

**SUMMERSET CITY COMMISSION SPECIAL MEETING  
JOINT PUBLIC HEARING WITH PLANNING AND ZONING  
SUMMERSET MUNICIPAL BUILDING  
7055 LEISURE LANE  
THURSDAY JUNE 10, 2021 6:00 P.M.**

**AGENDA**

**1) ROLL CALL**

Kitzmiller, McCoy, Butler, Hirsch, Torno

**2) PLEDGE OF ALLEGIANCE**

**3) CALL FOR CHANGES**

Approval of the Agenda of the Joint Public Hearing of the Somerset City Commission and Planning and Zoning Board for June 10, 2021 as presented or amended.

**4) RESIGNATION OF PLANNING AND ZONING MEMBER**

Accept the resignation of Marcus Christenson

**5) APPOINTMENT OF PLANNING AND ZONING MEMBER**

Appoint Casey Kenrick to Planning and Zoning

**6) SWEARING IN OF PLANNING AND ZONING MEMBER**

Swear in Planning and Zoning member Casey Kenrick for 3-year term

**7) BOARD OF COMMISSIONERS AND PLANNING AND ZONING OPEN JOINT PUBLIC HEARING ON MEDICAL MARIJUANA TEMPORARY EMERGENCY ORDINANCE (ORDINANCE NO. \_\_\_), NO SMOKING MARIJUANA IN PUBLIC PLACES (ORDINANCE NO. \_\_\_)**

**8) CLOSE JOINT PUBLIC HEARING**

**9) BOARD OF COMMISSIONERS RECESS**

**10) PLANNING AND ZONING**

**10A)** Vote on approval of Medical Marijuana Temporary Emergency Ordinance (Ordinance No. \_\_\_), A TEMPORARY ORDINANCE REGARDING THE ISSUANCE OF LOCAL MEDICAL CANNABIS ESTABLISHMENT PERMITS AND/OR LICENSES.

**10B)** Vote on approval of NO SMOKING MARIJUANA IN PUBLIC PLACES, (Ordinance No. \_\_\_)  
AN ORDINANCE PROHIBITING THE CONSUMPTION OR SMOKING OF CANNABIS IN PUBLIC PLACES

**10C)** Recommend approval to the Board of Commissioners

- 11) **PLANNING AND ZONING ADJOURNMENT**
- 12) **BOARD OF COMMISSIONERS CONVENE**
- 13) **FIRST READING OF MEDICAL MARUJUANA TEMPORARY EMERGENCY ORDINANCE**
  - 13A) A temporary ordinance regarding the issuance of local medial cannabis establishment permits and/or licenses
- 14) **VOTE ON APPROVAL OF MEDICAL MARIJUANA TEMPORARY EMERGENCY ORDINANCE (ORDINANCE NO. \_\_\_\_)**
- 15) **SCHEDULE SECOND READING OF A TEMPORARY ORDINANCE REGARDING THE ISSUANCE OF LOCAL MEDICAL CANNABIS ESTABLISHMENT PERMITS AND/OR LICENSES FOR THURSDAY, JUNE 17, 2021**
- 16) **FIRST READING OF NO SMOKING MARIJUANA IN PUBLIC PLACES (ORDINANCE NO. \_\_\_\_)**
  - 16A) An ordinance prohibiting the consumption or smoking of cannabis in public places
- 17) **VOTE ON APPROVAL OF NO SMOKING MARIJUAN IN PUBLIC PLACES, (ORDINANCE NO. \_\_) – AN ORDINANCE PROHIBITING THE CONSUMPTION OR SMOKING OF CANNABIS IN PUBLIC PLACES**
- 18) **SCHEDULE SECOND READING OF NO SMOKING MARIJUANA IN PUBLIC PLACES, (ORDINANCE NO. \_\_) – AN ORDINANCE PROHIBITING THE CONSUMPTION OR SMOKING OF CANNABIS IN PUBLIC PLACES FOR THURSDAY, JUNE 17, 2021**
- 19) **ITEMS FROM CITY ATTORNEY**

Executive Session per SDCL 1-25-2 for the purpose of discussing legal, economic development, and personnel issues.
- 20) **ADJOURNMENT**

*Information regarding accessibility for the disabled may be obtained by calling the Summerset City Finance Officer at 605-718-9858. Individuals needing special accommodations are asked to call at least 48 hours prior to the meeting.*

**ALL MEETINGS OF THE SUMMERSET CITY COMMISSION ARE OPEN TO THE PUBLIC**

## **Call-In**

City of Summerset is inviting you to a scheduled Zoom meeting.

Topic: Joint Public Hearing

Time: Jun 10, 2021 05:25 PM Mountain Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/81127692525?pwd=MDVLNU1jci9rNG5ndTlkSDg1dGQ5dz09>

Meeting ID: 811 2769 2525

Passcode: 510948

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Passcode: 510948

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**CITY OF SUMMERSET PLANNING COMMISSION AND BOARD OF COMMISSERIONERS**

**NOTICE OF JOINT PUBLIC HEARING**

**ORDINANCE TITLE XI, Sec. 119**

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

The City of Summerset Planning Commission and the Summerset Board of Commissioners will hold a joint Public Hearing on June 10, 2021 at 6:00 p.m. at Summerset City Hall located at 7055 Leisure Lane, Summerset, SD. All interested persons are encouraged to attend in person and comment on Ordinance Title XI, Sec. 119, A temporary ordinance regarding the issuance of local medical cannabis establishment permits and/or licenses. After the public hearing, the Planning Commission may pass a resolution recommending approval of Ordinance Title XI, Sec. 119, with or without amendment, to the Board of Commissioners. The Board of Commissioners may then have the first reading of Ordinance Title XI, Sec. 119 by title and set a 2<sup>nd</sup> reading date.

The proposed Ordinance Title XI, Sec. 119 will be made available for public inspection at Summerset City Hall located at 7055 Leisure Lane, Summerset, SD and on-line at [www.summerset.sd](http://www.summerset.sd) pursuant to SDCL Section 11-4 and amendments thereto.

Written comments may be filed by emailing the Finance Officer or by mailing them to the Finance Officer at 7055 Leisure Lane, Summerset, SD, SD 57718 to be received on or before noon on June 9, 2021.

1st Reading: \_\_\_\_\_  
2nd Reading: \_\_\_\_\_  
Date Adopted: \_\_\_\_\_  
Date Published: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

**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, the City of Summerset, SD (“Summerset”), by and through the Board of Commissioners, makes a preliminary finding that Summerset’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, Summerset makes a preliminary finding that it needs further study of the relationship of medical cannabis establishments to Summerset’s Comprehensive Plan and Zoning Ordinance. The public interest requires that Summerset 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, Summerset makes a preliminary finding that it would be inappropriate for Summerset 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, Summerset hereby exercises its authority under SDCL 11-4-3.1 and/or SDCL 9-19-13, to establish a temporary ordinance regarding the issuance of any local permits/licenses for medical cannabis establishments within the City of Summerset;

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

WHEREAS, Summerset 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, Summerset finds that the following ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace and support of the municipal government and its existing public institutions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SUMMERSET, SD:

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

A medical cannabis establishment desiring to operate in the City of Summerset shall be required to apply for a permit and/or license from the municipality. 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. Number of Licenses*

- A. There shall be available as new local licenses for medical cannabis establishments a total of \_\_\_\_\_ licenses.
- B. The total new local licenses established in Section 2, A., shall be allocated as follows, with a maximum number of local licenses limited within type of medical cannabis establishment as follows:
  - 1. Cultivation Facility: \_\_\_\_\_ license(s)
  - 2. Cannabis Testing Facility: \_\_\_\_\_ license(s)
  - 3. Cannabis Product Manufacturing Facility: \_\_\_\_\_ license(s)
  - 4. Dispensary: \_\_\_\_\_ license(s)
- C. The Commissioners shall consider all qualified applications in the order they were received. No local licenses may be issued after the available new local licenses have been awarded by the Commissioners.
- D. Should any additional local licenses become available through revocation or otherwise, such license shall be made available to the first qualified applicant.

**Section 3: License Fees**

- A. There shall be an application fee in the amount of \$150.00.
- B. There shall be a fee for newly issued licenses under this Ordinance for each type of medical cannabis establishment as follows:
  - 1. Cultivation Facility: \$ \_\_\_\_\_
  - 2. Cannabis Testing Facility: \$ \_\_\_\_\_
  - 3. Cannabis Product Manufacturing Facility: \$ \_\_\_\_\_
  - 4. Dispensary: \$ \_\_\_\_\_

*Section 4. Immediate Effect.*

This ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace, and support of the municipal government and its existing public institutions pursuant to SDCL 11-4-3.1 and SDCL 9-19-13.

Date adopted: \_\_\_\_\_.

\_\_\_\_\_  
Melanie Torno, Mayor

ATTEST:

\_\_\_\_\_  
Summerset Finance Officer

**ORDINANCE No. \_\_\_\_**  
**AN ORDINANCE PROHIBITING THE CONSUMPTION OR**  
**SMOKING OF CANNABIS IN PUBLIC PLACES**

BE IT ORDAINED by the City of Summerset Board of Commissioners that Title XIII, Chapter 131: Offenses Against Public Peace of the Ordinances of the City of Summerset is hereby amended by adding new Section 131.13 indicating text to be deleted, underline indicating text to be added, and the remainder of the Article left unaffected-as follows:

Title XIII: General Offenses

Chapter 131: Offenses Against Public Peace

\* \* \*

**Sec. 131.13. Consumption or smoking of cannabis in public places prohibited.**

(a) It is unlawful for any person to consume or smoke cannabis in any public place including parks, sidewalks, streets, alleys, rights-of-way, sports complexes, publicly owned property, or in any place that is open to the public.

(1) A place open to the public is a place to which the public is invited, included in, on, or around any place of business, parking lot, or place of amusement or entertainment, whether or not a charge of admission or entry thereto is required and includes the elevator, lobby, halls, corridors, and areas open to the public of any store, office or multifamily residential building even if such place charges an admission or limits the number of admittees.

\* \* \*

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.

Immediate Effect. This ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace, and support of the municipal government and its existing public institutions pursuant to SDCL 11-4-3.1 and SDCL 9-19-13.

Date adopted: \_\_\_\_\_.

\_\_\_\_\_  
Melanie Torno, Mayor

ATTEST:

\_\_\_\_\_  
Summerset Finance Officer