

Date Received: \_\_\_\_\_

**LAWRENCE COUNTY  
Medical Cannabis License**

State License No: \_\_\_\_\_

Date Issued: \_\_\_\_\_

CUP No: \_\_\_\_\_

**A. OWNER'S NAME AND ADDRESS**

Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Phone Number: \_\_\_\_\_

Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_  
(if applicant is an individual)

**B. BUSINESS NAME AND ADDRESS**

Name \_\_\_\_\_

Physical Address \_\_\_\_\_  
\_\_\_\_\_

Mailing Address \_\_\_\_\_  
\_\_\_\_\_

Phone Number \_\_\_\_\_

State Sales Tax Number \_\_\_\_\_

**C. INDICATE CLASS OF LICENSE BEING APPLIED FOR**

(Submit separate application per class of license)

- Cannabis Cultivation Facility
- Cannabis Dispensary \$10,000 \*\*
- Cannabis Product Manufacturing Facility
- Cannabis Testing Facility

\*\*attach State Permit

Do you own or lease the property?	<input type="checkbox"/> Own <input type="checkbox"/> Lease
Are the property taxes paid to date?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Is this license in active use?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Do you or any officers, directors, partners, or stockholders hold any other cannabis or alcohol licenses?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, fill license info on back of this form.
Have you ever been convicted of a violent felony in the last ten (10) years?	<input type="checkbox"/> Yes <input type="checkbox"/> No

**D. LEGAL DESCRIPTION OF LICENSED PREMISE**

\_\_\_\_\_

E.  New License  Re-issuance

**F. CERTIFICATE:** The undersigned applicant certifies under penalty of perjury that all statements provided herein are correct; that the said applicant complies with all the statutory requirements for the class of license being applied in SDCL 34-20G, and agrees this application shall constitute a contract between applicant and Lawrence County entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 34-20G SDCL, as amended.

_____	_____	_____
Date	Print Name	Signature

**G. APPROVAL OF COUNTY COMMISSION**

Notice of hearing was published on \_\_\_\_\_, Public hearing on the application was held \_\_\_\_\_, not less than SEVEN (7) days after official publication. The Lawrence County Commission by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Amount of fee collected with application:  
\$ \_\_\_\_\_

_____	_____
Signature of Chairman	Date

**OTHER CANNABIS OR ALCOHOL LICENSES HELD:**

Name	Type of License	License #	Financial Interest Held	Address of Business Location

**FOR CORPORATE/PARTNERSHIP/LP/LLC APPLICANTS**

Name of corporation/partnership/LP/LLC

Address of office and principal place of business

Are all managing officers of this corporation/partnership/LP/LLC of good moral character having never been convicted of a violent felony offense in the previous ten (10) years? ( ) Yes ( ) No

Name of any officers, directors, partners, stockholders or managers:

Name	Office Held	Birthdate	Address	Occupation

Where and with whom are all company records kept, such as charter, by-laws, minutes, accounts, notes payable, and notes and accounts receivable, etc.?

**With signature the applicant agrees to the following:**

That the applicant company will comply with all provisions of ARSD chapter No. 44:90 of the Department of Health and ARSD chapter No. 24:80 of the Department of Education, and failure to comply therewith, whether by the undersigned corporation, partnership/LP/LLC or by any stockholder thereof, or by anyone interested in said company, shall constitute cause for revocation or suspension of any license issued pursuant to and in reliance on this application, or for refusal to renew such license upon expiration thereof.

We the undersigned officers and directors of the applicant company acknowledge that the within supplement application form is true and correct in every respect and that there exists no financial arrangement concerning this or any other cannabis license that expressly set forth above.

Signature of Authorized Officer, Director/Partner	Date
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## ORDINANCE 2021-01

### AN ORDINANCE CREATING LICENSING PROVISIONS FOR CANNABIS ESTABLISHMENTS

**BE IT ORDAINED** by the Board of County Commissioners of Lawrence County that the following rules and regulations regarding licensing provisions for cannabis establishments, are hereby adopted:

1. **PURPOSE AND INTENT:** The Board of County Commissioners of Lawrence County enacts the following licensing ordinances in order to ensure that cannabis establishments within the unincorporated areas of the County 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.
2. **DEFINITIONS:** 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.
  - a. **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 of one percent on a dry weight basis.
  - b. **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.
  - c. **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.
  - d. **Cannabis Establishment:** cannabis cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a cannabis dispensary.
  - e. **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.
  - f. **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

- g. **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.
- h. **Department:** the South Dakota Department of Health

### 3. LICENSE REQUIRED

- a. No cannabis establishment may be located or operated in the unincorporated area of the County without the appropriate valid and current cannabis establishment license issued by the County pursuant to this article. A violation of this provision is subject to the general penalty provision in Section 16 herein. Each day of the violation constitutes a separate offense.
- b. No cannabis establishment may be located or operate in the unincorporated area of the County without the appropriate valid and current cannabis establishment registration certificate issued by the Department pursuant to rules promulgated under SDCL 34-20G. A violation of this provision is subject to the general penalty provision in Section 16 herein. Each day of the violation constitutes a separate offense.

### 4. LICENSE APPLICATION

- a. An application for a cannabis establishment license must be made on a form provided by the County. No other application form will be considered.
- b. The applicant must submit the following:
  - i. Application fee of \$10,000. The County will reimburse \$5,000 for applicants who fail to obtain a registration certificate from the South Dakota Department of Health.
  - ii. An application that will include, but is not limited to, the following:
    - 1. The legal name of the prospective cannabis establishment;
    - 2. The physical address of the prospective cannabis establishment that meets the zoning requirements in the Lawrence County Zoning Ordinance as well as any location requirements pursuant SDCL 34-20G and the administrative rules promulgated thereunder.
    - 3. The name, address, and birth date of each principal officer, owner, and board member of the proposed cannabis establishment.
    - 4. A sworn statement that no principal officer, owner, or board member has been convicted of a violent felony offense in the previous ten (10) years in any jurisdiction.

5. Any additional information requested by the County.

## 5. ISSUANCE OF LICENSE

- a. The County will issue a license unless:
  - i. The applicant has made a false statement on the application or submits false records or documentation; or
  - ii. Any owners, principal officer, or board member of the applicant is under the age of twenty-one (21) years; or
  - iii. Any owner, principal officer, or board member of the applicant has been convicted of a violent felony offense in the previous ten (10) years in any jurisdiction;
  - iv. The proposed location does not meet the applicable zoning requirements under the Lawrence County Zoning Ordinance;
  - v. The proposed location does not meet all location requirements under SDCL 34-20G and the administrative rules promulgated thereunder;
  - vi. The license is to be used for a business prohibited by state or local law, statute, rule, ordinance, or regulation; or
  - vii. Any owner, principal officer, or board member of the applicant has had a cannabis establishment license revoked by the County or a registration certificate revoked by the state; or
  - viii. An applicant, or an owner, principal officer, or board member thereof, is overdue in payment to the County of taxes, fees, fines, or penalties assessed against or imposed upon the applicant in relation to any cannabis establishment; or
  - ix. The applicant will not be operating the business for which the license would be issued.
- b. In the case of an application for a cannabis dispensary license, the County will reject the application if the limit on the number of cannabis dispensaries has been reached.
- c. The license must be posted in a conspicuous place at or near the entrance to the cannabis establishment so that it may be easily read at any time.

## 6. COUNTY NEUTRALITY AS TO APPLICANTS

- a. Upon request from the Department as to the County's preference of applicants, the County will neither support nor oppose any registration certificate application under consideration by the Department. Likewise, if inquiry is made by the Department, the County will abstain from endorsing any application as beneficial to the community.

## 7. NUMBER OF CANNABIS DISPENSARIES

- a. No more than 1 (one) cannabis dispensary shall be allowed to operate in the unincorporated area of the County at any time.

#### **8. EXPIRATION OF LICENSE AND RENEWAL**

- a. Each license expires one year from the date of issuance and may be renewed only by making an application as provided in Section 4 herein. Application for renewal must be submitted at least thirty (30) days before the expiration date. The license holder must continue to meet the license requirements to be eligible for a renewal.
- b. The renewal fee is \$500. The County will reimburse \$500 for applicants who fail to obtain a renewal of their registration certificate from the Department.
- c. Failure to renew a license in accordance with this section may result in additional fees. Upon expiration of the license, the County may order closure of the cannabis establishment.
- d. If a license holder has not operated an establishment for which it holds a license in the preceding twelve (12) months, the license will not be renewed.

#### **9. SUSPENSION**

- a. A license may be suspended if the license holder or an employee or agent of the license holder:
  - i. Violates or is otherwise not in compliance with any section of this article.
  - ii. Consumes or smokes or allows any person to consume or smoke cannabis on the premises of the cannabis establishment.
  - iii. Knowingly dispenses or provides cannabis or cannabis products to an individual or business to whom it is unlawful to provide cannabis or cannabis products.
- b. A license may be suspended if the license holder has its Department-issued registration certificate suspended, revoked, or not renewed by the Department or if the registration certificate is expired.
- c. A license may be suspended if the license holder creates or allows to be created a public nuisance at the cannabis establishment.

#### **10. REVOCATION**

- a. A license may be revoked if the license is suspended under Section 9 herein and the cause for the suspension is not remedied.
- b. A license may be revoked if the license is subject to suspension under Section 9 herein because of a violation outlined in that section and the license has been previously suspended in the preceding 24 months.

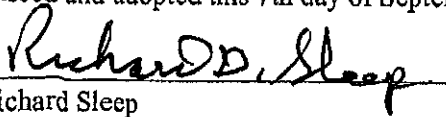
- c. A license is subject to revocation if a license holder or employee of a license holder:
- i. Gave false or misleading information in the material submitted during the application process;
  - ii. Knowingly allowed possession, use, or sale of non-cannabis controlled substances on the premises;
  - iii. Operated the cannabis establishment or the business of the cannabis establishment for which a license is required under this article while the license was suspended;
  - iv. Repeated violations of Section 9, 10 and 11;
  - v. Operated a function of a cannabis establishment for which the license holder was not licensed (e.g., a licensed cannabis cultivation facility conducting cannabis testing functions without a cannabis testing establishment license);
  - vi. A license holder, or an owner, principal officer, or board member thereof, is delinquent in payment to the city, county, or state for any taxes or fees related to the cannabis establishment;
  - vii. A license holder, or an owner, principal officers, or board member thereof, has been convicted of, or continues to employ an employee who has been convicted of, a disqualifying felony offense as defined by SDCL 34-20G; or
  - viii. The license holder has its Department-issued registration certificate suspended, revoked, or not renewed or the registration certificate is expired.
  - ix. The license holder allows a public nuisance to continue after notice from the County.

## 11. SUSPENSION AND REVOCATION PROCESS

- a. The license holder will receive a notice of intent to suspend or notice of intent to revoke informing the license holder of the violation and the County's intention to suspend or revoke the license. The notice will be hand delivered to the license holder or an employee or agent of the license holder or sent by certified mail, return receipt requested to the physical address of the cannabis establishment.
- b. If the license holder disputes the suspension or revocation, the license holder has ten (10) days from the postmark date on the notice or the date the notice was hand delivered to request a hearing before a hearing panel, which will consist of the County Commission Chairperson, Auditor, Sheriff, and Planning & Zoning Administrator.
- c. A suspension will be for thirty (30) days and begins ten (10) days after the postmark date on the notice or the date the notice is hand delivered unless the license holder exercises its rights to process and appeal, in which case the suspension takes effect upon the final determination of suspension.

- d. A revocation will be for one (1) year and begins ten (10) days after the postmark date on the notice or the date the notice is hand delivered unless the license holder appeals the revocation, in which case the revocation takes effect upon the final determination of revocation.
- e. The license holder who has had the license revoked may not be issued any cannabis establishment license for one year from the date the revocation became effective.
- 12. APPEAL:** An applicant or license holder who has been denied a license or renewal of a license or who has had a license suspended or revoked under this article may appeal to the Board of County Commissioners by submitting a written appeal within ten (10) days of the postmark on the notice of denial, nonrenewal, suspension, or revocation. The written appeal must be submitted to Lawrence County Auditor's Office, 90 Sherman Street, Deadwood SD, South Dakota, 57732. The appeal will be considered by the Board of County Commissioners at a regularly scheduled meeting within one month of the receipt of the appeal.
- 13. LICENSES NOT TRANSFERABLE:** No cannabis establishment license holder may transfer the license to any other person or entity either with or without consideration, nor may a license holder operate a cannabis establishment at any place other than the address designated in the application.
- 14. HOURS OF OPERATION FOR DISPENSARIES:** No cannabis dispensary may operate between the hours of 10:00 pm and 8:00 am any day of the week.
- 15. LIABILITY FOR VIOLATIONS:** Notwithstanding anything to the contrary, for the purposes of this article, an act by an employee or agent of a cannabis establishment that constitutes grounds for suspension or revocation will be imputed to the cannabis establishment license holder for purposes of finding a violation of this article, or for purposes of license denial, suspension, or revocation, only if an officer, director or general partner or a person who managed, supervised or controlled the operation of the cannabis establishment, knowingly allowed such act to occur on the premises.
- 16. PENALTIES:** Any person who operates or causes to be operated a cannabis establishment without a valid license or in violation of this article is subject to a suit for injunction as well as prosecution for ordinance violations. Such violations are punishable by a maximum fine of five hundred dollars (\$500.00). Each day a cannabis establishment so operates is a separate offense or violation.
- 17. 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.

Passed and adopted this 7th day of September, 2021.

  
Richard Sleep  
Chair, Lawrence County Commission



ORDINANCE NO. 21-04

AN ORDINANCE ENTITLED, AN ORDINANCE TO AMEND Chapter 5, "GENERAL DISTRICT PROVISIONS"; CHAPTER 6 "DISTRICT REGULATIONS", SECTION II-6.009 "ALLOWED USES" [C/LI - COMMERCIAL/LIGHT INDUSTRIAL DISTRICT]; CHAPTER 10 "ADDITIONAL USE REGULATIONS"; AND CHAPTER 3, "DEFINITIONS", ADOPTED BY ORDINANCE 21-04 AS AMENDED, OF THE ZONING ORDINANCE OF LAWRENCE COUNTY.

BE IT ORDAINED by the Board of County Commissioners of Lawrence County, South Dakota; that CHAPTER 6 "DISTRICT REGULATIONS," adopted by Ordinance 21-04 on 7th day of September, 2021 as amended, of the Zoning Ordinance of the Lawrence County be amended by adding the following Section in bold and underline font:

**II-5.006 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 ORDAINED by the Board of County Commissioners of Lawrence County, South Dakota; that CHAPTER 6 "DISTRICT REGULATIONS", SECTION II-6.009 "ALLOWED USES" [C/LI - COMMERCIAL/LIGHT INDUSTRIAL DISTRICT], adopted by Ordinance 21-04 on 7th day of September, 2021 as amended, of the Zoning Ordinance of Lawrence County be amended by adding language in bold and underline font:

**31. Cannabis Dispensary (subject to Chapter 10 - II-10.013 "Additional Use Regulations")**

BE IT FURTHER ORDAINED by the Board of County Commissioners of Lawrence County, South Dakota; that that Chapter 10, II-10.013 "ADDITIONAL USE REGULATIONS" adopted by Ordinance 21-04 on 7th day of September, 2021 as amended, of the Zoning Ordinance of Lawrence County be amended by adding the following Chapter in bold and underline font:

**CHAPTER 10 - II 10.0013 CANNABIS DISPENSARIES.**

**1. Maximum Number of Cannabis Dispensaries.**

- 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 County shall allow (1) one cannabis dispensary provided the time, place, and manner of said dispensary comply with this ordinance.

**2. Required Separation Distances**

- a. Must be located at least 1,000 feet from a single-family dwelling. This distance shall be

- measured in a straight line from the exterior walls of the building (or portion thereof in which medical cannabis establishment is conducted or proposed to be conducted), to the property line of the single-family dwelling.
- b. Must be located at least 1,000 feet from a public or private school. This distance shall be measured in a straight line from the exterior walls of the building (or portion thereof in which the medical cannabis establishment is conducted or proposed to be conducted), to the property line of the public or private school.
  - c. Must be located at least 1,000 feet from a church. This distance shall be measured in a straight line from the exterior walls of the building (or portion thereof in which the medical cannabis establishment is conducted or proposed to be conducted), to the property line of the church.
  - d. Must be located at least 1,000 feet from a public service facility. This distance shall be measured in a straight line from the exterior walls of the building (or portion thereof in which the medical cannabis establishment is conducted or proposed to be conducted), to the property line of the public service facility.
  - e. Must be located at least 1,000 feet from a park. This distance shall be measured in a straight line from the exterior walls of the building (or portion thereof in which the medical cannabis establishment is conducted or proposed to be conducted), to the property line of the park.
  - f. Must be located at least 1,000 feet from another medical cannabis establishment. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which each of the medical cannabis establishments are conducted or proposed to be conducted.
  - g. 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.
  - h. Prescribed separation/setback distances from certain existing uses are to be measured from the lot line of the property where the dispensary is proposed.

### 3. Other Locational Requirements

- a. Permanent or temporary dispensaries are prohibited in all other zoning districts and are not eligible for home occupation use.
- b. It shall be unlawful to operate a dispensary in a building which contains a residence or a mixed-use building with commercial and residential uses.

### 4. Controlled Access - No cannabis establishment shall share premises with or permit access directly from another medical 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 8:00 am and 10:00 pm 7 days of the week.

### 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 dispensaries 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

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 International Building Code and International Fire Codes adopted by the County.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Lawrence County, South Dakota: that CHAPTER 3, "DEFINITIONS" adopted by Ordinance 21-04 7th day of September, 2021, as amended, of the Zoning Ordinance of Lawrence County be amended by adding 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. (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.

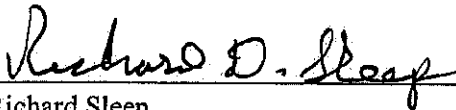
**CANNABIS ESTABLISHMENT:** a cannabis cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a cannabis dispensary.

**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.

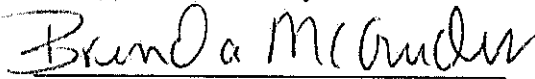
**CANNABIS PRODUCTS:** any concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof, and are intended for use or consumption by humans. The term includes edible cannabis products, beverages, topical products, ointments, oils, and tinctures.

**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.

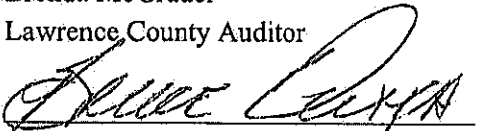
Passed and adopted this 7th day of September, 2021.



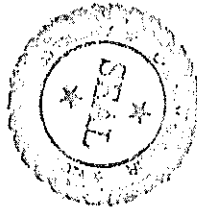
Richard Sleep  
Chair, Lawrence County Commission



Brenda McGruder  
Lawrence County Auditor



Bruce Outka  
Deputy State's Attorney



First Reading: AUG 17, 2021

Second Reading: SEP 7, 2021

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