

**ORDINANCE NO. 74**

**A TEMPORARY ORDINANCE REGARDING THE ISSUANCE OF LOCAL MEDICAL CANNABIS ESTABLISHMENT PERMITS AND/OR LICENSES IN THE AREA OF JOINT ZONING AUTHORITY.**

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, Codington County, SD ("County"), and the Municipality of Watertown, SD ("Municipality") make a preliminary finding that the Area of Joint Zoning Authority's current regulations and controls may not adequately address the unique needs and impacts of medical cannabis establishments as defined in SDCL 34-20G-1;

WHEREAS, medical cannabis state laws under SDCL 34-20G are effective July 1, 2021. The South Dakota Department of Health shall promulgate rules pursuant to chapter 1-26 not later than October 29, 2021, as defined by SDCL 34-20G-72. During the time between July 1, 2021 and potentially as late as October 29, 2021, local units of government will not yet know standards for medical cannabis and will not be able to adequately assess the local zoning and licensing requirements necessary to approve local permits and to better ensure applicants have a more predictable permitting process and avoid stranded investments.

WHEREAS, the County and Municipality make a preliminary finding that the County needs further study of the relationship of medical cannabis establishments to the County and City Comprehensive Plans and Joint Zoning Ordinance. The public interest requires that the Municipality and County 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 Municipality and County make a preliminary finding that it would be inappropriate to issue a local permit or license to a medical cannabis establishment prior to the South Dakota Department of Health's promulgation of regulations governing the same;

WHEREAS, the Municipality and County hereby exercises the authority under SDCL 11-4-3.1 and/or SDCL 9-19-13, SDCL 11-2-10, and SDCL 7-18A-8, to establish a temporary ordinance regarding the issuance of any local permits/licenses for medical cannabis establishments within the Area of Joint Zoning Authority;

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

WHEREAS, the Municipality and County 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 Municipality and County find that the following ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace and support of the county government and its existing public institutions;

NOW, THEREFORE, BE IT ORDAINED BY Codington County, SD and the City of Watertown, SD:

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

A medical cannabis establishment desiring to operate in the Area of Joint Zoning Authority 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 municipal and county government and its existing public institutions pursuant to SDCL 11-2-10, SDCL 7-18A-8, SDCL 11-4-3.1, SDCL 11-6-12, SDCL 11-6-12.1 and SDCL 9-19-13.

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County Commissioner Chair

ATTEST:

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County Auditor

1st Reading: \_\_\_\_\_  
2nd Reading: \_\_\_\_\_  
Date Adopted: \_\_\_\_\_  
Date Published: \_\_\_\_\_  
Effective Date: \_\_\_\_\_