Clark County Commissioner Proceedings

June 22, 2021

The Clark County Commissioners met in special session on Tuesday, June 22, 2021 in the commissioner room of the Clark County Courthouse. Those attending at the Courthouse Commissioner room: Richard Reints, Terry Schlagel. Available via zoom: Francis Hass, Wallace Knock and Chris Sass. Chairman Sass called the meeting to order at 8:00 a.m. Also present Auditor Tarbox.

**COMMUNITY COMMENTS**: No one appeared.

**AGENDA:** Motion by Hass, second by Reints to approve the June 22, 2021 agenda. All voting aye. Motion carried.

**ORDINANCE 2-21**: Chairman Sass asked for a motion to approve Ordinance 02-21. Motion by Knock, second by Schlagel to approve Ordinance 2-21 -A temporary ordinance regarding the issuance of local Cannibis establishment permits and/or licenses. Chairman Sass conducted the second reading of the Ordinance. No further discussion. Voting aye: Knock, Hass, Reints, Schlagel and Sass. Motion carried. This Ordinance is effective immediately as an emergency Ordinance.

ORDINANCE NO. 2-21

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, Clark 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 Clark 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.

Chris Sass\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

County Commissioner Chairman

ATTEST:

Christine Tarbox\_\_\_\_\_\_

County Auditor

**RESOLUTION 17-21**: Board discussion was held. No action taken.

**EXECUTIVE SESSION**: Motion by Reints, second by Knock to move into executive session as per SDCL 1-24-2 (3) to consult with legal counsel, at 8:19 a.m. Voting aye; Hass, Schlagel, Reints, Knock and Sass. Motion carried. Chairman declared out at 8:28 a.m.

**ADJOURN**: Motion by Hass, second by Schlagel to adjourn at 8:29 a.m. from special session until next regular session July 6, 2021 at 8:00 a.m. Voting aye; Hass, Schlagel, Reints, Knock and Sass. Motion carried.

ATTEST:

(SEAL)

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Christine Tarbox Chris Sass, Chairman

Clark County Auditor Clark County Board of Commissioners

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