

**ORDINANCE 1437**  
**ALSO KNOWN AS CLAY COUNTY 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 Zoning 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; and

**WHEREAS**, the County and the City, make a preliminary finding that the current regulations and controls for the Joint Jurisdictional Zoning Area may not adequately address the unique needs and impacts of medical cannabis establishments as defined in SDCL 34-20G-1; and

**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. Public interest requires that the County and the City study, analyze, and evaluate the impacts of medical cannabis establishments and fully explore the impacts of any proposed regulations regarding medical cannabis establishments; and

**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 Zoning Area prior to the South Dakota Department of Health’s promulgation of regulations governing the same; and

**WHEREAS**, the County and the City hereby exercise their authority under SDCL 11-2-10, SDCL 7-18A-8, 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; and

**WHEREAS**, a temporary ordinance will ensure that a more comprehensive joint jurisdictional zoning ordinance, building permit changes, licensing permits, and any proposed amendments to the Joint Jurisdictional Zoning Area Comprehensive Plan can be completely examined with

adequate public input from citizens, business interests, and medical cannabis industry representatives; and

**WHEREAS**, the County and the City 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; and

**WHEREAS**, the County and the City find that the following ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace and support of the Joint Jurisdictional Zoning Area and its existing public institutions.

**NOW, THEREFORE, BE IT ORDAINED**, by the governing body of the City of Vermillion, South Dakota that the following sections are adopted:

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

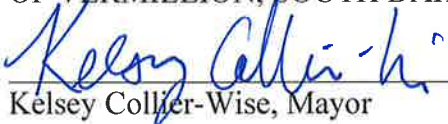
A medical cannabis establishment desiring to operate in the Joint Jurisdictional Zoning Area shall be required to apply for a permit and/or license from the County. Applications for a local permit and/or license to operate a medical cannabis establishment, as defined by SDCL 34-20G-1, shall not be accepted 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 County and the City governments and their existing public institutions pursuant to SDCL 9-19-13 and SDCL 11-4-3.1.

Dated at Vermillion, South Dakota this 21<sup>st</sup> day of June, 2021.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

  
Kelsey Collier-Wise, Mayor

ATTEST:



Katie E. Redden, Finance Officer

First Reading: June 15, 2021  
Second Reading: June 21, 2021  
Publication: July 2, 2021  
Effective Date: July 22, 2021

