

***SUMMERSET CITY COMMISSION REGULAR MEETING
AND JOINT PUBLIC HEARING WITH PLANNING AND ZONING
SUMMERSET MUNICIPAL BUILDING
7055 LEISURE LANE
THURSDAY August 19, 2021, 6:00 P.M.***

Mayor Torno called the Regular Meeting to order at 6:00 p.m. Commissioners Hirsch, Kitzmiller, and Butler were present. The City Attorney, City Administrator, and Finance Officer were also present.

Mayor Torno led the Pledge of Allegiance.

Commissioner Thurman present @ 6:02 p.m.

Motion by Butler, second by Hirsch, to approve the agenda for the Regular Meeting of the Somerset City Commission for August 19, 2021. Motion carried.

CONSENT CALENDAR

Motion by Hirsch, second by Kitzmiller, to approve the minutes of the Regular Meeting of August 5th, 2021. Motion carried.

Motion by Kitzmiller, second by Butler, to approve the minutes of the Special Meeting of August 16th, 2021. Motion carried.

Motion by Butler, second by Thurman, to approve the minutes of the Special Budget Meeting of August 16th, 2021. Motion carried.

APPROVAL OF CLAIMS

Motion by Kitzmiller, second by Hirsch, to approve the claims and hand checks in the amount of \$48,382.69 from August 5, 2021 through August 18th, 2021 as presented or amended. Motion carried.

A&B BUSINESS SOLUTIONS	Monthly Contract	45.00
BLACK HAWK WATER USERS DISTRICT	Monthly Usage	32.00
BLACK HILLS ENERGY	Utilities	6,770.21
CBH CO-OP	Govt Fuel	2,980.66
CITY OF RAPID CITY	Solid Waste Disposal	4,911.16
DEMERSSEMAN JENSEN	Legal Services	3,120.00
DIAMOND D WATER	Monthly Usage Steamboat Park	376.95
ELECTRICAL ENGINEERING & EQUIP	Repair & Maint	251.00
EXCEL TRUCK	Repairs To Garbage Truck	51.00
GOLDEN WEST TECHNOLOGIES	TV/PC Troubleshooting	2,580.00
HDR ENGINEERING, INC	Task Order 2020-03	2,127.50
HERMANSON EGGE ENGINEERING	Building Inspections	577.50
KIEFFER SANITATION	Portable Toilets	527.70
MDU	Utilities	213.76
MEADE COUNTY AUDITOR	Dispatch July 2021	2,327.29
MIDCONTINENT COMMUNICATIONS	WWTP Telephone	200.36
MIDCONTINENT TESTING LABS	Testing	415.00

R & N RECYCLING	Pull Roll-offs	1,800.00
RAPID CITY JOURNAL	Publications	985.91
SD Assoc of Rural Water System	Annual Dues	640.00
SD ONE CALL	July Notifications	29.40
SERVALL UNIFORM & LINEN SUPPLY	Monthly Fees	143.87
SONTECH	Equipment	15,995.19
TANNER FENENGA	Reimbursement for refuse lic.	20.00
USA BLUEBOOK	WWTP	242.43

BOARD OF COMMISSIONERS AND PLANNING & ZONING JOINT PUBLIC HEARING ON ORDINANCE 2021-03 REGULATING MEDICAL CANNABIS ESTABLISHMENTS- OPEN PUBLIC HEARING

Motion by Kitzmiller, second by Thurman, to enter into the Joint Public Hearing. Motion Carried.

No public comment.

CLOSE JOINT PUBLIC HEARING

Motion by Kitzmiller, second by Hirsch, to close the Joint Public Hearing. Motion carried.

BOARD OF COMMISSIONERS RECESS

Motion by Butler, second by Thurman, for the Board of Commissioners to Recess. Motion carried.

PLANNING AND ZONING

Planning & Zoning Members Hirsch, Kenrick and Oldfield were present.

Motion by Kenrick, second by Hirsch to recommend approval of Ordinance #2021-03 with the following amendments:

Planning & Zoning Recommendations

- | | |
|---|--|
| 1 take out violent crime and add any felony | Section 120.02 DEFINITIONS (10) |
| 2 Add Bus Stops - one thousand feet | Section 120.04 Operating Requirements and Restrictions (D) |
| 3 Add Residential Area - four hundred feet | Section 120.04 Operating Requirements and Restrictions (D) |
| 4 Operation Times 9:00a.m. to 6:00 p.m. | Section 120.04 Operating Requirements and Restrictions (C) |
| 5 Add Sunday as non-operational day | Section 120.04 Operating Requirements and Restrictions (C) |
| 6 One (1) Dispensary License | Section 120.05 Number and Costs of Licenses (B) |
| 7 Non-Refundable application fee \$10,000 | Section 120.05 Number and Costs of Licenses (C) |
| 8 Fee \$75,000 | Section 120.05 Number and Costs of Licenses (C) |
| 9 Renewal Fee \$75,000 | Section 120.05 Number and Costs of Licenses (C) |

Motion carried.

PLANNING AND ZONING ADJOURNMENT

Motion for adjournment by Hirsch, second by Kenrick. Motion carried

BOARD OF COMMISSIONERS RECONVENE

Motion by Butler, second by Hirsch to reconvene the Board of Commissioners. Motion carried.

FIRST READING OF ORDINANCE #2021-03 REGULATING MEDICAL CANNABIS ESTABLISHMENTS
Ordinance #2021-03 Regulating Medical Cannabis Establishments. This Ordinance is Amending Ordinance Title XV,

Chapter 155 (Summerset's Existing Zoning Ordinance) and All Amendments Thereto, In Accordance with the Provision of Chapter 11-4, 1967 SDCL, and Amendments Thereof, and for the Repeal of All Resolutions and Ordinances in Conflict Therewith.

Motion by Hirsch, second by Thurman, to go into the first reading of Ordinance #2021-03. Motion carried.

The Board recommended the following amendments, along with the recommendations from Planning & Zoning:

**Board of Commissioners
Recommendations**

	1	take out violent crime and add any felony	Section 120.02 DEFINITIONS (10)
	2	Add Bus Stops - one thousand feet	Section 120.04 Operating Requirements and Restrictions (D)
	3	Add Residential Area - four hundred feet	Section 120.04 Operating Requirements and Restrictions (D)
*Change	4	Operation Times 9:00 a.m. to 7:00 p.m.	Section 120.04 Operating Requirements and Restrictions (C)
	5	Add Sunday as non-operational day	Section 120.04 Operating Requirements and Restrictions (C)
	6	One (1) Dispensary License	Section 120.05 Number and Costs of Licenses (B)
*Change	7	Non-Refundable application fee \$20,000	Section 120.05 Number and Costs of Licenses (C)
*Change	8	Fee \$100,000	Section 120.05 Number and Costs of Licenses (C)
*Change	9	Renewal Fee \$100,000	Section 120.05 Number and Costs of Licenses (C)
*Additions	10	Put in AG Classification - four hundred feet	Section 120.04 Operating Requirements and Restrictions (D)
	11	Add Casino - four hundred feet	Section 120.04 Operating Requirements and Restrictions (D)
	12	Add wording: Beer & Wine	Section 120.04 Operating Requirements and Restrictions (D)(6)
	13	Non-refundable - consistent throughout document	

*Lottery System

Motion by Kitzmiller, second by Hirsch, to approve the first reading with amended changes. Motion carried.

Motion by Hirsch, second by Thurman, to schedule second reading for September 2nd, 2021 for Ordinance #2021-03. Motion carried.

FIRST READING OF ORDINANCE #2021-04 AN ORDINANCE PROHIBITING UNAUTHORIZED USE OF CITY GARBAGE CONTAINERS, UNAUTHORIZED DUMPING - OPEN PUBLIC HEARING

Motion by Kitzmiller, second by Butler, to enter into the Public Hearing. Motion Carried.

No public comment.

CLOSE PUBLIC HEARING

Motion by Butler, second by Thurman, to close the Public Hearing. Motion carried.

Motion by Kitzmiller, second by Hirsch to open discussion on Ordinance #2021-04. Motion carried.

Motion by Hirsch, second by Butler, to approve the first reading. Motion carried.

Motion by Kitzmiller, second by Thurman, to schedule second reading for September 2nd, 2021 for Ordinance #2021-04. Motion carried

RESOLUTION 2021-03 – AN AMENDMENT TO THE RESOLUTION SETTING CERTAIN FEES AND CHARGES FOR SERVICES PROVIDED BY THE CITY OF SUMMERSET FOR 2021.

Motion by Butler, second by Hirsch to open discussion on Resolution 2021-03. Motion carried.

Motion by Butler, second by Thurman, to approve Amending Resolution 2021-03. Motion carried.

FEEDBACK ON NATURAL HAZARD MITIGATION DRAFT PLAN 2021

No feedback from the Board of Commissioners.

SET FIRST READING ON ORDINANCE 2022 – AN ORDINANCE APPROPRIATING FUNDS FOR THE FISCAL YEAR 2022

Motion by Kitzmiller, second by Hirsch, to schedule the first reading for September 2nd, 2021 for Ordinance #2022. Motion carried.

ITEMS FROM CITY ATTORNEY

Motion by Hirsch, second by Butler, to enter Executive Session per SDCL 1-25-2 for discussing legal, economic development and personnel issues at 7:21 p.m. Motion carried.

Motion by Hirsch, second by Kitzmiller to exit executive session at 8:34 p.m. Motion carried.

ADJOURNMENT

Motion for adjournment at 8:34 p.m. by Kitzmiller, second Thurman. Motion carried.

(SEAL)
ATTEST:

Candace Sealey
Finance Officer

Melanie Torno
Mayor

Published _____, 2021 at a cost of \$ _____.

Check Register Report

Date: 09/01/2021

Time: 10:45 am

Page: 1

City of Summerset

BANK: BANKWEST

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
BANKWEST Checks								
24862	09/02/2021	Printed			1098	A&B BUSINESS SOLUTIONS	Monthly Contract	372.99
24863	09/02/2021	Printed			0962	ALLEN, DON	Phone Stipend	50.00
24864	09/02/2021	Printed			1111	AMBROSE, JONATHAN	Phone Stipend	50.00
24865	09/02/2021	Printed			0808	BLACK HILLS ENERGY	Utilities	6,749.74
24866	09/02/2021	Printed			1697	BUNTAIN, JOSHUA	Phone Stipend	50.00
24867	09/02/2021	Printed			0095	Butler, Dave	Phone Stipend	50.00
24868	09/02/2021	Printed			1115	C HAVEMAN BUSINESS SERVICES	Reconcile Cash	862.50
24869	09/02/2021	Printed			1268	CANDACE SEALEY	Phone Stipend	50.00
24872	09/02/2021	Printed			1665	CARDMEMBER SERVICES	Credit Card Charges	16,135.50
24873	09/02/2021	Printed			0307	DAVE'S AUTO & CYCLE	AC Labor	124.90
24874	09/02/2021	Printed			1714	DECHENEUX, HALAYNA	Phone Stipend	50.00
24875	09/02/2021	Printed			1669	EXCEL TRUCK	Repair Garbage Truck	204.68
24876	09/02/2021	Printed			1251	FIRST INTERSTATE BANK	Leisure Lane Payment	4,911.76
24877	09/02/2021	Printed			1120	FORD MOTOR CREDIT COMPANY, LLC	2020 Interceptor	1,479.21
24878	09/02/2021	Printed			1369	GREENAPSIS	Professional Fees-Janitorial	480.00
24879	09/02/2021	Printed			1323	HARVEY'S LOCK & SECURITY	Replace Bathroom Lever	301.49
24880	09/02/2021	Printed			1133	HDR ENGINEERING, INC	Task Order 2021-01	1,138.23
24881	09/02/2021	Printed			0041	HEALTH POOL OF SD	Employee Health Insurance	13,333.02
24882	09/02/2021	Printed			1513	HIRSCH, CLYDE	Phone Stipend	50.00
24883	09/02/2021	Printed			0781	Humane Society of Black Hills	August Fees	71.20
24884	09/02/2021	Printed			1566	JUSO, COLTON	Phone Stipend	50.00
24885	09/02/2021	Printed			1103	KITZMILLER, MICHAEL	Phone Stipend	50.00
24886	09/02/2021	Printed			0324	Kayl, Anthony	Phone Stipend	50.00
24887	09/02/2021	Printed			1745	MARTIN MIKE	Replaced Returned ACH Payroll	69.26
24888	09/02/2021	Printed			1411	MBFS USA LLC	Freightliner Payments	3,068.32
24889	09/02/2021	Printed			1698	MONTILEAUX, CASEY	Phone Stipend	50.00
24890	09/02/2021	Printed			0217	MOTOROLA SOLUTIONS, INC	Ignition Switch	121.16
24891	09/02/2021	Printed			0186	McLeod's Printing & Office Sup	Warning Tickets	119.60
24892	09/02/2021	Printed			1730	NASSER, RICH	Phone Stipend	50.00
24893	09/02/2021	Printed			1222	OLSON TOWING	Towing	75.00
24894	09/02/2021	Printed			1408	PALMER, BRANDY	Phone Stipend	50.00
24895	09/02/2021	Printed			1732	SCHIEFFER, LISA	Phone Stipend	50.00
24896	09/02/2021	Printed			1746	SCHROCK, BRIELLE	Phone Stipend	50.00
24897	09/02/2021	Printed			1022	SDRS-SUPPLEMENTAL	Supplemental Retirement	435.00
24898	09/02/2021	Printed			0983	TANNER FENENGA	Phone Stipend	50.00
24899	09/02/2021	Printed			1747	THURMAN, KATHLENE	Phone Stipend	50.00
24900	09/02/2021	Printed			1729	TORNO, MELANIE	Phone Stipend	50.00
24901	09/02/2021	Printed			1189	VAST BROADBAND	Fax/phone/internet	1,049.32
24902	09/02/2021	Printed			0203	Verizon Wireless	LE Voice & Mobile Broadband	200.05
24903	09/02/2021	Printed			1434	WELLS FARGO FINANCIAL SERVICES	Bobcat Payment	1,079.30
24904	09/02/2021	Printed			1646	WILSON CONTRACTING	Motorgrade Work	765.30
Total Checks: 41					Checks Total (excluding void checks):			54,047.53
Total Payments: 41					Bank Total (excluding void checks):			54,047.53

Check Register Report

Date: 09/01/2021

Time: 10:45 am

Page: 2

City of Summerset

BANK: BANKWEST EFT

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
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BANKWEST EFT Checks

43	09/01/2021	Printed			0011	SDRS	August Retirement	8,323.46
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Total Checks: 1

Checks Total (excluding void checks): 8,323.46

Total Payments: 1

Bank Total (excluding void checks): 8,323.46

Total Payments: 42

Grand Total (excluding void checks): 62,370.99

AN ORDINANCE REGULATING MEDICAL CANNABIS
ESTABLISHMENTS

CITY OF SUMMERSET ORDINANCE 2021-03

Be it ordained by the City of Summerset adopts this ordinance as Title XI, Business

Regulations at Section 120:

Section 120.01: GENERAL PROVISIONS

(A) Authority

This Ordinance is enacted under the authority of SDCL 34-20G-58.

(B) Purpose

It is the purpose of this Ordinance to promote the general welfare of the citizens of City of Summerset in enacting the provisions of SDCL 34-20G and to carry into effect the powers granted to the Commissioners by virtue thereof and provide for the enforcement of the provisions set forth herein.

(C) Jurisdiction

These provisions shall, to the extent not in contradiction of any state law or regulation, govern the operations of medical cannabis establishments in the City of Summerset, South Dakota, outside the incorporated areas of any municipality.

Section 120.02: DEFINITIONS

(A) Application and Interpretation

The definitions listed hereafter shall apply to this Ordinance. The definitions are to be understood in their ordinary sense.

The definitions correspond to the definitions of SDCL 34-20G-1. Any interpretation of terms under that statute shall apply to the same term in this Ordinance.

(B) Definitions

1. ALLOWABLE AMOUNT OF CANNABIS means:

- a. Three ounces of cannabis or less;
- b. A quantity of cannabis products with an equivalent cannabis weight as established by rules promulgated by the department under § 34-20G-72;
- c. If the cardholder has a registry identification card allowing cultivation, three cannabis plants minimum or as prescribed by physician; and
- d. If the cardholder has a registry identification card allowing cultivation, the amount of cannabis and cannabis products that were produced from the cardholder's allowable plants, if the cannabis and cannabis products are possessed at the same property where the plants were cultivated;

2. 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;

3. CANNABIS PRODUCT MANUFACTURING FACILITY, an entity registered with the

department pursuant to this chapter that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a medical cannabis dispensary;

4. **CANNABIS TESTING FACILITY OR TESTING FACILITY**, an independent entity registered with the department pursuant to this chapter to analyze the safety and potency of cannabis;

5. **CARDHOLDER**, a qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card;

6. **CHILD WELFARE AGENCY**, any agency or institution maintained by a municipality or county, or any agency or institution maintained by a person, firm, limited liability company, corporation, association, or organization to receive children for care and maintenance or for placement in a family home, or that provides care for mothers and their children, excepting family day care facilities as defined in SDCL 26-6-14.1;

7. **COMMISSIONERS**, the City of Summerset Board of Commissioners;

8. **CULTIVATION FACILITY**, an entity registered with the department pursuant to this chapter that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a medical cannabis establishment;

9. **DEPARTMENT**, the Department of Health

10. **DISQUALIFYING FELONY OFFENSE**, a violent crime that was classified as a felony in the jurisdiction where the person was convicted; Statute defines a violent crime;

11. **EDIBLE CANNABIS PRODUCTS**, any product that:

- a. Contains or is infused with cannabis or an extract thereof;
- b. Is intended for human consumption by oral ingestion; and
- c. Is presented in the form of foodstuffs, beverages, extracts, oils, tinctures, or other similar products;

12. **MEDICAL CANNABIS OR CANNABIS**, marijuana as defined in § 22-42-1;

13. **MEDICAL CANNABIS DISPENSARY OR DISPENSARY**, an entity registered with the department 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;

14. **MEDICAL CANNABIS ESTABLISHMENT**, a cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a dispensary;

15. **MEDICAL CANNABIS ESTABLISHMENT AGENT**, an owner, officer, board member, employee, or volunteer at a medical cannabis establishment;

16. **PLACE OF WORSHIP**, a structure where persons regularly assemble for worship, ceremonies, rituals, and education relating to a particular form of religious belief and which a reasonable person would conclude is a place of worship by reason of design, signs, or architectural or other features;

17. **PLANNING AND ZONING BOARD**: the City Planning Commission created by Summerset Ordinance Section 31.050

Section 120.03: APPLICATION AND LICENSE APPROVAL

(A) Application

1. It shall be unlawful for any person, business, or other organization to engage in the business of operating a medical cannabis establishment within the municipal boundaries of the City without having a local license issued by the City.

2. It shall be necessary for any person, business, or other organization to obtain a local license

under this Ordinance prior to submitting an application to the South Dakota Department of Health for a state registration certificate. SDCL 34-20G-55

3. The application shall be on forms provided by the City. All information requested on the form shall be provided before the completed application is submitted.

4. The application shall require verification, under punishment of perjury, that:

- a. None of the principal officers or board members has served as a principal officer or board member for a medical cannabis establishment that has had its registration certificate revoked, whether in this state or elsewhere;
- b. That none of the principal officers or board members are under twenty-one years of age;
- c. That at least one principal officer is a resident of the City;
- d. That the applicant is the owner or actual lessee of the premises where the business is conducted and the sole owner of the business operated under the license.

5. If the applicant is other than an individual, the verification shall be by a principal officer of the entity applying for the license.

6. The non-refundable application fee as set forth herein shall be paid at the time the application is submitted.

7. The license fee as set forth herein shall be paid at the time the application is submitted. Should the application be denied, the license fee shall be returned to the applicant.

(B) License Approval Process

1. Upon receipt of a completed application, application fee and license fee, the City Administrator shall present the application to the Planning and Zoning Board at the next regularly scheduled meeting of the Board which shall set the time and place for hearing on all applications. The hearing shall be conducted within 30 days of presentation of the application.

2. The City shall publish notice once in the official newspapers of the county, at least one week before the scheduled hearing. The notice shall be headed "Notice of Hearing Upon Applications for Medical Cannabis Establishment," shall state the time and place when and where such applications will be considered by the Planning and Zoning Board, and shall state that any person interested in the approval or rejection of any such application may appear and be heard.

3. At the time and place so set, the Planning and Zoning Board shall consider each application and any objection to the application before making its final decision on the application. The Planning and Zoning Board may recommend approval or disapproval of the application depending on whether the application complies with the Zoning Ordinance of the City and the Board deems the applicant a suitable person to hold the license and whether the proposed location is suitable.

4. A person or entity may obtain more than a single class of license and/or more than a single license within any class of license, unless otherwise prohibited by law. The fact that multiple licenses are held may be considered in the application process as a factor in determining whether the applicant is a suitable person to hold the license.

5. If the Planning and Zoning Board does not recommend approval of the application, the Board shall endorse on the application the reasons for the denial and return the application and the recommendation shall be forwarded to the City Board of Commissioners who shall schedule the matter to be heard at a special or regular meeting of the Commission.

6. If the Planning and Zoning Board recommends approval of the application, the

recommendation shall be forwarded to the Commissioners who shall hear the matter at a special or regular meeting, and if approved by the Commission then the City shall endorse the approval on the application and shall issue a City license to the medical cannabis establishment.

7. Any license issued shall be effective and valid through December 31 of the year issued. However, any license approved in 2021 shall be effective and valid through December 31, 2022.

(C) Renewal

1. A license issued pursuant to this Ordinance may be renewed on an annual basis. An applicant for renewal is not automatically entitled to renewal. The issuance of a local license does not create a property right in that license.

2. An Application for Renewal shall be on the same forms and with the same requirements as the initial application set forth in Sections 1 and 2, above.

3. The applicant need not pay an application fee, but must pay the renewal fee as set forth herein. Such renewal fee shall be paid at the time the renewal application is filed with the City.

4. A completed Application for Renewal shall be presented to the City Administrator no later than November 1.

5. No Application for Renewal of a dispensary shall be approved if the licensed premise was not open to the public during regular business hours for the sale of medical marijuana for at least one hundred twenty (120) days in the previous year.

6. The Approval Process for a Renewal shall be the same as for an initial application. However, the license of a medical cannabis establishment applying for renewal may be approved for renewal by the Commissioners without a hearing unless in the past year the licensee, one of its principal officers or board members, or an employee of the dispensary have been subjected to a criminal penalty for violation of the Medical Cannabis laws or this Ordinance, or the license has been suspended.

(D) Suspension or Revocation

1. A local license issued hereunder may be suspended or revoked by the Commissioners for violation of this ordinance.

2. Notification of the intent of the Commissioners to consider suspension or revocation of a local license shall be made at the address given on the license. Such notification shall be at least thirty days in advance of the date set for public hearing on the suspension or revocation action.

3. Notice of public hearing shall be published in the official newspapers of the City at least one week prior to such hearing and in such form as deemed appropriate by the Commissioners.

4. At the public hearing, the Commissioners shall hear evidence or testimony from the licensee and any interested person. The Commissioners may revoke the license if they determine, following the public hearing, that a violation of this ordinance occurred.

5. If the Commissioners are satisfied that the nature and the circumstances of the violation were such that a suspension of the license would be adequate, the Commissioners may, instead of revoking the license, suspend it for a period not exceeding sixty days.

6. If the Commissioners suspend or revoke a local license, they shall notify the Secretary of the Department of Health of that fact.

(E) Transfer of License

The procedure for a transfer of a license is the same as the application for a new license. The fee for a transfer is _____. An affidavit of bulk sale and the existing license card must be submitted with the application for transfer. The application to transfer the license shall only be permitted if all municipal and state sales and use taxes incurred by the licensee as a result of the operation have been paid, and all property taxes, which are the liability of the licensee are paid or are not delinquent.

Section 120.04: OPERATING REQUIREMENTS AND RESTRICTIONS

(A) Authority

The South Dakota legislature has expressly granted authority to the City, through its Commissioners to govern the time, place and manner of operation of medical cannabis establishments. SDCL 34- 20G-58. The Commissioners may not prohibit a dispensary, either expressly or through the enactment or application of an ordinance that makes the operation of a dispensary impractical. In the development and execution of these regulations, it is recognized that there are some uses which because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a potential deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area.

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(B) General Prohibition

1. No medical cannabis establishment may operate in the City without possessing both a current license from City and a current registration certificate issued by the South Dakota Department of Health.

(C) Time Restrictions

1. No medical cannabis establishment may operate on any Sunday or any Federal or State holiday. However, a cultivation facility or cannabis product manufacturing facility may operate as may be required to prevent the destruction or degradation of marijuana plants under their control.
2. A medical cannabis dispensary may not operate between the hours of ~~eight (8)~~ six (6) p.m. and ~~eight (8)~~ nine (9) a.m.

(D) Location Restrictions

1. Medical cannabis establishments are only allowed in those areas of the City that have been zoned as a C-1 General Commercial District and medical cannabis establishments shall be considered a permitted use as listed in section 115.116 of the Summerset City Ordinances.

2. No medical cannabis establishment may share office space with a medical, psychiatric, counseling, chiropractic, or physical therapy practice.
3. No medical cannabis establishment may be established, operated, or maintained within one thousand (1,000) feet of a public or private school or designated bus stop.
4. No medical cannabis dispensary may be established, operated, or maintained within four hundred (400) feet of a child welfare agency, a place of worship, an in-patient alcohol or drug treatment facility or a public playground.
5. No medical cannabis dispensary may be established, operated, or maintained within four hundred (400) feet of the zoning boundaries of a district zoned as residential (R1, R2, R3) or General Industrial (G1), or Agricultural (AG).
65. No medical cannabis dispensary may be established, operated, or maintained within four hundred (400) feet of another medical cannabis dispensary, a bar, ~~or a~~ liquor store, or casino.
76. No medical cannabis facility shall be located on-premises for which a license to sell alcoholic liquor, beer or wine has been issued.

(E) Manner Restrictions

1. No person under twenty-one (21) years of age shall be allowed on the licensed premises of a medical cannabis establishment.
2. At all times during the hours of operation of a medical cannabis establishment, there shall be present a manager or other employee of the licensee who shall be not less than twenty- one (21) years of age.
3. No cannabis or related paraphernalia shall be displayed or kept in a business so as to be visible from outside the cannabis establishment.
4. No licensee of a medical cannabis dispensary may dispense any medical marijuana to any person who is obviously under the influence of cannabis to such a degree as to cause impairment.
5. Before cannabis may be dispensed by a medical cannabis dispensary, a medical cannabis establishment agent:
 1. Shall make a diligent effort to verify that the registry identification is valid; and
 2. Shall make a diligent effort to verify that the person presenting the documentation is the person identified on the document presented to the dispensary agent.
6. All retail sales of cannabis shall be in person, directly to the purchaser, and within the retail area of a cannabis dispensary. No drive-up windows or similar delivery process shall be allowed.
7. A medical cannabis establishment agent shall not dispense an amount of cannabis to a person that would cause the person to possess more than the allowable amount of cannabis.
8. A medical cannabis establishment may not employ any person who has been convicted of a disqualifying felony offense.
9. No alcohol or cannabis may be consumed on the premises of a medical cannabis dispensary.

(F) Signage and Advertising

1. All exterior signage associated with a medical cannabis establishment shall comply with Summerset Ordinances Title XV, Section 115.270-280
2. In addition, no exterior signage may use the word "marijuana," "cannabis," or any other

word, phrase or symbol commonly understood to refer to cannabis. Such words, phrases or symbols may be used if specifically approved by the Commissioners.

3. No cannabis establishment may distribute or allow the distribution of any cannabis or cannabis product without charge within a cannabis establishment or elsewhere for purposes of promotion, advertising or any other purpose.

Section 120.05: NUMBER AND COSTS OF LICENSES

(A) Authority

The South Dakota legislature has expressly granted authority to the City to determine the number of medical cannabis establishment licenses to issue. SDCL 34-20G-58. The City may charge a reasonable fee for the local license. SDCL 34-20G-60.

(B) Number of Licenses

A. There shall be available as local licenses for medical cannabis establishments a total of _____ one (1) licenses.

B. The total local licenses established shall be allocated as follows, with a maximum number of local licenses limited within type of medical cannabis establishment as follows:

- | | | |
|---|---------------|------------|
| 1. Cultivation Facility: | _____ 0 _____ | license(s) |
| 2. Cannabis Testing Facility: | _____ 0 _____ | license(s) |
| 3. Cannabis Product Manufacturing Facility: | _____ 0 _____ | license(s) |
| 4. Dispensary: | _____ 1 _____ | license(s) |

C. The City shall consider all qualified applications in the order they were received, subject to any resolution establishing a different procedure. The City Commission is authorized to adopt a Resolution setting forth the manner in which licenses are to be awarded in the event there are more qualified applicants than available licenses. No local licenses may be issued after the available new local licenses have been awarded by the City.

D. Should any additional local licenses become available through revocation or otherwise, such license shall be made available to the first qualified applicant, subject to any resolution establishing a different procedure.

E. In the event the number of available licenses is reduced by future amendment of this Ordinance, no then existing licensee shall be prevented from continuing operation during the license term, from applying for renewal of such license for subsequent consecutive years, or from transferring such license, solely on the basis of such reduction. However, this exception shall not prevent a license from being suspended or revoked, nor shall it prevent a denial of an application for renewal or transfer, based upon grounds other than a change in the number of available licenses.

(C) License Fees

A. There shall be a non-refundable application fee in the amount of \$ 20,000.00_____.

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: \$ 100,000.00 _____

C. There shall be a renewal fee for any license issued under this Ordinance in the amount of \$100,000.00 _____. The City Commission is authorized to adjust these license fees by Resolution.

Section 120.06: ENFORCEMENT AND PENALTIES

(A) Inspection

The City and law enforcement may inspect a medical cannabis facility during business hours to ensure compliance with this ordinance.

(B) License Consequence

Violation of the terms of this Ordinance may result in revocation or suspension of the local license as set forth in this Ordinance.

(C) Civil Penalty

- A. Violation of the terms of this Ordinance may be enforced through a civil action in magistrate court or circuit court, at the discretion of the Commissioners.
B. Civil penalties may not exceed \$500 for each violation.
C. Each day the licensee is in violation of the Ordinance may be considered a separate violation.

Section 120.07: SEVERABILITY AND SEPERABILITY

Should any Article, Section, subsection or part of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional, invalid or otherwise affected by law, such determination shall not affect the validity or constitutionality of the Ordinance as a whole or any part thereof other than the part so determined.

Section 120.08: EFFECTIVE DATE

This Ordinance shall be effective twenty (20) days following completed publication. Upon becoming effective, all prior Ordinances pertaining to the regulation of medical cannabis establishments are revoked.

Passed and adopted this ____ day of _____, 2021.

Melanie Torno, Mayor

Attest:

Finance Officer

1st Reading: _____
2nd Reading: _____
Adopted: _____
Published: _____
Effective: _____

1st Reading: _____
2nd Reading: _____
Date Adopted: _____
Date Published: _____
Effective Date: _____

ORDINANCE NO. 2021-04

ORDINANCE PROHIBITING UNAUTHORIZED USE OF CITY GARBAGE CONTAINERS, UNAUTHORIZED DUMPING.

WHEREAS, the City of Summerset provides solid waste and recycling services to its residents in connection with its jurisdiction and authority to provide for the health, safety and welfare of its residents; and

WHEREAS, in connection with providing solid waste hauling, yard waste and recycling services, the City of Summerset has placed collection bins and containers, including but not limited to "roll off" containers, for the purpose of allowing residents to dispose of garbage, yard waste and recyclables and allowed waste materials into the same for collection; and

WHEREAS, the service is to be provided solely to residents of Summerset and is not intended to service commercial operations such as building and/or construction contractors, or otherwise; and

WHEREAS, contractors and other commercial operations have abused the solid waste collection services by dumping unauthorized materials into the City collection bins and containers.

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

Section 1. Residential Use Only. It is the declared policy of the City that the public receptacles are present for the convenience of the public who use the City of Summerset's sidewalk and park system so that they may deposit items of garbage therein rather than litter. The public receptacles are not for the purpose of dumping large quantities of garbage, construction debris or other waste generated by commercial operations. That it shall be a violation of these Ordinances for any entity or commercial operation, including but not limited to construction contractors, to utilize the City's collection bins and containers for the purposes of disposing of waste material and garbage, including construction debris, large. This pertains to all collection bins, whether placed for the purpose of depositing solid waste, yard waste, or recyclables.

Section 2. Outside waste. It is unlawful for any person residing outside of the corporate limits of the City of Summerset to bring quantities of garbage, accumulated out of the town and deposit them in any receptacle to be collected by the City along the streets or elsewhere within the corporate limits of the City of Summerset.

Section 3. Construction Debris. It shall be illegal and a violation of this Ordinance for any person or entity to dispose of debris resulting from the construction, demolition, or repair of any buildings in any containers placed by the city, including the solid waste, yard waste and recyclable containers. These items include, but are not limited to, brick, stone, concrete, plumbing materials, plaster, asphalt, roofing, floor coverings, gutters and shingles. Demolition and construction waste, excavation byproducts, and other debris or like material shall not be deposited in City receptacles.

Section 4. Additional prohibited items. It is further a violation of this Ordinance for any individual to dispose of the following items in any of the City's collection bins and containers:

Section 5. Civil Penalty. That a violation of this Ordinance is punishable by a civil penalty in an amount of up to five hundred dollars (\$500.00). Each separate violation is subject to a civil penalty in this amount. The City may also enforce the ordinance by injunction.

Date adopted: _____, 2021

Melanie Torno, Mayor

ATTEST:

Summerset Finance Officer

CITY OF SUMMERSET

ORDINANCE 2022

AN ORDINANCE APPROPRIATING FUNDS FOR THE FISCAL YEAR 2022

SECTION ONE

Be it ordained by the City of Summerset that the following sums are appropriated to meet the fiscal needs of the municipality for the fiscal year 2021.

<u>EXPENDITURES</u>		General Fund (Fund 101)	BBB Fund (Fund 211)	TIF # 1 Fund (Fund 302)
410	<u>GENERAL GOVERNMENT</u>			
A	411 Legislative	\$ 35,842		
	411.5 Contingency	\$ 112,124		
B	412 Executive	\$ 16,345		
C	413 Election	\$ 1,000		
D	414 Financial & Administration	\$ 213,824		
E	419 Government Bldg & Engineering	\$ 118,965		
F	Total General Government	\$ 498,099		
420	<u>PUBLIC SAFETY</u>			
G	421 Police	\$ 709,088		
	422 Fire	\$ 35,257		
I	423 Inspection	\$ 15,500		
	Total Public Safety	\$ 759,845		
430	<u>PUBLIC WORKS</u>			
K	431 Streets & Drainage	\$ 890,311		
L	432 Sanitation	\$ 146,099		
	Total Public Works	\$ 1,036,410		
440	<u>HEALTH & WELFARE</u>			
M	441 Animal Control	\$ 250		
	Total Health & Welfare	\$ 250		
450	<u>CULTURE & RECREATION</u>			
O	452 Parks	\$ 18,300		
	Total Culture & Recreation	\$ 18,300		
460	<u>CONSERVATION & DEVELOPMENT</u>			
P	465 Economic Development		\$ 26,751	
Q	465.2 Planning & Zoning	\$ 21,889		
	Total Consv & Development	\$ 21,889	\$ 26,751	
470	<u>DEBT SERVICE</u>			
R	470 Debt Service	\$ 18,913		\$ 500,200
	Total Debt Service	\$ 18,913		\$ 500,200
490	<u>MISCELLANEOUS OTHER</u>			
	499 Liquor	\$ 750		
	Total Miscellaneous	\$ 750		
510	<u>OTHER FINANCE USES</u>			

T

510 Transfer Out

\$	-	\$	-	\$	-
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TOTAL 2021 APPROPRIATIONS

\$	2,354,456	\$	26,751	\$	500,200
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SECTION TWO

The following designates the fund or funds to which the money derived from the following sources is applied.

<u>REVENUE</u>		General Fund (Fund 101)	BBB Fund (Fund 211)	TIF # 1 Fund (Fund 302)
300	<u>GENERAL GOVERNMENT</u>			
AA	Undesignated Fund Balance	\$ 322,024	\$ -	
BB	310 Taxes	\$ 1,366,383	\$ 27,608	\$ 500,000
CC	320 Licenses & Permits	\$ 25,950		
DD	330 Intergovernmental Revenue	\$ 417,549		
	340 Charges for Goods and Services	180,000		
EE	350 Fines & Forfeits	\$ -		
FF	360 Miscellaneous Revenue	\$ 42,700		\$ 200
	390 Transfer	\$ -		-
<u>TOTAL MEANS OF FINANCE</u>		<u>\$ 2,354,606</u>	<u>\$ 27,608</u>	<u>\$ 500,200</u>

ENTERPRISE FUNDS

604	<u>SEWER ENTERPRISE FUND</u>	
GG	Estimated Revenue	\$ 724,056
	Total Available	\$ 724,056
	Less Estimated Appropriations	\$ (514,437)
	Estimated Surplus	\$ 209,619
	Est Surplus For Future Expansion	\$ 209,619

SECTION THREE

That there is hereby levied upon all taxable property within the City of Summerset, for the fiscal year 2021, a tax sufficient to raise the following funds:

For General Purposes \$ 662,183

Mill Levy 0.002963062

SECTION FOUR

The City Finance Officer is hereby authorized and directed to certify said tax levy to the Meade County Auditor, of Meade County, State of South Dakota, to the end that the same may be spread and assessed as provided by law.

Dated this 17th day of September, 2020

ATTEST:

Candace Sealey, Finance Officer

Bryce Lutz, Mayor

Vote: Kitzmiller: Aye
Lutz: Aye
Hirsch: Aye
McCoy: Aye
Butler: Aye

First Reading: Thursday, September 3, 2020
Second Reading: Thursday, September 17, 2020
Publication: Saturday, September 26, 2020