

ORDINANCE NO. #714

AN ORDINANCE ENTITLED, AN ORDINANCE TO AMEND ARTICLE 1 GENERAL PROVISIONS, ARTICLE 6 NEIGHBORHOOD COMMERCIAL DISTRICT, ARTICLE 7 COMMUNITY COMMERCIAL DISTRICT, ARTICLE 8 REGIONAL COMMERCIAL DISTRICT, ARTICLE 9 CENTRAL BUSINESS DISTRICT, ARTICLE 10 LIGHT INDUSTRIAL DISTRICT, ARTICLE 11 HEAVY INDUSTRIAL DISTRICT, ARTICLE 12 ADDITIONAL USE REGULATIONS, AND ARTICLE 20 DEFINITIONS OF THE HARTFORD CODE OF ORDINANCES TITLE 9 PLANNING AND ZONING CHAPTER 9.03 ZONING REGULATIONS, AND THE REPEAL OF ALL RESOLUTIONS AND ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED by the City Council of the City of Hartford, South Dakota: that Article 1 General Provisions adopted by the 2016 Revised Hartford Zoning Regulations of the City of Hartford be amended by adding the following:

1.04.01 Prohibited Uses

All uses and structures not specifically listed as a 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 Hartford, South Dakota: that Article 6 Neighborhood Commercial District adopted by the 2016 Revised Hartford Zoning Regulations as amended of the City of Hartford be amended by adding the following:

6.01 Permitted Uses

Cannabis Dispensaries	12.02, 12.04, 12.05, 12.06, 12.11, 12.16
------------------------------	---

BE IT FURTHER ORDAINED by the City Council of the City of Hartford, South Dakota: that Article 7 Community Commercial District adopted by the 2016 Revised Hartford Zoning Regulations as amended of the City of Hartford be amended by adding the following:

7.01 Permitted Uses

Cannabis Dispensaries	12.02, 12.04, 12.05, 12.06, 12.11, 12.16
------------------------------	---

BE IT FURTHER ORDAINED by the City Council of the City of Hartford, South Dakota: that Article 8 Regional Commercial District adopted by the 2016 Revised Hartford Zoning Regulations as amended of the City of Hartford be amended by adding the following:

8.01 Permitted Uses

Cannabis Dispensaries	12.02, 12.04, 12.05, 12.06, 12.11, 12.16
------------------------------	---

BE IT FURTHER ORDAINED by the City Council of the City of Hartford, South Dakota: that Article 9 Central Business District adopted by the 2016 Revised Hartford Zoning Regulations as amended of the City of Hartford be amended by adding the following:

9.01 Permitted Uses

Cannabis Dispensaries	12.02, 12.04, 12.05, 12.06, 12.11, 12.16
------------------------------	---

BE IT FURTHER ORDAINED by the City Council of the City of Hartford, South Dakota: that Article 10 Light Industrial District adopted by the 2016 Revised Hartford Zoning Regulations as amended of the City of Hartford be amended by adding the following:

10.01 Permitted Uses

Cannabis Cultivation Facility	12.02, 12.04, 12.05, 12.06, 12.11, 12.16
Cannabis Product Manufacturing Facility	12.02, 12.04, 12.05, 12.06, 12.11, 12.16
Cannabis Testing Facility	12.02, 12.04, 12.05, 12.06, 12.11, 12.16

BE IT FURTHER ORDAINED by the City Council of the City of Hartford, South Dakota: that Article 11 Heavy Industrial District adopted by the 2016 Revised Hartford Zoning Regulations as amended of the City of Hartford be amended by adding the following:

11.01 Permitted Uses

Cannabis Cultivation Facility	12.02, 12.04, 12.05, 12.06, 12.11, 12.16
Cannabis Product Manufacturing Facility	12.02, 12.04, 12.05, 12.06, 12.11, 12.16
Cannabis Testing Facility	12.02, 12.04, 12.05, 12.06, 12.11, 12.16

BE IT FURTHER ORDAINED by the City Council of the City of Hartford, South Dakota: that Article 12 Additional Use Regulations adopted by the 2016 Revised Hartford Zoning Regulations as amended of the City of Hartford be amended by adding the following:

12.16 CANNABIS DISPENSARIES.

A. Required Separation Distances

- 1. A cannabis dispensary shall be located not less than One-thousand Feet (1,000') from a public or private school K-12 existing before the date of the cannabis dispensary application.**
- 2. Prescribed separation/setback distances from a public or private school existing before the date of the cannabis dispensary application are to be measured from the lot line of the property where the dispensary is proposed.**
- 3. It shall be unlawful for a medical marijuana establishment to share office space with a practitioner as defined in SDCL 34-20G-1(20).**

B. Other Locational Requirements

1. **Permanent or temporary dispensaries are prohibited in all other zoning districts and not eligible for a home occupation use.**
2. **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.**
3. **Drive-thru services shall only be permitted for the dispensing of medical cannabis and all other sales must be completed at the dispensary location.**

C. 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.

D. Hours of operation:

1. **Cannabis dispensaries are allowed to be open between the hours of 6:00 a.m. and 12:00 a.m. each day of the week.**

E. Documentation of State Licensure.

1. **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.**

F. The zoning official is authorized to issue permits (building/use) for cannabis dispensaries subject to following:

1. **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

2. Documentation of ability to meet setback/separation requirements.

3. Documentation of State Licensure.

G. All Cannabis Establishments are required to be constructed in conformance with the most recent edition of the International Building Code and International Fire Code adopted by City Council of the City of Hartford.

BE IT FURTHER ORDAINED by the City Council of the City of Hartford, South Dakota: that Article 20 DEFINITIONS, section 20.02, "Definitions" adopted by the 2016 Revised Hartford Zoning Regulations as amended of the City of Hartford be amended by adding the following:

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.

ATTEST:

By: _____
Jeremy Menning, Mayor

Finance Officer

First Reading: 8/31/21

Second Reading 9/7/21

Date Adopted: 9/7/21

Date Published: 9/10/21

Effective Date: 9/30/21