

AGENDA
Codington County Board of Commissioners
Codington County Court House, 14 1st Ave SE, Watertown SD
Commission Chambers, Room #114
9:00 a.m., Tuesday, August 24th, 2021

1. Pledge of Allegiance
2. Call for public comment. Public comment may be submitted via telephone at 605-882-6248 or 605-882-6297
3. Conflict of interest items
4. Action to approve the August 24, 2021 agenda
5. Action to approve the August 17, 2021, minutes of the Board of Codington County Commissioner
6. 9:00 a.m., First Reading of Ordinances #75, #76, & #77, regarding medical cannabis
7. Monthly reports
 - a. Sheriff
8. Action to approve updated Welfare guidelines
9. Note the Board will not meet on 8/31 due to previously adopted policy
10. Note County surplus auction sale, September 25th, Extension Center Complex
11. Discussion regarding engineers' elevations
12. Action to approve purchase of iPad for Highway Dept.
13. Discussion/possible action to pass a resolution to enact a ban on open burning if necessary
14. Action to approve claims for payment
15. Action to approve automatic budget supplements
16. Action to approve personnel changes
17. Action to approve travel requests
18. Public Notices – a possible quorum of Commissioners could be in attendance at
 - a. SDACC annual conference 9/13 – 9/14, Rapid City
19. Old Business
20. New Business
21. Open
 - a. Public Comments
 - b. Commission Comments

22. Action to enter into Executive session per SDCL 1-25-2

- (1) Discussion of personnel issues**
- (2) Consulting with legal counsel or reviewing communications from legal counsel regarding proposed or pending litigation or contractual matters**
- (3) Preparing for contract negotiations with employees or employee's representatives**
- (4) Discussing information listed in SDCL 1-27-1.5 (8) and 1-27-1.5 (17) (safety or disaster)**

23. Action to adjourn until 9:00 a.m., Tuesday, September 7th, 2021; at the Codington County Court House

Codington County does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in employment or the provision of service.

Official Proceedings
County of Codington, Watertown, South Dakota
Codington County Court House
14 1st Ave SE

August 17, 2021

The Codington County Commissioners met in regular session at 9:00 a.m., Tuesday, August 17, 2021, at the Codington County Court House. Commission members present were: Charlie Waterman, Myron Johnson, Troy VanDusen, and Brenda Hanten; Commissioner Lee Gabel was present via Zoom; Chair Hanten presiding. KXLG Radio News Director, Jeff Canfield, led the pledge of allegiance.

CALLS FOR PUBLIC COMMENT AND CONFLICT OF INTEREST ITEMS

Chair Hanten called for public comments to be taken up during the open portion of the meeting; none were offered. There were no conflict-of-interest items to note.

AGENDA APPROVED

Motion by Waterman, second by VanDusen, to approve the August 17, 2021 agenda as posted; all voted aye; motion carried.

MINUTES APPROVED

Motion by Johnson, second by Waterman, to approve the minutes of the August 10, 2021 meeting of the Codington County Commissioners; all voted aye; motion carried.

MONTHLY REPORTS

Facilities Manager, Steve Molengraaf, updated the Board: Courthouse – the parking lot project is scheduled to begin on 9/7, wiring is being installed for a court schedule TV monitor in the Clerk of Courts office; Detention Center – the sewer project is scheduled to begin on 9/27 and will take approximately 3 weeks to complete; Extension Center Complex – clean up from 4-H Achievement Days has been completed; Memorial Park – most weekends have been full this summer, 2021 revenue is at \$171,475.37 for reservations, \$4,037.00 for wood/propane sales, 1148 online reservations in 2021 compared to 717 in 2010, and 1924 total reservations in 2021 compared to 1902 in 2020; Weed Dept. – fall spraying should begin the week of 8/23, the State Weed Commission meeting and tour is scheduled for 9/15 & 9/16; West Nile – fogging has taken place due to positive pools in areas of the County.

Highway Supt., Rick Hartley, updated the Board: chip sealed roads have been broomed and are awaiting striping; County Road 7-5 will be closed until a bridge deck replacement project has been completed, approximately 1 month or longer; 11 miles of the reclamation roads (roads damaged by wind tower projects) have been de-paved and milling will be finished up later today; dig outs on County Roads 11, 6, & 3 should begin the week of 8/23; elevation levels on roads in the west side of the County indicate a need for additional build up.

CORRUGATED METAL PIPE

Highway Supt., Rick Hartley, met with the Board for the opening of bids for corrugated metal pipe as previously advertised. Auditor, Cindy Brugman, advised the Board no bids were received for this bid letting. The Highway Supt. will attempt to gather quotes from available firms for the purchase of corrugated metal pipe. The original bid the County accepted on 2/23/2021, from True North Steel, will not be honored due to an extreme supply shortage caused by the Coronavirus pandemic, as notified by True North Steel.

TAX DEED SALE RESOLUTION

RESOLUTION 2021-25

APPROVING THE SALE OF COUNTY LAND ACQUIRED BY TAX PROCEEDINGS

WHEREAS, PURSUANT TO DIRECTION FROM the Board of County Commissioners of Codington County, South Dakota, the County Auditor did heretofore offer for sale, on August 10th, 2021, the hereinafter described real property belonging to said County, which was acquired by said County by tax deed, and

WHEREAS, it now appears from the said County Auditor’s report of sale on file herein and from the proof of publication of Notice of Sale attached to said report and on file herein that all the proceedings necessary to a legal sale have been completed and the following have offered the following price for the following described real property to-wit.

<u>DESCRIPTION</u>	<u>PURCHASER</u>	<u>PRICE</u>
Lots 5 and 6, Block 15 Wallace Village Record #5275	Keller Cabinets Inc. PO Box 52 Wallace, SD 57272	\$165.00

Which full amount of the purchase price has been deposited with the County Treasurer;

NOW THEREFORE, be it and it hereby is resolved by the Board of County Commissioners of Codington County, South Dakota in regular session on the 17th day of August, 2021, that the sale of said premises to the above be and the same is hereby approved and the Chairman of the Board of County Commissioners of said Codington County, South Dakota is hereby authorized and directed to execute and the County Auditor to attest a Quit Claim Deed to said real property in the name of said County, and deliver said Quit Claim Deeds to said purchaser conveying to said purchaser all of the right, title, and interest of said County therein.

Dated this 17th day of August, 2021

Motion by VanDusen, second by Johnson, to approve the above and foregoing resolution, all members present voted aye; motion carried.

Brenda Hanten
Chair

ATTEST:

Cindy Brugman
Auditor

2022 LEMPG AGREEMENT

Motion by Gabel, second by VanDusen, to authorize the Chair to sign the 2022 LEMPG (Local Emergency Management Performance Grant) agreement between Codington County and the South Dakota Office of Emergency Management. This agreement provides financial support to County Emergency Management programs and is an annually renewing federal grant. Upon vote of the Board; all voted aye; motion carried.

OPEN BURNING

Emergency Management Director, Jamie Torstenson, provided the Board with data which indicates that a ban on open burning is not required at this time in Codington County. The Emergency Management Director advised a large portion of Codington County is has been upgraded to D-0 (abnormally dry) category on the drought monitor.

MEDICAL CANNABIS ORDINANCE #75, #76, #77

Zoning Officer, Luke Muller, presented the Board with three proposed Ordinances for the regulation of medical cannabis dispensaries. The Zoning Officer reviewed each proposed ordinance which if approved would amend the County's zoning ordinance and establish license provisions for cannabis establishments. The first reading of the proposed ordinances will take place at 9:00 a.m., Tuesday, August 24th, 2021, at the Board's regularly scheduled meeting.

PERSONNEL CHANGES

Motion by VanDusen, second by Waterman, to approve the following personnel changes: Mary Fransen, Register of Deeds Administrative Specialist, step 14/\$25.25 per hour, effective 8/1/2021; Jacki Manning, Register of Deeds Deputy, step 12/\$24.73 per hour, effective 8/1/2021; and Shelly Dupont, Seasonal Memorial Park Custodian, step 1/\$15.00 per hour, effective 8/16/2021; all voted aye; motion carried.

ADJOURNMENT

There being no further business to come before the Board a motion was made by Johnson, second by Waterman, to adjourn at 10:18 a.m., until 9:00 a.m., Tuesday, August 24th, 2021; all voted aye; motion carried.

ATTEST:

Cindy Brugman
Codington County Auditor

Codington County does not discriminate on the basis of color, national origin, sex, religion, age, or disability in employment or the provision of service.

Published once at the total approximate cost of \$_____

ORDINANCE NO. 75

AN ORDINANCE ENTITLED, AN ORDINANCE TO AMEND ARTICLE II, DEFINITIONS; SECTION 3.05.01, "PERMITTED USES" [C – COMMERCIAL DISTRICT]; SECTION 3.06.01 "PERMITTED USES" [I – INDUSTRIAL DISTRICT]; AND ARTICLE V, "SUPPLEMENTAL REGULATIONS; ADOPTED BY ORDINANCE 65, AS AMENDED, OF THE ZONING ORDINANCE OF CODINGTON COUNTY.

BE IT ORDAINED by the Board of County Commissioners of Codington County, South Dakota: that Article II, "DEFINITIONS" adopted by Ordinance 65, as amended, of the Zoning Ordinance of Codington County be amended by adding the following Definitions in bold and underline font:

Cannabis (or Marijuana). All parts of any plant of the genus cannabis, whether growing or not, in its natural and unaltered state, except for drying or curing and crushing or crumbling. The term includes an altered state of marijuana absorbed into the human body. The term does not include fiber produced from the mature stalks of such plant, or oil or cake made from the seeds of such plant. The term does not include the plant Cannabis sativa L. (hemp) and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis.

Cannabis Cultivation Facility. This term is defined as a legally licensed entity that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a cannabis establishment.

Cannabis Dispensary. This term is defined as a legally licensed entity that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials.

Cannabis Establishment. A cannabis cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a cannabis dispensary.

Cannabis Product Manufacturing Facility. This term is defined as a legally licensed entity that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a cannabis dispensary.

Cannabis Products. Any concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof, and are intended for use or consumption by humans. The term includes edible cannabis products, beverages, topical products, ointments, oils, and tinctures.

Cannabis Testing Facility. This term is defined as a legally licensed entity legally authorized to analyze the safety and potency of cannabis.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Codington County, South Dakota: that Section 3.05.01, "Permitted Uses" [C – Commercial District, adopted by Ordinance 65 as amended, of the Zoning Ordinance of Codington County be amended by adding language in bold and underline font:

6. Cannabis Dispensary (subject to Chapter 5.34).

BE IT FURTHER ORDAINED by the Board of County Commissioners of Codington County, South Dakota: that Section 3.06.01, "Permitted Uses" [I – Industrial District, adopted by Ordinance 65 as amended, of the Zoning Ordinance of Codington County be amended by adding language in bold and underline font:

4. Cannabis Dispensary (subject to Chapter 5.34).

BE IT FURTHER ORDAINED by the Board of County Commissioners of Codington County, South Dakota: that that Article V, "SUPPLEMENTAL REGULATIONS" adopted by Ordinance 65, as amended, of the Zoning Ordinance of Codington County be amended by adding the following Chapter in bold and underline font:

CHAPTER 5.34 CANNABIS DISPENSARIES.

1. Maximum Number of Cannabis Dispensaries.

- a. **In the development and execution of these regulations, it is recognized that there are some uses which because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a potential deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area.**
- b. **The County shall allow up to 1 cannabis dispensaries provided the time, place, and manner of said dispensaries comply with this ordinance.**

2. Required Separation Distances

- a. **A cannabis dispensary shall be located not less than one thousand (1,000) feet a public or private school existing before the date of the cannabis dispensary application;**
- b. **A cannabis dispensary shall be located not less than one thousand (1,000) feet from any established residence, church, public park, daycare facilities, or other cannabis dispensaries existing before the date of the cannabis dispensary application;**
- c. **Exemption from separation requirements. Any separation distance requirement, other than the State requirement from schools (1,000 feet), may be waived, provided:**
 - i. **The applicant provides documentation waiving the setback requirement from the title holder of the land benefiting from the separation.**

d. Prescribed separation/setback distances from certain existing uses are to be measured from the lot line of the property where the dispensary is proposed

3. Other Locational Requirements

a. Permanent or temporary dispensaries are prohibited in all other zoning districts and not eligible for a home occupation use.

b. It shall be unlawful to operate a dispensary in a building which contains a residence or a mixed-use building with commercial and residential uses.

4. Controlled Access - No cannabis establishment shall share premises with or permit access directly from another medical cannabis establishment, business that sells alcohol or tobacco, or, if allowed by law, other cannabis establishment.

5. Hours of operation:

a. Cannabis dispensaries are allowed to be open between the hours of 8:00 am and 9:00 pm on any days of the week.

6. Documentation of State Licensure.

a. No cannabis dispensary shall acquire, possess, store, deliver transfer, transport, supply or dispense cannabis, cannabis products, paraphernalia without providing documentation of licensure from the State of South Dakota.

7. The zoning official is authorized to issue permits (building/use) for cannabis dispensaries subject to following:

a. Submission of a site plan containing the following:

i. Any information required for applicable building permit,

ii. Ingress and egress plan

iii. Parking plan

iv. Lighting plan (including security lighting)

v. Screening/security fencing plan,

vi. Refuse plan;

vii. Hours of Operation;

viii. Any other information as lawfully may be required by the Zoning official to determine compliance with this ordinance

b. Documentation of ability to meet setback/separation requirements.

c. Documentation of State Licensure.

8. All Cannabis Establishments are required to be constructed in conformance with the 2021 Edition of the International Building Code and International Fire Code.

Passed and adopted this __ day of September, 2021.

Chairperson

Auditor

Dated this __ day of ____, 20__
Auditor, Codington County, South Dakota

Dated: _____, 20__

ORDINANCE NO. 76

AN ORDINANCE ENTITLED, AN ORDINANCE TO AMEND ARTICLE II, DEFINITIONS ADOPTED BY ORDINANCE 61, AS AMENDED, OF THE JOINT ZONING ORDINANCE FOR CODINGTON COUNTY AND THE CITY OF WATERTOWN.

BE IT ORDAINED by the Board of County Commissioners of Codington County, South Dakota: that Article II, "DEFINITIONS" adopted by Ordinance 61, as amended, of the Zoning Ordinance of Codington County be amended by adding the following Definitions in bold and underline font:

Cannabis (or Marijuana). All parts of any plant of the genus cannabis, whether growing or not, in its natural and unaltered state, except for drying or curing and crushing or crumbling. The term includes an altered state of marijuana absorbed into the human body. The term does not include fiber produced from the mature stalks of such plant, or oil or cake made from the seeds of such plant. The term does not include the plant Cannabis sativa L. (hemp) and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis.

Cannabis Cultivation Facility. This term is defined as a legally licensed entity that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a cannabis establishment.

Cannabis Dispensary. This term is defined as a legally licensed entity that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials.

Cannabis Establishment. A cannabis cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a cannabis dispensary.

Cannabis Product Manufacturing Facility. This term is defined as a legally licensed entity that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a cannabis dispensary.

Cannabis Products. Any concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof, and are intended for use or consumption by humans. The term includes edible cannabis products, beverages, topical products, ointments, oils, and tinctures.

Cannabis Testing Facility. This term is defined as a legally licensed entity legally authorized to analyze the safety and potency of cannabis.

Passed and adopted this __ day of September, 2021.

Chairperson

Auditor

Dated this __ day of ____, 20__
Auditor, Codington County, South Dakota

Dated: ____, 20__

ORDINANCE 77

AN ORDINANCE ESTABLISHING LICENSING PROVISIONS FOR CANNABIS ESTABLISHMENTS TO THE REVISED ORDINANCES OF CODINGTON COUNTY

BE IT ORDAINED by the Board of County Commissioners of Codington County that the Revised Ordinances of Codington County is hereby amended by adding the following:

1.01: PURPOSE AND INTENT

The Board of County Commissioners of Codington County enacts the following licensing ordinances in order to ensure that cannabis establishments within the unincorporated areas of the County operate in a manner which complies with state laws and regulations, protects the health, safety, and welfare of the general public, prevents potential conflicts and issues arising from ownership and employees, recognizes certain safety and security considerations, and minimizes risk of unauthorized use or access of cannabis by the general public.

1.02: DEFINITIONS

Unless an alternative definition is explicitly stated in this section, this chapter utilizes the definitions for cannabis-related terms which are defined by SDCL 34-20G-1.

Cannabis (or Marijuana). All parts of any plant of the genus cannabis, whether growing or not, in its natural and unaltered state, except for drying or curing and crushing or crumbling. The term includes an altered state of marijuana absorbed into the human body. The term does not include fiber produced from the mature stalks of such plant, or oil or cake made from the seeds of such plant. The term does not include the plant Cannabis sativa L. (hemp) and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis.

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Cannabis Products. Any concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof, and are intended for use or consumption by humans. The term includes edible cannabis products, beverages, topical products, ointments, oils, and tinctures.

Cannabis Testing Facility. This term is defined as a legally licensed entity legally authorized to analyze the safety and potency of cannabis.

Department. The South Dakota Department of Health.

1.03: LICENSE REQUIRED

- (a) No cannabis establishment may be located or operate in the unincorporated area of the County without the appropriate valid and current cannabis establishment license issued by the County pursuant to this article. A violation of this provision is subject to the general penalty provision in Chapter 1.16. Each day of the violation constitutes a separate offense.
- (b) No cannabis establishment may be located or operate in the unincorporated area of the County without the appropriate valid and current cannabis establishment registration certificate issued by the Department pursuant to rules promulgated under SDCL 34-20G. A violation of this provision is subject to the general penalty provision in 1.16. Each day of the violation constitutes a separate offense.

1.04: LICENSE APPLICATION

- (a) An application for a cannabis establishment license must be made on a form provided by the County. No other application form will be considered.
- (b) The applicant must submit the following:
 - 1. Application fee of \$5,000. The County will reimburse \$2,500 for applicants who fail to obtain a registration certificate from the South Dakota Department of Health.
 - 2. An application that will include, but is not limited to, the following:
 - i. The legal name of the prospective cannabis establishment;
 - ii. The physical address of the prospective cannabis establishment that meets the zoning requirements in Ordinance 65, The Zoning Ordinance of Codington County, as amended; and Ordinance 61, The Joint Zoning Ordinance for Codington County and the City of Watertown, as amended; as well as any location requirements pursuant SDCL 34-20G and the administrative rules promulgated thereunder.
 - iii. The name, address, and birth date of each principal officer, owner, and board member of the proposed cannabis establishment.
 - iv. Any additional information requested by the County.

1.05: ISSUANCE OF LICENSE

(a) The County will issue a license unless:

1. The applicant has made a false statement on the application or submits false records or documentation; or
2. Any owners, principal officer, or board member of the applicant is under the age of twenty-one (21) years; or
3. The proposed location does not meet the applicable zoning requirements under Ordinance 65, The Zoning Ordinance of Codington County, as amended; and Ordinance 61, The Joint Zoning Ordinance for Codington County and the City of Watertown, as amended.
4. The proposed location does not meet all location requirements under SDCL 34-20G and the administrative rules promulgated thereunder;
5. The license is to be used for a business prohibited by state or local law, statute, rule, ordinance, or regulation; or
6. Any owner, principal officer, or board member of the applicant has had a cannabis establishment license revoked by the County or a registration certificate revoked by the state; or
7. An applicant, or an owner, principal officer, or board member thereof, is overdue in payment to the County of taxes, fees, fines, or penalties assessed against or imposed upon the applicant in relation to any cannabis establishment; or
8. The applicant will not be operating the business for which the license would be issued.

(b) In the case of an application for a cannabis dispensary license, the County will reject the application if the limit on the number of cannabis dispensaries has been reached.

(c) The license must be posted in a conspicuous place at or near the entrance to the cannabis establishment so that it may be easily read at any time.

1.06: COUNTY NEUTRALITY AS TO APPLICANTS

(a) Upon request from the Department as to the County's preference of applicants, the County will neither support nor oppose any registration certificate application under consideration by the Department. Likewise, if inquiry is made by the Department, the County will abstain from endorsing any application as beneficial to the community.

1.07: NUMBER OF CANNABIS DISPENSARIES

(a) No more than one (1) cannabis dispensaries shall be allowed to operate in the unincorporated area of the County at any time.

1.08: EXPIRATION OF LICENSE AND RENEWAL

- (a) Each license expires one year from the date of issuance and may be renewed only by making application as provided in Section 1.04. Application for renewal must be submitted at least thirty (30) days before the expiration date. The license holder must continue to meet the license requirements to be eligible for a renewal.
- (b) The renewal fee is \$5,000. The County will reimburse \$2,500 for applicants who fail to obtain a renewal of their registration certificate from the Department.
- (c) Failure to renew a license in accordance with this section may result in additional fees. Upon expiration of the license, the County may order closure of the cannabis establishment.
- (d) If a license holder has not operated an establishment for which it holds a license in the preceding twelve (12) months, the license will not be renewed.

1.09: SUSPENSION

- (a) A license may be suspended if the license holder or an employee or agent of the license holder:
 - 1. Violates or is otherwise not in compliance with any section of this article.
 - 2. Consumes or smokes or allows any person to consume or smoke cannabis on the premises of the cannabis establishment.
 - 3. Knowingly dispenses or provides cannabis or cannabis products to an individual or business to whom it is unlawful to provide cannabis or cannabis products.
- (b) A license may be suspended if the license holder has its Department-issued registration certificate suspended, revoked, or not renewed by the Department or if the registration certificate is expired.
- (c) A license may be suspended if the license holder creates or allows to be created a public nuisance at the cannabis establishment.

1.10: REVOCATION

- (a) A license may be revoked if the license is suspended under Section 1.09 and the cause for the suspension is not remedied.

(b) A license may be revoked if the license is subject to suspension under Section 1.09 because of a violation outlined in that section and the license has been previously suspended in the preceding 24 months.

(c) A license is subject to revocation if a license holder or employee of a license holder:

1. Gave false or misleading information in the material submitted during the application process;
2. Knowingly allowed possession, use, or sale of non-cannabis controlled substances on the premises;
3. Operated the cannabis establishment or the business of the cannabis establishment for which a license is required under this article while the license was suspended;
4. Repeated violations of Section 1.11;
5. Operated a function of a cannabis establishment for which the license holder was not licensed (e.g., a licensed cannabis cultivation facility conducting cannabis testing functions without a cannabis testing establishment license);
6. A license holder, or an owner, principal officer, or board member thereof, is delinquent in payment to the city, county, or state for any taxes or fees related to the cannabis establishment;
7. A license holder, or an owner, principal officers, or board member thereof, has been convicted of, or continues to employ an employee who has been convicted of, a disqualifying felony offense as defined by SDCL 34-20G; or
8. The license holder has its Department-issued registration certificate suspended, revoked, or not renewed or the registration certificate is expired.
9. The license holder allows a public nuisance to continue after notice from the County.

1.11. SUSPENSION AND REVOCATION PROCESS

(a) The license holder will receive a notice of intent to suspend or notice of intent to revoke informing the license holder of the violation and the County's intention to suspend or revoke the license. The notice will be hand delivered to the license holder or an employee or agent of the license holder or sent by certified mail, return receipt requested to the physical address of the cannabis establishment.

(b) If the license holder disputes the suspension or revocation, the license holder has ten (10) days from the postmark date on the notice or the date the notice was hand delivered to request a hearing before a hearing panel, which will consist of the County Commission Chairperson, Auditor, and Sheriff.

- (c) A suspension will be for thirty (30) days and begins ten (10) days after the postmark date on the notice or the date the notice is hand delivered unless the license holder exercises its rights to process and appeal, in which case the suspension takes effect upon the final determination of suspension.
- (d) A revocation will be for one (1) year and begins ten (10) days after the postmark date on the notice or the date the notice is hand delivered unless the license holder appeals the revocation, in which case the revocation takes effect upon the final determination of revocation.
- (e) The license holder who has had the license revoked may not be issued any cannabis establishment license for one year from the date the revocation became effective.

1.12: APPEAL

An applicant or license holder who has been denied a license or renewal of a license or who has had a license suspended or revoked under this article may appeal to the Board of County Commissioners by submitting a written appeal within ten (10) days of the postmark on the notice of denial, nonrenewal, suspension, or revocation. The written appeal must be submitted to Codrington County Courthouse. The appeal will be considered by the Board of County Commissioners at a regularly scheduled meeting within one month of the receipt of the appeal.

1.13: LICENSES NOT TRANSFERRABLE

No cannabis establishment license holder may transfer the license to any other person or entity either with or without consideration, nor may a license holder operate a cannabis establishment at any place other than the address designated in the application.

1.14: HOURS OF OPERATION FOR DISPENSARIES

Cannabis dispensaries are allowed to be open between the hours of 8:00 am and 9:00 pm on any days of the week

1.15: LIABILITY FOR VIOLATIONS

Notwithstanding anything to the contrary, for the purposes of this article, an act by an employee or agent of a cannabis establishment that constitutes grounds for suspension or revocation will be imputed to the cannabis establishment license holder for purposes of finding a violation of this article, or for purposes of license denial, suspension, or revocation, only if an officer, director or general partner or a person who managed, supervised or controlled the operation of the cannabis establishment, knowingly allowed such act to occur on the premises.

1.16: PENALTIES

Any person who operates or causes to be operated a cannabis establishment without a valid license or in violation of this article is subject to a suit for injunction as well as prosecution for ordinance violations. Such violations are punishable by a maximum fine of five hundred dollars (\$500.00). Each day a cannabis establishment so operates is a separate offense or violation.

Severability. The provisions of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

Passed and adopted this __ day of September, 2021.

Chairperson

Auditor

Dated this __ day of ____, 20__
Auditor, Codington County, South Dakota

Dated: ____, 20__

CODINGTON COUNTY

INDIVIDUAL EMPLOYEE TRAVEL REQUEST

Department Extension

Name of traveling employee Kim Johnson

Employee title Admin. Support Employee status exempt nonexempt

Purpose of travel State Fair, set up 4-H booth

Method of transportation private vehicle

Destination Huron, SD

Departure date and time 9/1 - 8 am Destination arrival date and time 9/1 - 9:30 am

Return departure date and time 9/1 - ? Return arrival date and time _____

Costs of travel

Conveyance expense (airplane, vehicle mileage, vehicle rental, etc.)
mileage - 182 x .56 = 101.92 (round trip)

Lodging expense NONE

Meals ? 1 meal for sure, possibly 2 Registration NONE

Other costs NONE

Overtime costs involved in the requested travel _____

Can the traveling employee's hours be flexed to reduce or eliminate overtime costs? yes

Yes No If no, why _____

Is this travel a budgeted item? Yes No

County Commission

Travel request approved: yes _____ no _____ Comments _____

Commission Chairman, _____ Date _____

CODINGTON COUNTY

INDIVIDUAL EMPLOYEE TRAVEL REQUEST

Department Highway

Name of traveling employee Rick Hartley

Employee title Hwy. Supt. Employee status exempt nonexempt

Purpose of travel Local Road Conference

Method of transportation County pickup CO 10117

Destination Sioux Falls, SD

Departure date and time 10/19/21 am Destination arrival date and time 10/19/21 am

Return departure date and time 10/21/21 am Return arrival date and time 10/21/21 pm

Costs of travel

Conveyance expense (airplane, vehicle mileage, vehicle rental, etc.) \$50.00 gas

Lodging expense \$219.98

Meals \$37.00 Registration \$100.00

Other costs _____

Overtime costs involved in the requested travel No

Can the traveling employee's hours be flexed to reduce or eliminate overtime costs?

Yes, No If no, why _____

Is this travel a budgeted item? Yes, X No

County Commission

Travel requests approved: yes _____ no _____ Comments _____

Commission Chairman, _____ Date _____