be used unlawfully in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, or hashish oil into the human body including, where applicable, the following items:
 - a. Water pipes;
 - b. Carburetion tubes and devices;
 - c. Smoking and carburetion masks;
 - d. Miniature cocaine spoons and cocaine vials;

- e. Carburetor pipes;
 - f. Electric pipes;
 - g. Air driven pipes;
 - h. Chillums;
 - i. Bongs;
 - j. Ice pipes or chillers.
- 6. Any item whose purpose, as announced or described by the seller, is for use in violation of this Section.
 - 7. Any other item defined as "drug paraphernalia" by the Drug Paraphernalia Control Act, as it may be amended from time to time.

Person means any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other entity.

Tetrahydrocannabinol or THC means any product or substance that contains Delta 8 THC or Delta 9 THC derived from any plant or a chemical analog of THC or any cannabinoid which can undergo aging, heating, or a decarboxylation process to develop or activate THC and which may be used for human consumption.

B. Possession, Use, Delivery, and/or Sale Prohibited.

- 1. It shall be unlawful for any person to knowingly possess, use, deliver and/or sell, and/or to attempt to deliver and/or sell cannabis, including but not limited to any product or substance containing Delta 8 THC, Delta 9 THC, or any combination thereof, in any concentration, except as allowed by and in compliance with the Compassionate Use Act and/or except as allowed by and in compliance with the Cannabis Regulation and Tax Act, and then only if and as allowed by this Section.
- 2. It is unlawful for a person under 21 years of age to possess, purchase, use, or deliver cannabis, including but not limited to any product or substance containing Delta 8 THC, Delta 9 THC, or any combination thereof, in any concentration, except in compliance with and as authorized by the Compassionate Use Act.
- 3. It is unlawful for any parent or guardian, or other person to permit or allow the possession, purchase, use, or delivery of cannabis, including but not limited to any product or substance containing Delta 8 THC, Delta 9 THC, or any combination thereof, in any concentration, by their own child or by any other person who is under 21 years of age on premises owned or under the control of such parent, guardian, or other person, except in compliance with and as authorized by the Compassionate Use Act.
- 4. It is unlawful for any person to remain in any motor vehicle, conveyance, vessel, house, apartment, room, shed, yard, premises, or other area when said person knows, or reasonably should know, that one or more other persons located in such motor vehicle, conveyance, vessel, house, apartment, room, shed, yard, premises, or other area are in possession of any cannabis, or any product or substance containing

- cannabis, including but not limited to any product or substance containing Delta 8 THC, Delta 9 THC, or any combination thereof, in any concentration, any controlled substance, and/or any other illegal substance prohibited by Illinois statute except as allowed by and in compliance with the Compassionate Use Act and/or except as allowed by and in compliance with the Cannabis Regulation and Tax Act.
5. It is unlawful for any person to knowingly suffer, permit, or allow the violation of the provisions of this Section in any motor vehicle, conveyance, vessel, house, apartment, room, shed, yard, premises, or other area of which such person is the owner, lessee, permittee, bailee, legal possessor, or occupier thereof.
 6. Pursuant to the authority reserved to municipalities under Section 55-25 of the Cannabis Regulation and Tax Act, adult-use cannabis businesses (including dispensing organizations, cultivation centers, craft growers, processing organizations, infuser organizations, and transporting organizations (collectively, "Adult Use Cannabis Businesses"), all as defined by the Cannabis Regulation and Tax Act (P.A. 101-0027) or as said Act may be amended from time to time, and are hereby prohibited from locating anywhere within or operating anywhere within the corporate limits of the Village, provided, however, this Section shall not be construed to prohibit the operation of any facility licensed to operate pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1, et seq.), as may be amended from time to time, that does not also hold a license to operate pursuant to the Cannabis Regulation and Tax Act, but only in compliance with the Zoning Ordinance of this Village.
 7. No person shall locate, operate, own, suffer, allow to be operated, or aid, abet, or assist in the operation of any Adult Use Cannabis Business within the Village.
 8. The operation of any adult use cannabis business within the Village in violation of the provisions of this Section is hereby declared to be a public nuisance which shall be abated pursuant to all available remedies.
- C. **Prima Facie Proof.** Whenever a person is present within any motor vehicle, conveyance, vessel, house, apartment, room, shed, yard, premises, or other area of which such person is the owner, lessee, permittee, bailee, legal possessor or occupier at the time that a violation of the provisions of this Section occurs therein, said presence shall be prima facie evidence that such person had knowledge of such violation.
- D. **Medical Use of Cannabis.** Notwithstanding anything contained in this Village Code to the contrary, pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130), as it may be amended from time to time ("the Compassionate Use Act"), the immunities and presumptions set forth in the that Act related to the medical use of cannabis are hereby incorporated herein by reference to the extent applicable.
- E. **Adult Use of Cannabis.** Notwithstanding anything contained in this Village Code to the contrary, pursuant to the Cannabis Regulation and Tax Act (Public Act 101-027) (the "Cannabis Regulation and Tax Act"), the immunities and presumptions set forth in that

Act related to limited consumption, use, sale and possession as set forth in the Cannabis Regulation and Tax Act are hereby incorporated herein by reference to the extent applicable.

- F. Drug Paraphernalia. The possession, use or sale of drug paraphernalia is prohibited, except cannabis paraphernalia that is possessed, owned, and/or used in connection with the use of cannabis, including but not limited to any product or substance containing Delta 8 THC, Delta 9 THC, or any combination thereof, in any concentration, but only to the extent allowed by and in compliance with the Compassionate Use Act and/or only to the extent as allowed by and in compliance with the Cannabis Regulation and Tax Act.
- G. Exceptions. A person who is over 21 years of age may not possess, use, purchase, deliver, or attempt to deliver cannabis, including but not limited to any product or substance containing Delta 8 THC, Delta 9 THC, or any combination thereof, in any concentration, except as allowed by and in compliance with the Compassionate Use Act and/or as allowed by and in compliance with the Cannabis Regulation and Tax Act.
- H. Any person found to be in violation of this Chapter shall, upon conviction, be required to reimburse the Village the cost of any laboratory testing or other testing of any product or substance containing Delta 8 THC or Delta 9 THC relative to such violation.
- I. The levy and/or payment of any penalty or fine for any violation of this Chapter shall not be deemed to waive the power of the Village to suspend, revoke or refuse to renew a license or to seek injunctive relief to enjoin violations of this Chapter or any other applicable provisions of the Village Code.”

SECTION 6: This Ordinance shall be immediately published in pamphlet form by the Village Clerk, but such publication shall not in any way affect or delay the effective date of this Ordinance, which Ordinance shall take effect immediately upon its passage, the Corporate Authorities hereby finding that such Ordinance shall take effect immediately due to the urgency which exists to provide additional outdoor spaces for use by restaurants, bars and other businesses within the Village consistent with the recommended safety precautions and public health guidance.

SECTION 7: The Corporate Authorities of the Village intend that this Ordinance will be made part of the Barrington Village Code and that sections of this Ordinance can be renumbered or relettered and the word “Ordinance” can be changed to “Section”, “Article”, “Chapter”, or

some other appropriate word or phrase to accomplish codification, and regardless of whether this Ordinance is ever codified, the Ordinance can be renumbered or relettered and typographical errors can be corrected with the authorization of the Village Attorney, or his or her designee.

SECTION 8: Those sections, paragraphs and provisions of the Village of Barrington Village Code which are not expressly amended or repealed by this Ordinance shall remain in full force and effect, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Village of Barrington Village Code other than those expressly amended or repealed in this Ordinance.

SECTION 9: If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, or any part thereof. The Corporate Authorities hereby declare that they would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentence, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 10: This Ordinance shall not affect any punishment, discipline, infraction, or penalty or any action based on any other Ordinance of this Village incurred before the effective date of this Ordinance, nor any suit, prosecution or proceeding pending at the time of the effective date of this Ordinance, for an offense or violation committed or cause of action arising before this Ordinance, and said other ordinances as heretofore existing shall continue in full force and effect for said limited purpose.

SECTION 11: The Village Clerk is directed to immediately publish this Ordinance in pamphlet form.

PASSED THIS 27TH DAY OF NOVEMBER 2023 BY ROLL CALL VOTE AS FOLLOWS:

AYES: Trustees Lohmeyer, Sholeen, Wondrasek, Duncan, Moran, Prigge and President Darch

NAYS: None

ABSENT: None

ABSTAIN: None

APPROVED THIS 27TH DAY OF NOVEMBER, 2023

/s/ Karen Y. Darch, Village President

ATTESTED AND FILED THIS
27TH DAY OF NOVEMBER, 2023.

/s/ Tony Ciganek, Village Clerk

Published in Pamphlet Form the 28th day of November, 2023