

CITY ORDINANCE NO. 1835
COUNTY ORDINANCE NO. 2021-_____

AN ORDINANCE AMENDING SECTIONS 13-1-102, 13-4-109, 13-4-208, 13-4-308, 13-5-108, 13-6-104, 13-7-104, 13-7-204, 13-7-304, 13-8-104, AND 13-10-104 OF THE JOINT EXTRA TERRITORIAL ORDINANCE, CREATING ZONING REGULATIONS FOR CANNABIS ESTABLISHMENTS IN THE EXTRA TERRITORIAL JOINT JURISDICTION.

BE IT ORDAINED BY THE PIERRE CITY COMMISISON AND THE HUGHES COUNTY COMMISSION, THE FOLLOWING ORDINANCE SECTIONS SHALL BE AMENDED AS FOLLOWS:

Section 1: Section 13-1-102, Definitions, is hereby amended to add the following definitions:

“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 crumpling. 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 as those terms are defined in SDCL 34-20G-1.

“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.

Section 2: Section 13-4-109, Agriculture District A – certain uses declared incompatible and excluded, shall be added as follows:

13-4-109. Certain uses declared incompatible and excluded.

The following uses are declared incompatible with the purpose of the Agriculture A District and are hereby expressly excluded.

1. Cannabis establishments.

Section 3: Section 13-4-208, Agriculture District B – certain uses declared incompatible and excluded, shall be added as follows:

13-4-208. Certain uses declared incompatible and excluded.

The following uses are declared incompatible with the purpose of the Agriculture B District and are hereby expressly excluded.

1. Cannabis establishments.

Section 4: Section 13-4-308, Agriculture District C – certain uses declared incompatible and excluded, shall be added as follows:

13-4-308. Certain uses declared incompatible and excluded.

The following uses are declared incompatible with the purpose of the Agriculture C District and are hereby expressly excluded.

1. Cannabis establishments.

Section 5: That Section 13-5-108, Certain uses common to all residential districts – Certain uses declared incompatible and excluded, shall be added as follows:

13-5-108. Certain uses declared incompatible and excluded.

The following uses are declared incompatible with the purpose common to all residential districts and are hereby expressly excluded.

1. Cannabis establishments.

Section 6: That Section 13-6-104, Local Business District, certain uses declared incompatible and excluded, shall be revised as follows:

13-6-104. Certain uses declared incompatible and excluded.

The following uses are hereby declared incompatible with the purpose of the local business district and are hereby expressly excluded:

1. Drive in theaters.
2. Warehouses
3. Petroleum bulk storage plants.
4. Cannabis establishments.

Section 7: That Section 13-7-104, Light Industrial District, Certain uses declared incompatible and excluded, shall be revised as follows:

13-7-104. Certain uses declared incompatible and excluded.

The following uses are hereby declared incompatible with the purpose of the Light Industrial District and are hereby expressly excluded:

1. All dwellings.
2. Aluminum can processing.
3. Drive-in theaters.
4. Mobile home parks.
5. Hospitals, clinics, rest homes and other institutions for the housing or care of human beings.
6. Public, parochial and private schools and colleges, except trade schools.
7. Cannabis establishments.
8. Any use not enumerated as permitted in this district but which is specifically provided for in another district or districts.

Section 8: That Section 13-7-204, Heavy Industrial District, Certain uses declared incompatible and excluded, shall be revised as follows:

13-7-204. Certain uses declared incompatible and excluded.

The following uses are hereby declared incompatible with the purpose of the Heavy Industrial District and are hereby expressly excluded:

1. Any use which cannot meet the performance standards set forth herein.
2. All dwellings and other types of the living accommodations shall be prohibited save quarters for a watchman or caretaker shall be permitted as an accessory use for any permitted use.
3. Schools and colleges, except trade schools.
4. Hospitals, clinics, rest homes and other institutions for the housing or care of human beings, except that medical facilities accessory to any industrial operation shall be permitted.
5. Hotels, motel and mobile home parks.
6. Cannabis establishments.

Section 9: That Section 13-7-304, Industrial Park District, Certain uses declared incompatible and excluded, shall be revised as follows:

13-7-304. Certain uses declared incompatible and excluded.

The following uses are hereby declared incompatible with the Industrial Park District and are hereby expressly excluded:

1. Any use which cannot meet the performance standards set forth herein.
2. All dwellings and other types of the living accommodations shall be prohibited save quarters for a watchman or caretaker shall be permitted as an accessory use for any permitted use.
3. Billboards.
4. Cannabis establishments.

Section 10: Section 13-8-104, River-front and Park District – certain uses declared incompatible and excluded, shall be added as follows:

13-8-104. Certain uses declared incompatible and excluded.

The following uses are declared incompatible with the purpose of the River-front and Park District and are hereby expressly excluded.

1. Cannabis establishments.

Section 11: Section 13-9-106, Mobile Home Parks – certain uses declared incompatible and excluded, shall be added as follows:

13-8-104. Certain uses declared incompatible and excluded.

The following uses are declared incompatible with the purpose of Mobile Home Parks and are hereby expressly excluded.

1. Cannabis establishments.

Section 12: Section 13-10-104, Planned Unit Development – certain uses declared incompatible and excluded, shall be added as follows:

13-10-104. Certain uses declared incompatible and excluded.

The following uses are declared incompatible with the purpose of the Planned Unit development and are hereby expressly excluded.

1. Cannabis establishments.

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.

First Reading: August 17, 2021 (Pierre City Commission)

Public Hearing and Adoption: August 31, 2021 (Pierre City & Hughes County Commission)
Published: September 4, 2021

Mayor, City of Pierre

ATTEST:

Twila Hight, City Finance Officer/Business Manager

First Reading: August 16, 2021 (Hughes County Commission)
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Chairman, Hughes County Commission

ATTEST:

Jane Naylor, County Finance Officer