

ORDINANCE 2021-09

AN ORDINANCE AMENDING ORDINANCE 2021-05 WITH RESPECT TO LICENSING PROVISIONS FOR CANNABIS ESTABLISHMENTS.

BE IT ORDAINED by the City Council of the City of Beresford that Ordinance 2021-05 which was codified into Title 4 of the Ordinances of the City of Beresford as Chapter 4.05 be amended as follows:


1. **Section 4.0504 be amended to read as follows:**
 - A. An application for a cannabis establishment license must be made on a form provided by the City. No other application form will be considered.
 - B. The applicant must submit the following:
 1. A non-refundable application fee which shall be in such amount as established by the City Council from time to time by resolution.
 2. An initial license fee in such amount as established by the City Council from time to time by resolution. The initial license shall be for a period running from the date of issuance through the remainder of the calendar year without proration for any portion of the year which precedes the date of issuance of said license. The license fee shall be refunded if the applicant fails to obtain a registration certificate from the South Dakota Department of Health.
 3. An application that will include, but is not limited to the following:
 - A. The legal name of the prospective cannabis establishment;
 - B. The physical address of the prospective cannabis establishment that meets the zoning requirements in Chapter 9.05 Zoning Regulations as well as any local requirements pursuant SDCL 34-20G and the administrative rules promulgated thereunder.
 - C. The name, address and birth date of each principal officer, owner, and board member of the proposed cannabis establishment.
 - D. 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.
 - E. Any additional information requested by the City.
2. **That a new section be added as follows: Section 4.0504A Procedure for Consideration of Application for Available Cannabis Dispensary Licenses.**
 - A. If any licenses to operate a cannabis dispensary is available from the City on the first day of any month, the City shall publish an invitation for applications on the City's website stating the deadline to apply is the last business day of that month and the location where applications may be submitted. No applications will be accepted prior to the publication of the invitation or after the deadline established in the published invitation.
 - B. Applications must adhere to the requirements of this chapter but must also be sealed. No supplementing of an application may be done after the deadline has passed.
 - C. Once the deadline for submission of applications has passed, if the number of applications exceed the number of available licenses, all applications shall be placed into order by the City utilizing a lottery system to establish the order in which applications would be considered. Prior to conducting the lottery, the City shall publish notice of the lottery on the City's website at a minimum of 24 hours in advance of the lottery being conducted and such lottery shall be open to the public.

- D. After placed in order, the licensing person designated by the City shall open all sealed applications received during the invitation submittal window and review each application for completeness and the requirements established by the City. Any application that is incomplete shall be rejected and ineligible for further consideration.
- E. After all eligible applications have been approved or denied, the time period for these special procedures will be deemed to have passed. All applications not drawn and approved for a dispensary license are denied and a new application will be required when a new dispensary license next becomes available.

3. Section 4.0508 of Ordinance 2021-05 be amended to read as follows:

- A. Each license expires on December 31 and may be renewed only by making application as provided in Section 4.0504. Applications for renewal must be submitted at least 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 shall be in such amount as established by the City Council from time to time by resolution.
- C. Failure to renew a license in accordance with this section may result in additional fees. Upon expiration of the license, the City 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 proceeding twelve (12) months, the license will not be renewed.

Passed and adopted this 6th day of December, 2021.

By: 
Nathan Anderson, Mayor

ATTEST:



Elaine Johnson
Municipal Finance Officer

First Reading: Nov. 22, 2021
Second Reading: Dec. 6, 2021
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