

ORDINANCE 675

AN ORDINANCE ENTITLED, AN ORDINANCE TO:

AMEND ORDINANCE 17.04.040 "DEFINITIONS" OF THE ZONING ORDINANCE OF THE CITY OF SISSETON;
TO AMEND CHAPTER 17.24 [DISTRICT REGULATIONS] TO ADD PROHIBITED USES UNDER SECTION 17.24.020 H.;
TO AMEND SECTION 17.44.010, "PERMITTED USES" [C1 – CENTRAL COMMERCIAL DISTRICT];
TO AMEND SECTION 17.48.010, "PERMITTED USES" [HC – HIGHWAY COMMERCIAL DISTRICT];
TO AMEND Chapter 17.80 "SUPPLEMENTAL REGULATIONS".

BE IT ORDAINED by the City Council of the City of Sisseton, South Dakota: that Ordinance 17.04.040 "DEFINITIONS" adopted by Ordinance 556 Art. 5 in 2003 and Ordinance 662 on July 8, 2013, as amended, of the Zoning Ordinance of the City of Sisseton be amended by adding the following Definitions in bold and underline font:

Unless an alternative definition is explicitly stated in this section, this chapter utilizes the definitions for cannabis-related terms which are defined by SDCL 34-20G-1.

Cannabis (or Marijuana): all parts of any plant of the genus cannabis, whether growing or not, in its natural and unaltered state, except for drying or curing and crushing or crumbling. The term includes an altered state of marijuana absorbed into the human body. The term does not include fiber produced from the mature stalks of such plant, or oil or cake made from the seeds of such plant. The term does not include the plant Cannabis sativa L. (hemp) and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis.

Cannabis Cultivation Facility: in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a cannabis establishment.

Cannabis Dispensary: in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials.

Cannabis Establishment: a cannabis cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a cannabis dispensary.

Cannabis Product Manufacturing Facility: in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a cannabis dispensary.

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: in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity legally authorized to analyze the safety and potency of cannabis.

BE IT FURTHER ORDAINED by the City Council of the City of Sisseton, South Dakota: that CHAPTER 17.24 "DISTRICT REGULATIONS," adopted by Ordinance 556 in 2003, as amended, of the Zoning Ordinance of the City of Sisseton be amended by adding the following Section in bold and underline font:

Section 17.24.020 H. Prohibited Uses

All uses and structures not specifically listed as a permitted use, special permitted use, or as a conditional use in a particular zoning district shall be prohibited in said district.

BE IT FURTHER ORDAINED by the City Council of the City of Sisseton, South Dakota: that Section 17.44.010, "Permitted Uses" [C1 – CENTRAL COMMERCIAL DISTRICT], adopted by Ordinance 556 in 2003, as amended, of the Zoning Ordinance of the City of Sisseton be amended by adding language in bold and underline font:

17. Cannabis Dispensary (subject to Chapter 5.40).

BE IT FURTHER ORDAINED by the City Council of the City of Sisseton, South Dakota: that Section 17.48.010, "Permitted Uses" [HC – Highway Commercial District], adopted by Ordinance 556 in 2003, as amended by Ordinance 662 on April 13, 2020, of the Zoning Ordinance of the City of Sisseton be amended by adding language in bold and underline font:

17. Cannabis Establishment (subject to Chapter 5.40).

BE IT FURTHER ORDAINED by the City Council of the City of Sisseton, South Dakota: that Chapter 17.80 "SUPPLEMENTAL REGULATIONS" adopted by Ordinance 556 in 2003, as amended, of the Zoning Ordinance of the City of Sisseton be amended by adding the following Chapter in bold and underline font:

CHAPTER 17.80.260 CANNABIS ESTABLISHMENTS.

1. Maximum Number of Cannabis Establishments.

- a. **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.**
- b. **The City of Sisseton shall have no limit on the number of cannabis establishments provided the time, place, and manner of said cannabis establishments comply with this ordinance.**

2. Required Separation Distances

- a. A cannabis establishment shall be located not less than 1000 feet from a public or private school existing before the date of the cannabis establishment application;
- b. A cannabis establishment shall be located not less than 500 feet from a single or multi-family residence, church, child daycare facility, library, public park, hospital, clinic, long term care facility, mental health facility, substance abuse facility, correctional facility, drug education and/or counseling center, funeral home, shelter, group home, other cannabis establishment existing before the date of the cannabis establishment application;
- c. Exemption from separation requirements. Any separation distance requirement, other than the State requirement from schools (1,000 feet), may be waived, provided:
 - i. The applicant provides documentation waiving the setback requirement from the title holder of the land benefiting from the separation.
- d. Prescribed separation/setback distances from certain existing uses are to be measured from the lot line of the property where the cannabis establishment is proposed.

3. Other Locational Requirements

- a. Permanent or temporary cannabis establishment are prohibited in all other zoning districts and not eligible for a home occupation use.
- b. It shall be unlawful to operate a cannabis establishment in a building which contains a residence or a mixed-use building with commercial and residential uses.
- c. It shall be unlawful to operate any portion of a cannabis establishment outdoors. All business activity and operational activity shall occur in a secure building/structure not accessible to the public.

4. Controlled Access - No cannabis establishment shall share premises with or permit access directly from another cannabis establishment, business that sells alcohol or tobacco, or, if allowed by law, other cannabis establishment.

5. Hours of operation:

- a. Cannabis dispensaries are allowed to be open between the hours of 9:00 am and 9:00 pm on Monday through Sunday.
- b. There shall be no limitation on hours of operation for a cannabis cultivation facility, a cannabis product manufacturing facility, or a cannabis testing facility.

6. Documentation of State Licensure.

- a. No cannabis dispensary shall acquire, possess, store, deliver transfer, transport, supply or dispense cannabis, cannabis products, paraphernalia without providing documentation of licensure from the State of South Dakota.
7. The zoning official is authorized to issue permits (building/use) for cannabis establishments subject to following:
- a. Submission of a site plan containing the following:
- i. Any information required for applicable building permit,
 - ii. Ingress and egress plan
 - iii. Parking plan
 - iv. Lighting plan (including security lighting)
 - v. Screening/security fencing plan,
 - vi. Refuse plan;
 - vii. Hours of Operation;
 - viii. Any other information as lawfully may be required by the Zoning official to determine compliance with this ordinance and State Law.
- b. Documentation of ability to meet setback/separation requirements.
- c. Documentation of State Licensure.
8. All Cannabis Establishments are required to be constructed in conformance with the 2021 Edition of the International Building Code and International Fire Code.

Passed this _____ day of September, 1st Reading.

Passed and adopted this _____ day of _____, 2nd Reading.

Terry Jaspers, Mayor City of Sisseton

Amber Kemnitz, City Finance Officer of Sisseton