

LAWRENCE COUNTY ORDINANCE 21-02

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

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, Lawrence County, SD (“County”), makes a preliminary finding that the County’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 makes a preliminary finding that the County needs further study of the relationship of medical cannabis establishments to the County Comprehensive Plan and Zoning Ordinance. The public interest requires that the 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 County makes a preliminary finding that it would be inappropriate for the County 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 County hereby exercises its authority under 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 County;

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

WHEREAS, the County finds 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 finds 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 Lawrence County, SD:

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

A medical cannabis establishment desiring to operate in the County 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 30-20G-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 government and its existing public institutions pursuant to SDCL 11-2-10 and SDCL 7-18A-8.

County Commissioner Chair

ATTEST:

County Auditor

Deputy, States Attorney

First Reading: May 25, 2021
Second Reading/Adopted: June 8, 2021
Date Published: June 10, 2021
Date Effective: June 10, 2021

Black Hills Pioneer - June 10, 2021

**LAWRENCE COUNTY PLANNING COMMISSION AND LAWRENCE COUNTY
BOARD OF COUNTY COMMISSIONERS**

NOTICE OF JOINT PUBLIC HEARING

ORDINANCE # 21-02

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

The Lawrence County Planning Commission and the Board of Lawrence County Commissioners will hold a joint public hearing on **May 25, 2021 at 9:15 a.m.** at the Lawrence County Annex Building located at 90 Sherman Street, Deadwood, SD. All interested persons are encouraged to attend in person and comment on Ordinance #21-02, A temporary ordinance regarding the issuance of local medical cannabis establishment permits and/or licenses. After the joint public hearing, the Planning Commission may pass a resolution recommending approval of Ordinance#21-02, with or without amendment, to the Board of County Commissioners. The Board of County Commissioners may have a first reading of Ordinance #21-02 by title and set a 2nd reading date.

The proposed Ordinance #21-02 will be made available for public inspection at the Lawrence County Auditor's Office at 90 Sherman Street, Deadwood,SD and on-line at www.lawrence.sd.us pursuant to SDCL Section 11-2 and amendments thereto.

Written comments may be filed by emailing the Auditor at auditor@lawrence.sd.us or by mailing them to the Auditor at 90 Sherman Street, Deadwood, SD, SD 57783 on or before noon on May 24, 2021.

**NOTICE OF ADOPTION
LAWRENCE COUNTY ORDINANCE 21-02**

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

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF LAWRENCE COUNTY COMMISSIONERS:

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

A medical cannabis establishment desiring to operate in the County 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 30-20G-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 government and its existing public institutions pursuant to SDCL 11-2-10 and SDCL 7-18A-8.

Passed and adopted this 8th day of June, 2021.

County Commissioner Chair

ATTEST:

County Auditor

Deputy State's Attorney

This ordinance shall become effective upon the date of publication of this notice in the official newspaper, thereby repealing all ordinances or parts thereof in conflict herewith unless a referendum is timely involved proper thereto.

First Reading: May 25, 2021
Second Reading/Adopted: June 8, 2021
Date Published: June 10, 2021
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County Adoption Process

Temporary Ordinance Adoption Process (SDCL 11-2-10)

County has existing Zoning Regulations:

1. Publish a notice of Joint public hearing of the County's Planning Commission and Board of County Commissioners – Notice to be published at least 10 days prior to Public Hearing
2. Hold Joint Hearing
 - a. After Public Hearing - Planning Commission makes recommendation to approve temporary ordinance
 - b. County Commission receives recommendation, holds 1st reading by title and sets 2nd reading date
3. County Commission has 2nd reading and adopts temporary ordinance (must be at least 5 days after 1st reading)
4. If adopted, Notice of Adoption is published
5. Ordinance goes into effect on date of publication

Decision Process (For County with Planning Commission)

Joint Planning & Zoning Commission and County Commission - 1st Reading & Public Hearing:

1. Make a motion to convene jointly as the Planning Commission and Board of County Commissioners.
 - a. Chairperson announces the Board of County Commissioners and Planning Commission will meet jointly [for this portion of the meeting].
 - b. Planning Commission makes **Motion to Recommend Approval of the Temporary Ordinance. (Chairperson should say, "Which member of the Planning Commission member will make a motion recommending approval of the ordinance to the Board of County Commissioners so we can begin discussion?")**
 - c. Open Public Hearing:
 - i. Allow proponents to comment on the Temporary Ordinance
 - ii. Allow opponents to comment on the Temporary Ordinance
 - d. Close Public Hearing:
 - e. Planning Commission/Board of County Commissioners discussion on Temporary Ordinance.
 - f. Planning Commission acts (votes) on Resolution to recommend approval of the Temporary Ordinance the described property to the Board of County Commissioners.
 - g. Board of County Commissioners first reading, by title, of Temporary Ordinance. (Just read the title of the document – no need for a vote here.)
 - h. Chairperson notes the date, time, and place of the 2nd reading as scheduled.
 - i. Motion to Adjourn as Planning Commission and resume acting solely as the Board of County Commissioners (if necessary for regular business).

2nd Reading for County Commissioners:

1. Board of County Commissioners 2nd Reading of Temporary Ordinance (title only).
2. Motion to Approve the Temporary Ordinance. (**Chairperson asks for a motion of the Board of County Commissioners Approving the Ordinance**)
3. Board of County Commissioners discussion on Temporary Ordinance (the Commissioners may ask for public input but is not obligated to allow input at this time).
4. Board of County Commissioners action (vote) to approve/deny the Ordinance Amending the Zoning Ordinance. (Requires simple majority to pass)