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2nd Reading: June 22, 2021
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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;