

## ORDINANCE NO. 1434

### AN ORDINANCE AMENDING TITLE XV LAND USAGE TO ADD CHAPTER 158 ENTITLED MEDICAL CANNABIS ESTABLISHMENTS TO THE CITY OF VERMILLION CODE OF ORDINANCES.

**BE IT ORDAINED**, by the Governing Body of the City of Vermillion, South Dakota that the City of Vermillion Code of Ordinances Title XV be amended to add Chapter 158 Medical Cannabis Establishments as follows:

#### § 158.01 PURPOSE.

This Chapter shall enact zoning regulations for SDCL Chapter 34-20G medical cannabis establishments within the City of Vermillion (City hereafter).

#### § 158.02 DEFINITIONS.

As used in this Chapter, the following terms shall have the meanings set forth below:

**Cannabis cultivation facility.** An entity registered with the South Dakota Department of Health that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a medical cannabis establishment.

**Cannabis product manufacturing facility.** An entity registered with the South Dakota Department of Health that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a medical cannabis establishment.

**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.** An independent entity registered with the South Dakota Department of Health to analyze the safety and potency of cannabis.

**Licensed premises.** The building within which a medical cannabis establishment operates.

**Licensee.** Any person or business entity that has been issued and holds a valid, current license pursuant to Chapter 123. If the licensee is an entity and not a natural person, licensee shall encompass all persons who are the members, managers, officers, directors, shareholders, partners or associates of such entity.

**Medical cannabis or cannabis.** Marijuana as defined in SDCL § 22-42-1.

**Medical cannabis establishment or "establishment".** An entity registered with the South Dakota Department of Health pursuant to this chapter that acquires, possesses, stores, delivers,

transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials to cardholders.

**Medical cannabis establishment.** A cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or an establishment.

### **§158.03 REGULATIONS RELATING TO CANNABIS PRODUCTS**

The sale, growth, testing, or manufacturing of cannabis products shall not be allowed within the City unless provided in the following sections.

### **§158.04 REGULATIONS RELATING TO MEDICAL CANNABIS CULTIVATION ESTABLISHMENTS**

No cannabis cultivation facility shall be owned or operated at a location within the City's zoning jurisdiction except as provided by this section and Chapter 123. A cannabis cultivation facility is considered an allowed use in the following districts, and shall follow the same requirements as the use in parenthesis: GB General Business District (greenhouse) and GI General Industrial District (agribusiness).

### **§158.05 REGULATIONS RELATING TO MEDICAL CANNABIS TESTING ESTABLISHMENTS**

No cannabis testing facility shall be owned or operated at a location within the City's zoning jurisdiction except as provided by this section and Chapter 123. A cannabis testing facility is an allowed use in the following districts, and shall follow the same requirements as the use in parenthesis: GB General Business District (retail services and trade) and GI General Industrial District (retail services and trade).

### **§158.06 REGULATIONS RELATING TO MEDICAL CANNABIS PRODUCT MANUFACTURING ESTABLISHMENTS**

No cannabis product manufacturing facility shall be owned or operated at a location within the City's zoning jurisdiction except as provided by this section and Chapter 123. A cannabis product manufacturing facility is an allowed use in the following districts, and shall follow the same requirements as the use in parenthesis: GI General Industrial District (agribusiness).

### **§158.07 REGULATIONS RELATING TO MEDICAL CANNABIS DISPENSARIES**

A. No medical cannabis establishment shall be owned or operated at a location within the City's zoning jurisdiction except as provided by this section and Chapter 123. A cannabis establishment shall be considered an allowed use in the following districts, and shall follow the same requirements as the use in parenthesis: GB General Business District (retail services and trade), GI General Industrial District (retail services and trade), and CB Central Business District (retail services and trade).

B. A medical cannabis establishment shall be located no less than 1,000 feet from the nearest property line of any public or private school. Distances shall be measured from the closest point of the property lines.

**§158.08 REGULATIONS RELATING TO MEDICAL CANNABIS ESTABLISHMENTS OF TWO OR MORE TYPES AT THE SAME LOCATION**

When two or more of the above types of medical cannabis establishments exist at the same location, the stricter regulation shall control the establishment or operation of those uses within the City. If the South Dakota Department of Health or South Dakota legislature adopts or enacts any stricter regulation or statute governing two or more medical cannabis establishments at one location, then those requirements shall govern.

Dated at Vermillion, South Dakota this 27th day of May, 2021.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

BY Kelsey Collier-Wise  
Kelsey Collier-Wise, Mayor

ATTEST:

BY Michael D Carlson  
Michael D Carlson, Finance Officer

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