

1st Reading: June 15, 2021
2nd Reading: June 22, 2021
Date Adopted: June 22, 2021
Date Published: June 24&25, 2021 and July 1&2, 2021
Effective Date: July 2, 2021

ORDINANCE NO: #2021-03

A TEMPORARY ORDINANCE REGARDING THE ISSUANCE OF LOCAL MEDICAL CANNABIS ESTABLISHMENT PERMITS AND/OR LICENSES.

WHEREAS, Clay County, SD (“County”) and the City of Vermillion, SD (“City”) have a Joint Jurisdictional zoning agreement pursuant to SDCL 11-6-12, and;

WHEREAS, said agreement sets forth joint zoning control outside of current City limits for an area as depicted on the Official Zoning Map of the Clay County and City of Vermillion Joint Jurisdictional Area, and;

WHEREAS, a local government may enact an ordinance not in conflict with SDCL Chapter 34-20G, governing the time, place, manner, and number of medical cannabis establishments in the locality. A local government may establish civil penalties for violation of an ordinance governing the time, place, and manner of a medical cannabis establishment that may operate in the locality. A local government may require a medical cannabis establishment to obtain a local license, zoning permit, or registration to operate, and may charge a reasonable fee for the local license, zoning permit, or registration.

WHEREAS, the County and the City, make a preliminary finding that the current regulations and controls for the Joint Jurisdictional area may not adequately address the unique needs and impacts of medical cannabis establishments as defined in SDCL 34-20G-1;

WHEREAS, the County and the City make a preliminary finding that the County and the City need further study of the relationship of medical cannabis establishments to the Joint Jurisdictional Comprehensive Plan and Joint Jurisdictional Zoning Ordinance. The public interest requires that the County and the City study, analyze, and evaluate the impacts of medical cannabis establishments and to fully explore the impacts of any proposed regulations regarding medical cannabis establishments;

WHEREAS, the County and the City make a preliminary finding that it would be inappropriate for a local permit or license to be issued to a medical cannabis establishment in the Joint Jurisdictional area prior to the South Dakota Department of Health’s promulgation of regulations governing the same;

WHEREAS, the County and the City hereby exercise their authority under SDCL 11-2-10 and SDCL 7-18A-8 and SDCL 11-4-3.1 and SDCL 9-19-13, to establish a temporary ordinance regarding the issuance of any local permits/licenses for medical cannabis establishments within the Joint Jurisdictional area;

WHEREAS, a temporary ordinance will ensure that more comprehensive Joint Jurisdiction zoning ordinance and building permit changes, licensing permits, and any proposed amendments to the Joint Jurisdiction Comprehensive Plan can be completely examined with adequate public input from citizens, business interests, and medical cannabis industry representatives;

WHEREAS, the County and the City find that a temporary ordinance is reasonable to preserve the status quo and prevent significant investment pending the outcome of the above study and any proposed regulations emanating therefrom;

WHEREAS, the County and the City find that the following ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace and support of the Joint Jurisdictional area and its existing public institutions;

NOW, THEREFORE, BE IT ORDAINED BY Clay County, SD and the City of Vermillion, SD:

Section 1. Temporary Ordinance – Application for Local Permit/License

A medical cannabis establishment desiring to operate in the Joint Jurisdiction shall be required to apply for a permit and/or license from the County. Applications for a local permit and/or license to operate a medical cannabis establishment, as defined by SDCL 34-20G-1, shall not be accepted until the South Dakota Department of Health has promulgated regulations as required by SDCL 34-20G-72. Any application received prior to such regulations being promulgated shall be denied.

Section 2. Immediate Effect.

This ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace, and support of the County and the City government and its existing public institutions pursuant to SDCL 11-2-10 and SDCL 7-18A-8.



County Commissioner Chair



ATTEST:



County Auditor

