



**ANNA M. VALENCIA**  
**CITY CLERK**

**RESTRICTED CANNABIS ZONE**  
**ADMINISTRATIVE RULES**  
Effective December 16, 2020

**Preface**

BY AUTHORITY VESTED IN THE CITY CLERK PURSUANT TO 410 ILCS 705/55-28, WHICH IS HEREBY INCORPORATED BY REFERENCE, THE FOLLOWING RULES ARE ADOPTED HEREIN.

**By Order of the City Clerk:**

Signed: Andrea M. Valencia  
Andrea M. Valencia

Date: 12/16/2020

**Section 1: Definitions**

As used in these Rules or in any Form or Petition promulgated pursuant to these Rules, unless the context clearly indicates otherwise:

“Authorized Circulator” means an individual who is: (i) authorized by a Petitioner to circulate a Petition on the Petitioner’s behalf in the precinct identified on the Petition, (ii) at least 18 years of age, and (iii) a citizen of the United States.

“Cannabis Business Establishment” means a cultivation center, craft grower, processing organization, dispensing organization, or transporting organization as defined in 410 ILCS 705/1-10.

“Circulation Period” means the 90-day period during which a Petitioner and Authorized Circulators must gather the requisite number of signatures on a Petition. The Circulation Period begins on the Notice of Intent Posting Date, and ends on the 90th day after the Notice of Intent Posting Date, including Saturdays, Sundays, and all holidays as fixed in any City of Chicago ordinance.

“City Clerk” means the City Clerk of the City of Chicago or the City Clerk’s designee.

“Code” means the Municipal Code of Chicago.

“Comment Period” means the 30-day period in which the City Clerk accepts comments from the public on a Petition pursuant to 410 ILCS 705/55-28(c). For purposes of the 30-day comment period, the term “days” means calendar days, including Saturdays, Sundays, and all holidays as fixed in any City of Chicago ordinance.

“Craft Grower” has the meaning ascribed to that term in 410 ILCS 705/1-10.

“Cultivation Center” has the meaning ascribed to that term in 410 ILCS 705/1-10.

“Day(s)” means calendar day(s). Except as otherwise provided in the definition of the term “Circulation Period,” “Notice of Intent Posting Date,” “Comment Period,” or elsewhere in these Rules, the time period within which any act provided by 410 ILCS 705/55-28 of the Illinois Compiled Statute or by these Rules is to be done shall be computed by excluding the first day and including the last day, unless the last day is a Saturday, Sunday, or holiday as fixed in any ordinance now or hereafter in force in the City. In such cases, the Saturday, Sunday, or holiday shall be excluded. If the next day succeeding a Saturday, Sunday, or holiday is also a Saturday, Sunday, or holiday, then the next succeeding day similarly shall be excluded.

“Dispensing Organization” has the meaning ascribed to that term in 410 ILCS 705/1-10.

“Home Cultivation” means cultivating cannabis for personal use within the meaning of, and subject to the limitations set forth in, 410 ILCS 705/7-25(b).

“ILCS” means the Illinois Compiled Statutes.

“Infuser Organization” has the meaning ascribed to that term in 410 ILCS 705/1-10.

“Legal Voter(s)” means a person: (1) who is duly registered to vote in the City of Chicago; and (2) whose name appears on a poll list compiled by the Chicago Board of Election Commissioners since the last preceding election, regardless of whether the election was a primary, general or special election; (3) who, at the relevant time, is a resident of the address in Chicago at which he or she is registered to vote; and (4) whose address, at the relevant time, is located in the precinct where such person seeks to submit a Notice of Intent to initiate the Petition process or to circulate or sign a Petition within the meaning of 410 ILCS 705/55-28 for an ordinance establishing that precinct as a Restricted Cannabis Zone. As used in this definition, the term “relevant time” means any time that: (i) a Notice of Intent is filed, pursuant to 410 ILCS 705/55-28(c), to initiate the Petition process under 410 ILCS 705/55-28, or (ii) the Petition is circulated for signature in the applicable precinct; or (iii) the Petition is signed by registered voters in the applicable precinct.

“Notice of Intent” means the Notice of Intent Form, approved by the City Clerk and made available online and at the City Hall Office of the City Clerk, notifying the City Clerk of a Legal Voter’s intent to circulate a Petition to create a Restricted Cannabis Zone in the Legal Voter’s precinct.

“Notice of Intent Posting Date” means the date on which the applicable Notice of Intent is publicly posted online by the City Clerk. This date begins the 90-day Circulation Period during which the Petitioner or Authorized Circulators must obtain the signatures of at least 25% of the precinct’s registered voters in order for a Petition to be valid within the meaning of 410 ILCS 705/55-28(c). For purposes of the 90-day period, the term “days” means calendar days, including Saturdays, Sundays, and all holidays as fixed in any ordinance now or hereafter in force in the City.

“Petition(s)” means a Petition Requesting the Introduction of an Ordinance Creating a Restricted Cannabis Zone, provided to a Petitioner by the City Clerk, for use by Petitioners and Authorized Circulators seeking to create a Restricted Cannabis Zone.

“Petitioner” means the Legal Voter named as the Petitioner on the Notice of Intent and Petitioner Contact Information Form.

“Petition Due Date” means the 90th day after the Notice of Intent Posting Date, and is the last day on which an otherwise valid Petition shall be accepted by the City Clerk. If the Petition Due Date falls on a weekend, a holiday, or any other day on which the Office of the City Clerk is closed, the Petition Due Date shall be on the business day immediately following the 90th day.

“Petition Posting Date” means the date on which the City Clerk posts a completed Petition online to commence the 30-day comment period required under 410 ILCS 705/55-28(c) .

“Petition Sheet(s)” means a Petition page on which signatures are obtained by a Petitioner or Authorized Circulator.

“Precinct” means the smallest constituent territory within the City of Chicago in which electors vote as a unit at the same polling place in any election governed by the Illinois Election Code.

“Processing Organization” has the meaning ascribed to that term in 410 ILCS 705/1-10.

“Restricted Cannabis Zone” has the meaning ascribed to that term in 410 ILCS 705/55-28(a).

“Transporting Organization” has the meaning ascribed to that term in 410 ILCS 705/1-10.

## **Section 2: Restricted Cannabis Zones – Generally**

1. The City Clerk shall administer the Petition process for creating and repealing Restricted Cannabis Zones as provided in 410 ILCS 705/55-28.
2. The Petition process is advisory ONLY. A Restricted Cannabis Zone must be established by Ordinance.
3. Once established, a Restricted Cannabis Zone remains in effect for four years following the effective date of the Ordinance establishing the Zone, unless the Ordinance is repealed earlier pursuant to 410 ILCS 705/55-28(d)(3). Once a Restricted Cannabis Zone is established by Ordinance, the Zone may be renewed by Ordinance at the expiration of the four-year period without the need for another supporting Petition, as provided in 410 ILCS 705/55-28(d)(4).

## **Section 3: Restriction Types and Eligibility**

There are three (3) options for creating a Restricted Cannabis Zone in a precinct:

- (a) Restrict home cultivation; OR
- (b) Restrict one or more types of cannabis business establishments, which include cultivation centers, craft growers, processing organizations, infuser organizations, dispensing organizations, and transporting organizations; OR
- (c) Restrict home cultivation and one or more types of cannabis business establishments, which include cultivation centers, craft growers, processing organizations, infuser organizations, dispensing organizations, and transporting organizations.

## **Section 4: Beginning the Petition Process – Submitting a Notice of Intent**

1. To initiate the Petition process, a Legal Voter must submit a Notice of Intent to the City Clerk. The Notice of Intent is available online and at the City Hall Office of the City Clerk.
2. More than one Legal Voter may submit a Notice of Intent for the same precinct.

3. A completed Petitioner Contact Information Form must be submitted with the Notice of Intent. The Petitioner identified on the Notice of Intent and Petitioner Contact Information Form must be the same Legal Voter. A Petitioner Contact Information Form is valid only if all required fields on the form are completed and the form is signed and dated by the Petitioner. The Petitioner Contact Information Form is available online and at the City Hall Office of the City Clerk.
4. The City Clerk shall deem a Notice of Intent incomplete if it fails to comply with the “Instructions for Completion and Submission of the Notice of Intent” posted on the City Clerk’s website, these Rules, or any requirement in 410 ILCS 705/55-28. If the City Clerk deems a Notice of Intent incomplete, the City Clerk shall notify the Petitioner in writing.
5. The City Clerk shall review each submitted Notice of Intent for legal sufficiency. A legally sufficient Notice of Intent must, at minimum, meet the following requirements:
  - (a) The person submitting the Notice of Intent must: (i) be a Legal Voter in the precinct he or she seeks to restrict; and (ii) reside at the address identified on the Notice of Intent. The address identified on the Notice of Intent must be located within the precinct such person seeks to restrict;
  - (b) The legal description of the precinct sought to be restricted must accurately describe the complete legal boundaries of that precinct as those boundaries existed at the time the Notice of Intent is submitted;
  - (c) The Notice of Intent must be accompanied by an accurate and complete precinct map of the precinct sought to be restricted, and such map must accurately depict the complete legal boundaries of that precinct as those boundaries existed at the time the Notice of Intent is submitted; and
  - (d) The Petitioner Contact Information Form submitted must be accurate and complete.
6. Notices of Intent shall be submitted IN PERSON to the City Hall Office of the City Clerk, located at 121 North LaSalle Street – Room 107, Chicago, Illinois, 60602.
7. The City Clerk shall date and time stamp each Notice of Intent upon receipt.
8. If a Notice of Intent is deemed incomplete by the City Clerk, then a Legal Voter may submit a new Notice of Intent that complies with the requirements of this Section.

#### **Section 5: Petition – Circulation Requirements**

1. Upon receipt of a completed and valid Notice of Intent, the City Clerk shall: (i) post the Notice of Intent online, and (ii) provide the Petitioner named in the Notice of Intent with the appropriate Petition. The Petition, provided and approved by the City Clerk, shall be one page in length. The Petitioner or the Authorized Circulator(s) may make and use copies of the Petition, as needed.
2. The Petitioner may begin circulating the Petition on the Notice of Intent Posting Date. Any signature(s) obtained prior to the Notice of Intent Posting Date shall not count toward the requisite number of signatures.

3. To be legally sufficient, a Petition must be signed by at least 25% of the registered voters in the precinct identified on the face of the Petition. The total number of registered voters in the precinct to which the percentage is applied shall be the total number of voters who are registered in the precinct on the date registration closed before the regular election next preceding the last day on which such Petition may be filed.
4. For a signature to be valid, every field in the signature line on the Petition Sheet must be completed. If any fields are blank or incomplete, the signature shall not count toward the requisite number of signatures.
5. The “Printed Name,” “Signature,” “Street Address,” and “Date of Signing” fields must be completed only by the person signing the Petition.
6. A Petitioner must obtain the requisite number of signatures during the Circulation Period.
7. A Petitioner may use Authorized Circulators to circulate the Petition for the purpose of obtaining the requisite number of signatures on the Petition.
8. A Petitioner or the Authorized Circulator must personally witness every signature obtained on the Petition Sheet(s) that the Petitioner or Circulator is circulating for signatures.
9. Each Petitioner or Authorized Circulator must sign and have notarized each Petition sheet that such Petitioner or Circulator personally circulated for signature. The Petitioner CANNOT notarize an Authorized Circulator’s Petition Sheet(s).

#### **Section 6: Petition – Submission Requirements**

1. The Petitioner named on the Notice of Intent or the Petitioner’s authorized representative, who may be the local Alderman, must submit the completed Petition IN PERSON to the City Hall Office of the City Clerk on or before the Petition Due Date.
2. A Petition is considered completed when all the original Petition Sheets are bound, notarized, and sequentially numbered, with the original Petition page, provided by the City Clerk, on top. This would also be known as a “Petition Packet.” The Petition Sheets must be numbered only after the requisite number of signatures has been obtained.
3. A completed Petition Receipt Form must be submitted with the Petition Packet. A Petitioner Receipt Form is valid only if all required fields on the form are completed and the form is signed and dated by the Petitioner. The Petitioner Receipt Form is available online and at the City Hall Office of the City Clerk.
4. If the Petition Packet is submitted by the Petitioner’s authorized representative, the Petitioner must fill out the bottom half of the Petition Receipt Form indicating the name of the person authorized by the Petitioner to submit the Petition Packet, the Petitioner’s signature, and the Representative’s signature.
5. A Petition Packet submitted after the Petition Due Date shall be deemed invalid by operation of law and shall not be accepted by the City Clerk.
6. No Petition shall be considered complete and submitted until:

- (a) A Petition Packet (not a duplicate or photocopy) is submitted to the City Hall Office of the City Clerk, located at 121 North LaSalle Street – Room 107, Chicago, Illinois, 60602. The City Hall Office of the City Clerk is open Monday through Friday from 8:00 a.m. to 5:00 p.m.; and
- (b) A copy of a dated Petition Receipt Form is given by the City Clerk to the Petitioner or the Petitioner’s authorized representative.

7. Once submitted, a Petition cannot be altered in any way.

**Section 7: Petition – Comment Period**

- 1. Submitted Petitions shall be posted online by the City Clerk during the Comment Period.
- 2. Comments regarding a submitted Petition will be accepted by the City Clerk during the Comment Period.
- 3. Comments may be submitted:
  - (a) Via mail addressed to the Office of the City Clerk: Attn: Restricted Cannabis Zone, 121 North LaSalle Street – Room 107, Chicago, Illinois, 60602;
  - (b) In person to the City Hall Office of the City Clerk; or
  - (c) By email to [clerk.cannibas@cityofchicago.org](mailto:clerk.cannibas@cityofchicago.org).
- 4. All submitted comments will be available for public inspection at the City Hall Office of the City Clerk.
- 5. Comments may include concerns and observations regarding the legal sufficiency of a submitted Petition.
- 6. At the end of the Comment Period, the City Clerk shall provide all submitted comments to the Alderman of the precinct sought to be restricted.

**Section 8: Petition – Review**

- 1. During a Petition’s Comment Period, the City Clerk shall review the Petition for legal sufficiency.
- 2. Pursuant to 410 ILCS 705/55-28(c) , the City Clerk may take all steps necessary and appropriate to verify the validity and legal sufficiency of each submitted Petition.
- 3. The City Clerk will verify the following information on each Petition Sheet:
  - (a) The precinct and ward identified in the top caption and in the bottom certification paragraph of each Petition Sheet are correct;
  - (b) The restriction stated on each Petition Sheet matches the restriction stated on the Notice of Intent;

- (c) The Petitioner or Authorized Circulator of each Petition Sheet, comprising the Petition Packet, completed and signed the certification at the bottom of each Petition Sheet, and swore to the accuracy of such certification before a Notary Public; and
  - (d) The Notary Public who signed and sealed any Petition Sheet had an active Illinois Notary Public Commission at the time the Notary Public signed and sealed such Petition Sheet.
  - (e) The Petition Sheets contain the valid signatures of 25% of the Legal Voters in the precinct.
4. If a Petition is approved, the City Clerk shall:
- (a) Post online the status of the Petition as accepted;
  - (b) Notify the Alderman of the ward in which the precinct is located; and
  - (c) Provide the Alderman of the precinct the notice of intent, petition packet, and all comments received during the Comment Period.
5. A Petition may be rejected for the following reasons:
- (a) The Petition does not contain the signatures of 25% of the Legal Voters in the precinct;
    - i. If an individual signs and swears before a Notary Public that he or she is not the person who circulated or signed a Petition Sheet, and such Petition Sheet was in fact circulated by another individual, such Petition Sheet shall be rejected as invalid, and none of the signatures on such Petition Sheet shall count toward the requisite number of signatures.
    - ii. If a Petitioner signs and swears before a Notary Public that a Petition Sheet was circulated or signed by an individual who was not an Authorized Circulator, such Petition Sheet shall be rejected as invalid, and none of the signatures on such Petition Sheet shall count toward the requisite number of signatures.
    - iii. If a Petition or several Petition Sheets comprising the Petition Packet appear invalid, or otherwise fraudulent or suspicious, the City Clerk may reject the entire Petition.
    - iv. Signatures of persons who are not Legal Voters in the precinct shall be crossed off the Petition, and shall not count toward the requisite number of signatures.
    - v. Signatures obtained outside of the Circulation Period shall be crossed off the Petition, and shall not count toward the requisite number of signatures.
    - vi. Duplicate signatures shall be counted as one signature when calculating the total number of signatures.
  - (b) The Notary Public did not have an active Illinois Notary Public Commission at the time the Notary Public signed and sealed a Petition Sheet.
    - i. Each Petition Sheet must be notarized by an active and valid Illinois Notary Public.

ii. A Petition Sheet that is not notarized by an active and valid Illinois Notary Public shall be rejected as invalid, and the signatures on such sheet shall not count toward the requisite number of signatures.

(c) The City Clerk determines that the Petition is otherwise legally insufficient or invalid or fails to comply with 410 ILCS 705/55-28 or with any of these Rules.

6. If a Petition is rejected, the City Clerk shall post online a Notice of Rejection for each rejected Petition, and the reason(s) therefor.
7. If the City Clerk rejects a Petition as legally insufficient, a minimum of twelve months must elapse from the time the City Clerk posts the Notice of Rejection before a new Notice of Intent for that same precinct may be submitted.

Source: Illinois Compiled Statute, 410 ILCS 705/55-28, Effective December 4, 2019