

CITY OF CENTERVILLE  
APPROVED REGULAR MEETING MINUTES  
Monday, November 1, 2021  
5:30 p.m.

Mayor Kent Austin called the meeting to order at 5:30 p.m.

The pledge of allegiance was recited.

Council members present: Vicki Sikkink, Jeff Nelson, Jackie Krebs, and Conway Lunning. Absent: Adam Carlson and Cory Simonsen

Others present: Kristin Hazen – Finance Officer, Jared Hybertson – Economic Development, Nolan Clark – Police Chief. Visitors: Jessica Wirth

C. Lunning moved and J. Nelson seconded to approve the agenda as presented. Motion carried. Unanimous.

V. Sikkink moved and J Krebs seconded to approve the regular meeting minutes from Monday, October 4, 2021. Motion carried. Unanimous.

J. Nelson moved and C. Lunning seconded to approve the warrants as presented. Motion carried. Unanimous.

**WARRANTS**

3-D DIGGING & TRUCKING \$9,690.00 SYNCB/AMAZON \$938.63 BENCO PRODUCTS, INC. \$44.34 BENTAAS, BRUCE \$150.00 CENTER POINT LARGE PRINT \$45.54 Century Business \$40.58 City of Sioux Falls \$43.50 COLONIAL LIFE \$511.71 CORE & MAIN LP \$116.97CRARY HUFF LAW FIRM \$1,328.00 Dakota ACE Hardware \$51.62 DANS DRAIN & DUCT CLEANING \$242.50 Diesel Machinery, Inc. \$2,267.52 Glenn W Edberg \$150.00 Health Pool of SD \$7,561.00 Heiman Fire Equipment, Inc. \$188.00 HYBERTSON, JARED \$234.32 I & S GROUP, INC \$790.00 JACK'S UNIFORMS & EQUIPMENT \$128.28 KISTLER, JODI \$150.00 KREBS, JACKIE \$150.00 Lewis & Clark Rural Water \$2,584.00 MAROHL, CARROLL \$150.00 Menards \$85.08 Mid-American Research Chemical \$1,176.92 Muller Auto Parts \$19.99 VISA \$1,749.65 Pump N Stuff- City \$365.13 Pump N Stuff- City \$10.88 Pump N Stuff- City \$380.18 R & L SUPPLY LTD \$23.54 REIF, CARLIEGH \$150.00 RUNNINGS \$192.93 SCHROCK, CLINTON \$150.00 SIKKINK, TRENT \$150.00 South Dakota One Call \$14.56 SOUTHEAST FARMERS CO-OP \$500.60 SWIFT, NATALIE \$150.00 THE ROAD GUY CONST CO., INC \$55,120.00 TITAN GUTTERS \$2,880.00 Total Stop Food Store #747 \$28.95 Verizon Wireless \$136.70 Vermillion Garbage Service \$120.00 VERNON MANUFACTURING \$80.00 WESTRA, KATIE- CITY \$680.00 Xcel Energy \$3,722.07 Dust-tex Service, Inc. \$156.41 Fort Randall Telephone Co. \$702.35 L & S Repair \$395.59 Lewis & Clark Rural Water \$5,180.22 MidAmerican Energy Company \$174.29 Sioux Falls Winpump Co. \$1,213.91 Star Publishing \$92.00 USA Blue Book \$71.15 Schankula, Eric \$97.78, SD Retirement System \$3,402.10

October 2021 Payroll: Finance - \$4,293.62 Police - \$10,340.56 Parks - \$872.82; Streets - \$4,464.85; Water - \$4,898.55; Sewer - \$4,898.56 Library - \$4,467.98; Econ Dev - \$6,333.50;

Mayor Austin shared building permits received from Angela Alexander, Mary Clayton, Charles Oster, Tom Austin, Elan Ashby, previously approved by K. Hazen and K. Westra. K. Hazen shared a building permit received from Adam & Jessica Wirth. Mrs. Wirth requested a building permit for a partial fence around the property. Mayor Austin discussed setbacks and the right of way. After reviewing the building permit request and discussing with Mrs. Wirth, C. Lunning moved and J. Nelson seconded to approve the building permit request for a partial fence. Motion carried. Unanimous.

Mayor Austin opened the public hearing at 5:35pm to hear any questions, comments or concerns regarding the special one-day liquor license request received from American Legion. There being none. V. Sikkink moved and J. Nelson seconded to approve the one-day liquor license request to be held on December 4, 2021 for the Celebrate Centerville Gala. Motion carried. Unanimous.

With no other matters to discuss, Mayor Austin closed the public hearing at 5:36pm.

Senior Center update – J. Hybertson shared the latest version of the plans that ISG worked on for the crosswalk and ADA at the Senior Center Building. Cost estimates have not been received yet regarding the project. J. Hybertson and K. Hazen will continue to move forward with the possible funding opportunities and work with other local contractors to help with the project cost.

Vermillion garbage has asked if we would like to purchase the city dumpsters for \$2, 900.00 instead of renting the dumpsters per month for \$35.00. J. Krebs moved and V. Sikkink seconded to approve the purchasing of the dumpsters. Motion carried. Unanimous.

Police Chief Clark gave the monthly police report for October:

<u>October 2021</u>	
26 Calls for service/disturbance/assistance	1 Motor vehicle crash reports
15 Traffic stops	1 Arrest
3 Traffic assists for fire/ambulance calls	2 Domestic dispute calls
5 Animal calls	3 Mental health incidents

Chief Clark touched on the highlights from his Police Department report. A full report is available at City Hall.

J. Krebs moved and C. Lunning seconded to approve updating the Police Policy Manual to include additional language in Use of Force and Duty to Intervene. Motion Carried. Unanimous.

Chief Clark shared that the Code Enforcement committee met on October 18, 2021 to discuss issues and procedures.

**RESOLUTION: #2021-25**

Subject Yearly Review Raise

BE IT RESOLVED: by the city council of the City of Centerville, South Dakota that:

1. Rate of compensation for Parker Rausch, Police Officer, be increased by 1.5 % (one and one half percent) so that his new hourly rate will be \$18.25 (eighteen dollars and twenty five cents) effective November 1, 2021.

Adopted this 1<sup>st</sup> day of November 2021 with a motion made by J. Krebs and seconded by J. Nelson. Motion carried. Unanimous.

\_\_\_\_\_  
Kent Austin, Mayor

Attest: \_\_\_\_\_  
Kristin Hazen, Finance Officer

Economic Development: J. Hybertson touched on the highlights from his Economic Development report. Report is available at City Hall or on the city website.

J. Hybertson expressed that the Fall-O-Ween Festival held on Friday, October 29<sup>th</sup> was a tremendous success! Mayor Austin and the council members added how much they appreciated all the work and organization done by Carleigh Reif, Christen Cunningham, and Christiana Ostrem (along with all the volunteers). This event could not have been the success it was without everyone's help and collaboration.

V. Sikkink asked the council if it would be okay to plant some flowers and a few trees down at Gunderson Park. After some discussion, council said that would be fine.

V. Sikkink moved and J. Krebs seconded to approve the City Hall office to be closed on Friday, November 26<sup>th</sup>. The employees who choose to take the day off can use their own PTO time to cover the hours. Motion carried. Unanimous.

J. Krebs moved and J. Nelson seconded to approve the first reading of Ordinance 2021-09 Ethical Obligations of Municipal Elected Officials. Motion carried. Unanimous.

V. Sikkink moved and C. Lunning seconded to approve the second reading of Ordinance #2021-06 Medical Cannabis Establishments. Motion carried. Unanimous.

#### ORDINANCE NO. 2021-06

AN ORDINANCE OF THE CITY OF CENTERVILLE, SD, AMENDING THE CITY OF CENTERVILLE, SOUTH DAKOTA CODE OF ORDINANCES BY ADDING TITLE XI: BUSINESS REGULATIONS, CHAPTER 113: MEDICAL CANNABIS ESTABLISHMENTS.

BE IT ORDAINED BY THE CITY OF CENTERVILLE, SD:

*Section 1. That Chapter 113 of the City of Centerville, South Dakota Code of Ordinances is hereby amended to include the following:*

#### **CHAPTER 113: MEDICAL CANNABIS ESTABLISHMENTS**

##### **§ 113.01 – INTENT.**

The following regulations are enacted in order to ensure that medical cannabis establishments within the municipal boundaries of the Town operate in a manner which complies with state laws and regulations; protects the health, safety, and welfare of the general public; prevents potential conflicts and issues arising from ownership and employees; recognizes certain safety and security considerations; and minimizes risk of unauthorized use or access of cannabis by the general public.

##### **§ 113.02 – DEFINITIONS.**

Unless the context clearly indicates a different meaning, all terms used in this Chapter shall be defined by SDCL 34-20G-1.

**§ 113.03 – MEDICAL CANNABIS ESTABLISHMENT LICENSE REQUIRED.**

- (A) License Required: It shall be unlawful for any person or entity to operate a medical cannabis establishment in the City without first having obtained a license from the City of Centerville and a registration certificate from the South Dakota Department of Health for each medical cannabis establishment to be operated. Such license and registration certification shall be kept current at all times, and the failure to maintain a current license and registration certification shall constitute a violation of this Chapter.
- (B) Classes of License: Each type of the four (4) types of medical cannabis establishments shall have its own class of license relating to the activities unique to that particular type of medical cannabis establishment. The four (4) license classes are Cannabis Cultivation Facility License, Cannabis Testing Facility License, Cannabis Product Manufacturing Facility License, and Cannabis Dispensary License.
- (C) Multiple Licenses: A person or entity who intends to conduct an operation which includes multiple types of medical cannabis establishments shall, prior to operating the medical cannabis establishments, obtain a license for each medical cannabis establishment involved in the operation. A person or entity may hold more than one (1) class of license except when otherwise prohibited by this Chapter.
- (D) License Location: Each license issued pursuant to this Chapter shall authorize a single medical cannabis establishment to operate at a single location.
- (E) License Duration: Each license issued is effective from January 1 through December 31 of the year applied for, regardless of the time of year such license is approved. Each license expires at 11:59:59 P.M. on December 31 unless, prior to expiration, the City Council has approved the renewal of such license for the following calendar year. See Chapter 113.06.

**§ 113.04 – NUMBER OF LICENSES RESTRICTED.**

- (A) The number of licenses for each type of medical cannabis establishment available to be offered by the Town shall be as follows:
  - (1) Cannabis Cultivation Facility License: 0
  - (2) Cannabis Testing Facility License: 0
  - (3) Cannabis Product Manufacturing Facility License: 0
  - (4) Cannabis Dispensary License: 1
- (B) In the event the numerical cap is lowered to an amount less than the number of existing licenses for that type, no existing license shall be prevented from continuing operation during the license term, requesting modifications to applicant information, from renewing the license for consecutive or subsequent years, or from transferring the license, solely on the basis that the numerical limit would otherwise prohibit the issuance of a license to a new applicant. However, this exception shall not prevent a

license from being suspended or revoked, nor shall it prevent a license from not being renewed or a transfer approved, based upon grounds other than the numerical limit being exceeded.

**§ 113.05 – APPLICATION PROCESS.**

- (A) Availability. When a license becomes available, the City shall post an invitation for applications in a publicly visible location at City Hall, as well as publish the invitation in the City's official newspaper(s). The invitation shall state the class of license available and the deadline to apply. No application shall be accepted prior to posting/publication of the invitation nor after the deadline established in the invitation unless otherwise allowed pursuant to Chapter 113.05(C).
- (B) Contents of Application. An applicant shall submit a signed application, in writing, to the Finance Officer on a form provided by the City. The application shall include the following information:
- (1) The legal name of the applicant(s).
  - (2) The address, telephone number, and date of birth of each applicant.
  - (3) The legal name of the prospective medical cannabis dispensary.
  - (4) The address or legal description of the property on which the medical cannabis establishment is proposed to be located.
  - (5) The current zoning district classification of the property on which the medical cannabis establishment is proposed to be located.
  - (6) If the applicant is an entity, the name, address, and date of birth of each principal officer, board member, and other persons that will own or operate the medical cannabis establishment.
  - (7) A detailed description and explanation of security measures that the medical cannabis establishment will utilize to ensure that it complies with all applicable state law and regulations, as well as to ensure that the operation will not constitute a nuisance or a substantial threat to public health, safety, and general welfare.

Applications submitted pursuant to an invitation shall be submitted in writing and sealed. An applicant may not supplement or alter their application after the submission deadline has passed.

- (C) Review/Determination. Within thirty (30) days after the application deadline has passed, the Finance Officer shall open all sealed applications received during the invitation submittal window and review each application for completeness. Applications which are objectively incomplete shall be rejected and ineligible for further consideration. All other applications, whether objectively complete or those requiring subjective interpretation to gauge their completeness, shall be held by the Finance Officer and placed into a lottery in order to establish the order in which applications will be considered by the City Council.

The Finance Officer shall post notice of the date, time, and location of the lottery in a publicly visible location at City Hall, as well as publish notice of the date, time, and location of the lottery in the City's official newspaper(s). The notice must be posted/published at least twenty-four (24) hours in advance of the lottery being conducted and such lottery shall be open to the public. The lottery shall be conducted in a manner that ensures that each application has reasonably the same odds as the others of being chosen. The applications will be placed on the agenda of the next regularly scheduled City Council meeting in the order in which they were chosen in the lottery.

At its next regularly scheduled meeting which meets all necessary notice requirements, the City Council shall approve or deny applications in the order established by the lottery until all applications have been acted on or the numerical cap has been reached. If an application is denied, the City Council shall specify their reasoning for such action both verbally and on the application. Reasons for denying an application may include, but are not limited to: (1) incorrect application information; (2) the application is incomplete; (3) insufficient detail in application; (4) no license available due to maximum number already issued; (5) proposed operation would violate local law; (6) proposed operation would violate state law or regulations; (7) proposed location not zoned properly; (8) the proposed operation does not comply with Chapter 113.10; or (9) legitimate concerns that the specific operation as presented constitutes a substantial threat to public health, safety, and general welfare. No application may be denied solely as a means to directly or effectively prohibit a medical cannabis dispensary within the City in violation of SDCL 34-20G-59.

If no applications are received following an invitation for applications or if the numerical cap is not reached pursuant to the invitation for applications, the above procedures shall no longer apply for the remainder of the annual license period or until a new posting/publication of an invitation for applications next occurs, whichever is first. In such case, applications may be received, processed, and considered by the City Council at its next noticed regularly scheduled meeting in the order in which they were received. Applications submitted prior to the posting/publication of the invitation for applications, but not approved or denied by the City Council before the submission deadline has passed shall be given consideration priority over applications submitted pursuant to the invitation when reviewed by the City Council. If an application is denied, the City Council shall specify their reasoning for such action both verbally and on the application. Reasons for denying an application may include, but are not limited to: (1) incorrect application information; (2) the application is incomplete; (3) insufficient detail in application; (4) no license available due to maximum number already issued; (5) proposed operation would violate local law; (6) proposed operation would violate state law or regulations; (7) proposed location not zoned properly; (8) the proposed operation does not comply with Chapter 113.10; or (9) legitimate concerns that the

specific operation as presented constitutes a substantial threat to public health, safety, and general welfare. No application may be denied solely as a means to directly or effectively prohibit a medical cannabis dispensary within the Town in violation of SDCL 34-20G-59.

#### **§ 113.06 – LICENSE RENEWAL PROCESS.**

A person or entity operating pursuant to an annual license may submit an application for renewal of such license at least forty-five (45) days but not more than ninety (90) days prior to the expiration of such license using the application form provided by the City.

The application renewal process shall be identical to the review of applications where a license has become available; however, applications for renewal submitted within the applicable window shall be given consideration priority over new applications in a capped license class. Renewal applications submitted after the window has expired shall be given no priority and shall submit a new application.

An applicant is not automatically entitled to renewal of their license and the license will only be renewed by the City Council after full consideration of the unique facts and circumstances pertaining to each individual license.

#### **§ 113.07 – TRANSFER OR MODIFICATION OF LICENSE.**

No license shall be transferred or modified except with the written approval of the City Council.

No license transfer or modification shall become effective until after an administrative modification fee has been collected by the City.

#### **§ 113.08 – LICENSE TO REMAIN ACTIVE.**

Every license issued pursuant to this Chapter shall remain in continuous, active use. A license that is not being actively used for a period of more than fourteen (14) consecutive days or for sixty (60) cumulative days per calendar year may be deemed inactive by the Finance Officer. For purposes of this Chapter, the term active use includes times where the licensee is open and available to conduct business, including those times when business cannot occur due to factors entirely outside of the control of the licensee.

#### **§ 113.09 – SUSPENSION/REVOCAION OF LICENSE.**

- A. A license is subject to suspension and/or revocation under certain circumstances including, but not limited to:

1. Violation of any provision of this Chapter.
  2. The license has been deemed inactive.
- B. Upon determination by the Finance Officer that substantial evidence suggests that any of the circumstances identified above exist for the suspension and/or revocation of a license, a notice of suspension and/or revocation shall be either hand delivered or sent by certified mail, return receipt requested, to the licensee(s) at their address(es) listed on the approved application. The notice shall state the grounds for the suspension and/or revocation, the time and date of a hearing with the Town Board if the licensee(s) wishes to contest the suspension and/or revocation, and whether the license is temporarily suspended pending the outcome of the hearing. Upon issuance of the notice, the Finance Officer shall schedule the review hearing for the next regularly scheduled meeting of the Town Board occurring at least ten (10) business days after the notice was hand delivered or notice was mailed. Failure by any person to actually receive any document sent to him or her by certified mail or to sign and return any receipt card acknowledging receipt by certified mail shall not invalidate service made upon such person by certified mail.

In deciding whether a license will be suspended or revoked, the Town Board will consider all facts and circumstances relating to the grounds alleged in the notice to warrant suspension or revocation of the license.

4.0509 Fees Established. The fees established herein apply to each type of medical cannabis establishment license unless expressly stated otherwise. The types and amounts of fees are as follows:

- A. Medical Cannabis Establishment Application Fee: \$100.00.
- B. New Medical Cannabis Establishment Annual License Fee: \$5,000.00.
- C. Renewal Medical Cannabis Establishment Annual License Fee: \$5,000.00.
- D. Transfer Medical Cannabis Establishment Annual License Fee: \$5,000.00.
- E. Administrative Modification Fee: \$50.00.

4.0510 General Requirements of Licensee. The following requirements shall apply to each licensee and medical cannabis establishment:

- A. Each licensee shall keep any information stated in an approved application current and up to date.
- B. Each licensee shall have a continuing duty to comply with all applicable state and local laws and regulations.
- C. Each licensee shall have a continuing duty to comply with any conditions placed on its licensed by the Town Board.
- D. No medical cannabis establishment may share office space with a medical, psychiatric, counseling, chiropractic, or physical therapy practice. SDCL 34-20G-67.
- E. No medical cannabis establishment may be established, operated, or maintained within one thousand (1,000) feet of a public or private school.



- F. 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.
- G. 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.
- H. No medical cannabis facility shall be located on-premises for which a license to sell alcoholic liquor has been issued.
- I. A medical cannabis dispensary shall only sell cannabis, cannabis products, and paraphernalia aiding in the consumption of these items and is prohibited from selling any other item or providing any other service.
- J. A medical cannabis dispensary may be open to the public only between the hours of 8:00 a.m. and 8:00 p.m. daily; however, they may not operate on Sundays and federally recognized holidays.

4.0511 Liability and Indemnification. By accepting a license issued pursuant to this Chapter, the licensee, and all principal officers, board members, or other persons that own or operate the medical cannabis establishment, hereby waive and release the City, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of business owners, operators, employees, clients, or customers for a violation of state or federal laws, rules, or regulations.

4.0512 Compliance with Other Applicable Laws. All laws and regulations adopted by the State governing the cultivation, production, possession, or distribution of medical cannabis shall also apply to medical cannabis established licensed within the Town.

If the State prohibits the sale or other distribution of cannabis in such a manner as to make operation of a medical cannabis establishment pursuant to this Chapter conflict with such state prohibition, any licensed issued pursuant to this Chapter which would conflict with the state law or regulation shall be deemed immediately revoked by operation of law, with no ground for appeal or other redress on behalf of the licensee.

The issuance of any license pursuant to this Chapter shall not be deemed to create an exception, defense, or immunity for any person or entity in regard to any potential criminal liability the person or entity may have under federal law for the cultivation, possession, sale, distribution, or use of cannabis.

4.0513 Enforcement, Penalty, and Nuisance. Any person, entity, or agent of a person or entity violating a provision of this Chapter shall be subject to the general penalty provisions of Chapter 10.01. Such liability shall be in addition to any other penalty or remedy which may be applicable under the terms of this Chapter or by law.

In addition to any other remedy, the City Attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this

Chapter. Continued violations of this Chapter are deemed to be a public nuisance. Such application for relief may include seeking a temporary restraining order, temporary injunction, permanent injunction, or any other remedy available at law or in equity.

In the event of a violation, suspension, or revocation where the licensee may no longer legally possess cannabis, cannabis products, or other restricted items, the licensee shall be responsible to pay the costs incurred by the Town for securing, storing, safeguarding, transferring, and/or disposing of any cannabis, cannabis products, or other restricted items.

4.0514 Severability. If any section, sentence, clause, phrase, or portion of this Chapter is for any reason held to be invalid, unenforceable, or unconstitutional by a decision of any relevant authority or court of competent jurisdiction, such decision shall not affect the validity of the remaining portions and the remainder shall remain in full force and effect.

Adopted this 1<sup>st</sup> day of November, 2021.

\_\_\_\_\_  
Mayor

ATTEST:

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

Seal

First Reading: October 4, 2021

Second Reading & Adoption: November 1, 2021

Published: November 10, 2021

Effective Date: November 30, 2021

C. Lunning moved and J. Nelson seconded to approve the second reading of Ordinance 2021-07 Amending zoning regulations – Medical Cannabis Dispensary. Motion carried. Unanimous.

#### ORDINANCE NO. 2021-07

AN ORDINANCE OF THE CITY OF CENTERVILLE, SD, AMENDING THE 2019 REVISED CENTERVILLE ZONING REGULATIONS BY AMENDING CHAPTER 6.01, CB: CENTRAL BUSINESS DISTRICT, PERMITTED USES; CHAPTER 7.01, GB: GENERAL BUSINESS DISTRICT, PERMITTED USES; AND CHAPTER 19.02, DEFINITIONS, DEFINITIONS.

BE IT ORDAINED BY THE CITY OF CENTERVILLE, SD:

*Section 1. That Chapter 6.01 of the 2019 Revised Centerville Zoning Regulations is hereby amended to include the following:*

<p><b>Medical Cannabis Dispensary</b></p>	<p>All relevant standards and requirements found within Chapter 113 of the City of Centerville, South Dakota Code of Ordinances shall apply.</p> <p>No medical cannabis dispensary may commence operations until after it has received both an annual license issued by the Town and a registration certificate issued by the State of South Dakota.</p> <p>No medical cannabis establishment may share office space with a medical, psychiatric, counseling, chiropractic, or physical therapy practice. SDCL 34-20G-67.</p> <p>No medical cannabis establishment may be established, operated, or maintained within one thousand (1,000) feet of a public or private school.</p> <p>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.</p> <p>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.</p> <p>No medical cannabis facility may be located on-premises for which a license to sell alcoholic liquor has been issued.</p>
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*Section 2. That Chapter 7.01 of the 2019 Revised Centerville Zoning Regulations is hereby amended to include the following:*

<p><b>Medical Cannabis Dispensary</b></p>	<p>All relevant standards and requirements found within Chapter 113 of the City of Centerville, South Dakota Code of Ordinances shall apply.</p> <p>No medical cannabis dispensary may commence operations until after it has received both an annual license issued by the Town and a registration certificate issued by the State of South Dakota.</p> <p>No medical cannabis establishment may share office space with a medical, psychiatric, counseling, chiropractic, or physical therapy practice. SDCL 34-20G-67.</p> <p>No medical cannabis establishment may be established, operated, or maintained within one thousand (1,000) feet of a public or private school.</p> <p>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.</p> <p>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.</p> <p>No medical cannabis facility may be located on-premises for which a license to sell alcoholic liquor has been issued.</p>
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*Section 3. That Chapter 19.02 of the 2014 Revised Zoning Ordinance of the Town of Chancellor, SD, is hereby amended to include 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 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.* 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 (3/10) of one percent (1%) on a dry weight basis.

**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. See SDCL 34-20G-1.

**MEDICAL CANNABIS CULTIVATION FACILITY** – An entity registered with the State of South Dakota pursuant to SDCL 34-20G that acquires, possesses, cultivates, delivers, transfers,

transports, supplies, or sells cannabis and related supplies to a medical cannabis establishment. See SDCL 34-20G-1.

**MEDICAL CANNABIS DISPENSARY** – An entity registered with the State of South Dakota pursuant to SDCL 34-20G that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials to persons issued a registry identification card by the State. See SDCL 34-20G-1.

**MEDICAL CANNABIS PRODUCT MANUFACTURING FACILITY** – An entity registered with the State of South Dakota pursuant to SDCL 34-20G that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a medical cannabis dispensary. See SDCL 34-20G-1.

**MEDICAL CANNABIS TESTING FACILITY** – An independent entity registered with the State of South Dakota pursuant to SDCL 34-20G to analyze the safety and potency of cannabis. See SDCL 34-20G-1.

**MEDICAL CANNABIS ESTABLISHMENT** – A medical cannabis cultivation facility, a medical cannabis testing facility, a medical cannabis product manufacturing facility, or a medical cannabis dispensary. See SDCL 34-20G-1.

**GENERAL MANUFACTURING** – Those manufacturing processes including light manufacturing which have the potential to be a nuisance due to dust, odor, noise, vibration, pollution, smoke, heat, glare, or the operation of the processes outside the building. This definition does not include cannabis establishments.

**LIGHT MANUFACTURING** – Those manufacturing processes which are not obnoxious due to dust, odor, noise, vibration, pollution, smoke, heat, or glare. These commercial and industrial uses are characterized by generally having all aspects of the process carried on within the building itself. This definition does not include cannabis establishments.

**RETAIL SERVICES AND TRADE** – Establishments engaged in selling products, goods, or merchandise to the general public for personal or household consumption; and establishments engaged in providing services or entertainment to the general public including eating establishments; hotels; motels; repair shops; indoor amusement; copying services; health spas; professional, educational, and social services; and other miscellaneous services but does not include on-sale alcoholic beverage establishments or cannabis establishments.

Adopted this 1<sup>st</sup> day of November, 2021.

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Mayor

ATTEST:

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Finance Officer

Seal

First Reading: October 4, 2021

Second Reading & Adoption: November 1, 2021

Published: November 10, 2021

Effective Date: November 30, 2021

Published once at the approximate cost of \_\_\_\_\_.

J. Nelson moved and C. Lunning seconded to approve the second reading of Ordinance 2021-08 supplemental appropriations. Motion carried. Unanimous.

ORDINANCE NO. 2021-08  
SUPPLEMENTAL APPROPRIATIONS ORDINANCE

Be it ordained by the City of Centerville that the following sum is supplementally appropriated to meet the obligations of the municipality:

410	Mayor & Council	
4210	Insurance Expenses	\$ 101.00
4293	Covid Reimbursement	\$ 500.00
412	City Attorney	
4220	Professional Services	\$ 4,000.00
414	Financial Administration	
4210	Insurance Expense	\$ 28.00
4260	Supplies & Materials	\$ 8.00
4290	Other Expense	\$ 6.00
419	Gen Govt Buildings	
4210	Insurance Expense	\$ 42.00
4281	Electricity/Utilities	\$ 3,000.00
4290	Other Expenses	\$ 2.00
4390	Other Improvements	\$ 4,000.00
421	Police Department	
4210	Insurance Expense	\$ 499.00
4281	Electricity/Utilities	\$ 1,000.00
422	Fire Department	
4210	Insurance Expense	\$ 320.00
4281	Electricity/Utilities	\$ 600.00
4290	Other Expenses	\$ 130.00
431	Street Department	
4210	Insurance Expense	\$ 318.00
452	Parks Department	
4210	Insurance Expense	\$ 282.00

4260	Supplies & Materials	\$	1.40
4281	Electricity/Utilities	\$	3,000.00
4290	Other Expense	\$	65.00
453	Swimming Pool		
4210	Insurance Expense	\$	217.00
4250	Repairs & Maintenance	\$	517.00
4260	Supplies & Materials	\$	51.00
455	Library		
4210	Insurance Expense	\$	112.00
461	Economic Development		
4210	Insurance Expense	\$	64.00
Total Appropriations			<u>\$ 18,863.40</u>
Sources of Funding			
	Unassigned Fund Balance – General	\$	18,863.40
			<u>\$ 18,863.40</u>

\_\_\_\_\_  
Kent Austin, Mayor

The next regular City Council meeting will be held Monday, December 6, 2021 at 5:30 p.m.

There being no further matters to discuss, V. Sikkink moved and C. Lunning seconded the meeting be adjourned. Motion carried. Unanimous. Meeting adjourned at 6:17 p.m.

\_\_\_\_\_  
Kent Austin, Mayor

Attest: \_\_\_\_\_  
Finance Officer