

STATE OF ILLINOIS        )  
                                          ) SS  
COUNTY OF DU PAGE     )

I, Lynn Curiale, City Clerk of Wood Dale, Illinois DO HEREBY CERTIFY that as such City Clerk and keeper of the records, that the foregoing is a true and correct copy of Ordinance **#O-24-003 AN ORDINANCE APPROVING AMENDMENTS TO THE CITY'S BUSINESS ACTIVITIES REGULATIONS IN CHAPTER 4 OF THE CITY CODE ESTABLISHING REGULATIONS FOR RECREATIONAL CANNABIS DISPENSARIES AND THE ADOPTION OF A MUNICIPAL CANNABIS RETAILERS' OCCUPATIONAL TAX**

Passed by The City Of Wood Dale, Du Page County, Illinois, IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of the City of Wood Dale, this 15<sup>th</sup> day of February, 2024



Lynn Curiale, City Clerk



**Ordinance #O-24-003**

**AN ORDINANCE APPROVING AMENDMENTS TO THE CITY'S BUSINESS  
ACTIVITIES REGULATIONS IN CHAPTER 4 OF THE CITY CODE ESTABLISHING  
REGULATIONS FOR RECREATIONAL CANNABIS DISPENSARIES AND THE  
ADOPTION OF A MUNICIPAL CANNABIS RETAILERS' OCCUPATIONAL TAX**

Passed: February 15, 2024  
Published in Pamphlet Form: February 16, 2024

I, Lynn Curiale, as the City Clerk for the City of Wood Dale, hereby certify that the attached Ordinance is a true and correct copy of **#O-24-003**

**AN ORDINANCE APPROVING AMENDMENTS TO THE CITY'S BUSINESS  
ACTIVITIES REGULATIONS IN CHAPTER 4 OF THE CITY CODE ESTABLISHING  
REGULATIONS FOR RECREATIONAL CANNABIS DISPENSARIES AND THE  
ADOPTION OF A MUNICIPAL CANNABIS RETAILERS' OCCUPATIONAL TAX**

Passed and approved by the City Council of the City of Wood Dale on February 15, 2024 and hereby published in pamphlet on February 16, 2024



Lynn Curiale, City Clerk

SEAL



**ORDINANCE NO. O-24-003**

**AN ORDINANCE APPROVING AMENDMENTS TO THE CITY'S BUSINESS ACTIVITIES REGULATIONS IN CHAPTER 4 OF THE CITY CODE ESTABLISHING REGULATIONS FOR RECREATIONAL CANNABIS DISPENSARIES AND THE ADOPTION OF A MUNICIPAL CANNABIS RETAILERS' OCCUPATIONAL TAX**

**WHEREAS**, the City of Wood Dale (the "City") is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

**WHEREAS**, the City is authorized and empowered, under the Illinois Municipal Code and the Code of Ordinances of the City of Wood Dale ("City Code"), to regulate business activities located within the municipal boundaries of the City; and

**WHEREAS**, in furtherance of this authorization, the City has adopted regulations concerning business activities and the provision of commercial occupancy certificates for business establishments operating in the City, codified in Chapter 4 of the City Code; and

**WHEREAS**, section 8-11-23 of the Illinois Municipal Code authorizes the City to establish a Municipal Cannabis Retailers' Occupation Tax on adult-use cannabis products sold at retail in the City; and

**WHEREAS**, currently, the City Code does not provide any business activity regulations concerning recreational cannabis dispensaries and the City also has not established a Municipal Cannabis Retailers' Occupation Tax on adult-use cannabis products sold at retail in the City, as authorized under the Illinois Municipal Code; and

**WHEREAS**, the City Council of the City of Wood Dale has reviewed the matter and determines that it is in promotion of the health, comfort, safety, and general welfare of the City's community to establish business activity regulations concerning recreational cannabis dispensaries and to also establish a Municipal Cannabis Retailers' Occupation Tax on adult-use cannabis products sold at retail in the City, as fully provided in the regulations attached hereto and incorporated herein as Exhibit A.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOOD DALE, DUPAGE COUNTY, ILLINOIS**, as follows:

**SECTION ONE:** The recitals set forth above are incorporated herein and made a part hereof.

**SECTION TWO:** That Chapter 4 of the City Code is hereby amended to add Article VI establishing business activity regulations concerning recreational cannabis dispensaries, as fully provided in the provisions attached hereto and incorporated herein as Exhibit A.

**SECTION THREE:** That Chapter 8 of the City Code is hereby amended to utilize Article VI (currently reserved) to establish a Municipal Cannabis Retailers' Occupation Tax on adult-use

cannabis products sold at retail in the City, as fully provided in the provisions attached hereto and incorporated herein as Exhibit A.

**SECTION FOUR:** That all ordinances or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

**SECTION FIVE:** That the City Clerk of the City of Wood Dale is hereby directed to publish this Ordinance in pamphlet form, pursuant to the statutes of the State of Illinois.

**SECTION SIX:** That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

**SECTION SEVEN:** That if any provision or clause of this Ordinance or Exhibit A or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance or Exhibit A, which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance or Exhibit A are severable.

PASSED this **15th day of February, 2024**

AYES: 8

NAYS: 0

ABSENT: 0

APPROVED this **15th day of February, 2024**

SIGNED: Annunziato Pulice  
Annunziato Pulice, Mayor

ATTEST: Lynn Curiale  
Lynn Curiale, City Clerk

Published in pamphlet form Feb 14, 2024

## EXHIBIT A

### CHAPTER 4, ARTICLE VI

#### COMMERCIAL OCCUPANCY CANNABIS DISPENSARY

**Sec. 4.601. Definitions.** Unless the context otherwise requires, the following terms as used in this chapter shall be construed according to the definitions given below:

- A. Cannabis: Marijuana, hashish, and other substances that are identified as including any parts of the plant *Cannabis sativa* and including derivatives or subspecies, such as indica, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means cannabis flower, concentrate, and cannabis-infused products.
- B. Cannabis Dispensary: 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 (410 ILCS 705/1, et seq.), ("Act") as it may be amended from time to time, and regulations promulgated thereunder.

**Sec. 4.602: Applicability.** The regulations set forth in this Article shall apply to the Commercial Occupancy Certificate regulation of Cannabis Dispensaries.

**Sec. 4.603: Commissioner.**

- A. The Mayor shall be the Cannabis Dispensary Commercial Occupancy Certificate Commissioner and shall perform all duties not pre-empted by the Act, as amended from time to time, which are necessary to enforce the provisions of this Article.
- B. The Mayor shall perform all duties related to the issuance, suspension or revocation of a Cannabis Dispensary Commercial Occupancy Certificate, in a manner consistent with the Mayor's duties related to liquor licensing as provided in Chapter 5 of the City Code, as amended from time to time, which duties are not pre-empted by the Act.

**Sec. 4.604: Cannabis Dispensary Commercial Occupancy Certificate Required.**



- A. It shall be unlawful for any person, firm or corporation to operate a cannabis dispensing facility without first having obtained a Cannabis Dispensary Commercial Occupancy Certificate from the Commissioner. It shall be a prerequisite to the issuance of any such Cannabis Dispensary Commercial Occupancy Certificate that the applicant have in place, a current, valid State of Illinois cannabis dispensing license issued pursuant to the Article 15 of the Act.

**4.605: Application Required.** Any applicant for a Cannabis Dispensary Commercial Occupancy Certificate shall be required to submit an sworn or affirmed application including all information as required for an application for a liquor license provided in Chapter 5 of the City Code and any other pertinent information as requested by the Commissioner or the Commissioner's designee.

**4.606: Cannabis Dispensary Commercial Occupancy Certificate Fees.**

- A. Application Review Fee: A non-refundable application review fee shall be two thousand dollars (\$2000.00) for review of any application a Cannabis Dispensary Commercial Occupancy Certificate.
- B. Initial Cannabis Dispensary Commercial Occupancy Certificate Fee: The initial Cannabis Dispensary Commercial Occupancy Certificate fee shall be eight thousand dollars (\$8000.00).
- C. Annual Cannabis Dispensary Commercial Occupancy Certificate Renewal Fee: The Annual Cannabis Dispensary Commercial Occupancy Certificate Renewal fee shall be eight thousand dollars (\$8000.00), which shall be due on the annual anniversary of the initial issuance of the Cannabis Dispensary Commercial Occupancy Certificate.

**4.607: Number of Available Cannabis Dispensary Commercial Occupancy Certificates.** There are zero (0) available Cannabis Dispensary Commercial Occupancy Certificates for issuance in the City. The allowance of any number of Cannabis Dispensary Commercial Occupancy Certificates is within the exclusive authority of City Council, only as approved by amendment to this Article.

## **CHAPTER 8, ARTICLE VI**

### **MUNICIPAL CANNABIS RETAILERS' OCCUPATION TAX**

#### **Sec. 8.601**

- A. Tax Imposed: A tax is hereby imposed, in accordance with the Municipal Cannabis Retailers' Occupation Tax Law (65 ILCS 5/8-11-23), upon all persons engaged in the business of selling cannabis, other than cannabis purchased under the Compassionate Use of Medical Cannabis Program Act, at retail in the corporate limits of the City at the rate of 3% of the gross receipts from these sales made in the course of that business.
- B. Collection and Enforcement: The tax imposed by this Article, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Illinois

Department of Revenue. The Illinois Department of Revenue shall have full power to administer and enforce the provisions of this article. Any tax required to be collected pursuant to or as authorized by this article and any such tax collected by such retailer and required to be remitted to the Illinois Department of Revenue shall constitute a debt owed by the retailer to the State of Illinois. 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, as provided in 65 ILCS 5/8-11-23.