

FALL RIVER COUNTY APPROVED MINUTES OF NOVEMBER 17, 2022

The Fall River Board of County Commissioners met in regular session on November 17, 2022. Present: Joe Allen, Les Cope, Joe Falkenburg, Heath Greenough, Deb Russell and Sue Ganje, Auditor.

The Pledge of Allegiance was given, and the meeting called to order at 9:00 a.m.

The agenda was reviewed for conflicts; none were noted. ALL MOTIONS RECORDED IN THESE MINUTES WERE PASSED BY UNANIMOUS VOTE, UNLESS OTHERWISE STATED. The full context of the meeting can be found on the county website under Commissioners at <http://fallriver.sdcountries.org>, or under Fall River County Commission, SD at <http://www.YouTube.com>.

Motion made by Greenough, seconded Russell, to approve the agenda as written.

Motion made by Russell, seconded by Allen, to approve the minutes of November 10, 2022.

Motion made by Russell, seconded by Allen, to approve the October Auditor's Account with the Treasurer as follows:

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

TO THE HONORABLE BOARD OF FALL RIVER COUNTY COMMISSIONERS:

I hereby submit the following report of my examination of the cash and cash items in the hands of the County Treasurer of this County on this 31st day of October 2022.

Total Amount of Deposit in First Interstate Bank, HS:	\$	1,941,369.46
Total Amount of Deposit in First National Bank-ARP Checking, Lead:	\$	1,000.00
Total Amount of Cash:	\$	8,479.82
Total Amount of Treasurer's Change Fund:	\$	900.00
Total Amount of Checks in Treasurer's Possession Not Exceeding Three Days:	\$	376,990.73
SAVINGS:		
#4) First Interstate Bank, HS:	\$	213,379.75
#18) First National Bank of Lead-ARP ICS Acct	\$	1,032,198.81
#20) First National Bank of Lead-RAI MM Acct	\$	111,936.22

CERTIFICATES OF DEPOSIT:

#8) Black Hills Federal Credit Union, HS:	\$	250,000.00
#14) Schwab Treasury:	\$	938,900.04
#15) First National Bank, Lead:	\$	315,294.45
#21) Schwab Treasury 2 Yr:	\$	264,708.13
#22) Schwab Treasury 2 Yr:	\$	966,370.31
#23) Schwab Treasury 2 Yr:	\$	967,500.00
#24) Schwab Treasury 2 Yr:	\$	1,994,796.88
#25) Schwab Treasury 3 Yr:	\$	1,931,250.00
#26) Schwab Treasury 4 Yr:	\$	992,743.13

Itemized list of all items, checks and drafts that have been in the Treasurer's possession over three days:

Register of Deeds Change Fund:	\$	500.00
Highway Petty Cash:	\$	20.00
Election Petty Cash:	\$	15.00

RETURNED CHECKS:

\$ -

TOTAL \$ 12,308,352.73

Dated This 31st Day of October 2022.

/s/Sue Ganje, County Auditor of Fall River County

/s/Teresa Pullen, County Treasurer of Fall River County

County Monies	\$	9,896,150.46
Held for other Entities	\$	2,188,151.13
Held in Trust	\$	224,051.14
TOTAL	\$	12,308,352.73

The Above Balance Reflects County Monies, Monies Held in Trust, and Monies Collected for and to be remitted to Other ENTITIES: SCHOOLS, TOWNS, AND STATE.

Motion made by Cope, seconded by Allen, to approve longevity pay for Isnalawica Belt (Deputy Sheriff) and Rachel Hosterman (Sheriff Administrative Assistant), \$25.00 each per month and pay raises for Cody Romey (DOE), 2080 hours, \$13.00 to \$14.00 per hour, effective November 14, 2022 and Samuel Costa (Highway Department), 2080 hours, \$17.05 to \$18.05, effective November 3, 2022, as per union contract.

There were no applicants for county assistance.

Jackie Waldner, Community Health Nurse, met with the Board. Motion made by Russell, seconded by Greenough, to approve hiring Anna Maciejewski at \$16.18 per hour, effective December 1, 2022, as per union contract.

Lyle Norton, Deputy Sheriff, met with the Board. Motion made by Greenough, seconded by Allen, to approve the Idemia Duplexer Printer, compatible with IDEMIA Livescan Fingerprint Machine, in the amount of \$1,550.00.

Motion made by Russell, seconded by Allen, to surplus to junk the old Idemia Duplexer Printer.

Stacey Martin, GIS, reported to the Board that Vanguard has provided the best quote for a new online mapping system. Martin would like to see the county lock in for 5 years and pay \$2,887.50 per year, with a one time license fee of \$7,500.00. If Fall River County and Oglala Lakota County go in together, Vanguard will discount the one time license fee to \$1,000.00 each and apply an additional 5% discount to the yearly service fees, if both counties sign a 5-year contract. Martin believes that this is the way to go but would like to bring it to the next meeting for official approval for further research.

Motion made by Greenough, seconded by Cope, to table the decision on the online mapping until the December 1, 2022 meeting.

Discussion was held on YouTube censoring commissioner meetings. Martin spoke of difficulties finding old videos on Facebook if somebody wanted to refer back; YouTube is a better way of archiving. Martin would like to wait until the end of the year before settling on a new free service. The Board asked that the service with YouTube be stopped, effective immediately, with Martin linking Facebook videos to the website, until another service can be found.

Randy Seiler, Highway Superintendent, met with the Board. Motion made by Russell, seconded by Allen, to approve the October 2022 transfers to reimburse the Highway Department for fuel used or work performed as follows: Sheriff's Department for \$3,284.94; Weed and Pest Office for \$232.47; Building for \$74.75; Emergency Management for \$87.76; and Director of Equalization for \$224.16.

Seiler updated the Board that they have been spot graveling and blading, putting up signs and trimming trees. Commissioner Falkenburg recommended that it would be a good time to haul gravel; Seiler stated they would start next week. Commissioner Greenough spoke of the need to work on the Ardmore Bridge; Seiler reported that one bridge had been replaced with culverts and holes filled in, the other bridge will be attended to when they can pour cement in the spring.

Sheriff Evans reported to the Board that there are 11 males and 4 females in the Fall River County Jail, with 1 male and 1 female in the Pennington County Jail, for a total of 17 inmates.

Joe Falkenburg, Commissioner, reported to the Board about concerns with the future of grazing on Forest Service Lands and predator control. Commissioner Falkenburg would like Commissioner Cope to follow up more with the Black Hills Forest Service.

Motion made by Greenough, seconded by Cope, to write a letter to the congressional delegates regarding Forest Service Lands and predator control.

Sue Ganje, Auditor, met with the Board. Motion made by Russell, seconded by Allen, to approve the CPS Tech Quote for hardware and software maintenance in the amount of \$2,550.00.

Motion made by Cope, seconded by Allen, to approve the bills as follows:

GENERAL FUND

AMAZON CAPITAL SERVICES	SUPPLY	\$274.90
BARNAUD LAW FIRM, LLC	QMHP/MI	\$205.50
BH BUSINESS SOURCE	FURNITURE	\$12,120.23
CAMERON, GEORGE	COURT REPORTER	\$15.20
CASCADE FIRE DEPARTMENT	ELECTION HELP	\$35.00
CLINICAL LABORATORY OF	AUTOPSY	\$1,675.00
FARRELL, JANE	ELECTION HELPER	\$60.00
FALL RIVER COUNTY HERALD	PUBLICATION	\$31.02
GINSBACH, PATRICK M.	ELECTION HELPER	\$65.00
GRAVES, JOYCE	QMHP/MI	\$35.00
HOT SPRINGS AUTOMOTIVE	SUPPLY	\$74.68
HUNT, KAREN PAIGE	QMHP/MI	\$292.9
JACQUELINE K PERLI	COURT REPORTER	\$15.00
JUSTICE FIRE & SAFETY, INC	ANNUAL INSPECTION	\$904.25
LYNN'S DAK. MART PHARMACY	INMATE PHARMACY	\$2,024.40
QUADIENT LEASING USA, INC	POSTAGE MACHINE LEASE	\$760.80
MASTERCARD	COUNTY CREDIT CARD	\$2,990.63
MAYER, DAN	QMHP/MI	\$35.00
MEADOWS, OWEN	ELECTION HELP	\$175.00
MONUMENT HEALTH	INMATE MEDICAL	\$83.86
MONUMENT HEALTH SERVICES	MORGUE FEE	\$461.00
NATIONAL BUS. FURNITURE	FURNITURE	\$359.00
NELSON, JACQUELYN	BLOOD DRAW	\$300.00
O'NEILL, JUSTIN	CAAF	\$1,727.66
QUILL CORPORATION	SUPPLIES	\$358.17
CITY OF RAPID CITY	BLOOD ANALYSIS	\$120.00
RAPID FIRE PROTECTION INC	ANNUAL INSPECTION	\$825.00
SD HUMAN SERVICES CENTER	COURT ORDERED	\$600.00
SPERLICH, PEGGY	ELECTION HELP	\$175.00
THEILMANN, LAURIE	ELECTION HELPER	\$72.50
ELECTRICAL ENGINEERING	SERVICE	\$1,603.17
DEVRIES, SHEILA	ELECTION HELPER	\$47.50
SHARP, BARBARA	ELECTION HELP	\$175.00
COPE, ANITA	ELECTION HELP	\$202.54
MASON, FRANK	ELECTION HELP	\$175.00

AABERG, WANDA M	ELECTION HELP	\$175.00
COATES, ED	ELECTION HELP	\$175.00
RUSSELL, PATRICK	ELECTION HELP	\$175.00
STEWART, LOIS	ELECTION HELP	\$175.00
POURIER, RUTH	ELECTION HELP	\$185.00
BIRKHOLT, FRANCES M	ELECTION HELP	\$175.00
DEVRIES, DONALD J	ELECTION HELPER	\$57.50
HUDDLESTON, CHERYL	ELECTION HELPER	\$40.00
KLUENDER, LINDA	ELECTION HELP	\$175.00
PORTER, JUDITH	ELECTION HELP	\$175.00
MULLER, KAREN	ELECTION HELP	\$175.00
FIEDLER, BEVERLY	ELECTION HELP	\$175.00
HOLMES, GEORGIA	ELECTION HELP	\$175.00
BECKER, JANET	ELECTION HELPER	\$47.50
KUNSMAN, PAULINE	ELECTION HELP	\$185.00
BURROWS, MARY	ELECTION HELPER	\$32.50
CORBETT, KATHLEEN	ELECTION HELP	\$210.50
TWISS, TMARA	ELECTION HELP	\$175.00
ANDERSON, PAM J.	ELECTION HELP	\$175.00
BATCHELOR, LAURA ANN	ELECTION HELP	\$185.00
SPILLANE, CHRISTA	ELECTION HELP	\$175.00
HANSEN, JUDY	ELECTION HELP	\$185.00
MOWRY, LANA	ELECTION HELP	\$175.00
O'CONNOR, RICHARD	ELECTION HELP	\$175.00
MARTIN, MIRIAM	ELECTION HELP	\$185.00
STRAUSER, GARRY	ELECTION HELP	\$175.00
HODORFF, THERESE	ELECTION HELPER	\$32.50
MCBRIDE, HEIDI	ELECTION HELPER	\$35.00
ENGELBRECHT, BARBARA	ELECTION HELP	\$175.00
ALLEN, KIMBERLY	ELECTION HELPER	\$40.00
MCDANIEL, PRISCILLA	ELECTION HELPER	\$90.00
WITTMER, DAVID	ELECTION HELP	\$175.00
FITZGERALD, VELVA	ELECTION HELP	\$150.00
FOUST, GREGORY	ELECTION HELPER	\$110.00
BRADLEY-THOMPSON, BO	ELECTION HELP	\$185.00
SYMSTAD, JEFF	ELECTION HELP	\$201.32
CONGER, LESTA	ELECTION HELP	\$200.30
PARK, SALLY H	ELECTION HELPER	\$32.50
SPEAECT, ANNA	ELECTION HELP	\$175.00
MEISTER, JENNY	ELECTION HELP	\$175.00
ADLER, KRISTINE	ELECTION HELP	\$25.00
LARIVE, KARLA	ELECTION HELPER	\$40.00
BROSMIRE, ECHO	ELECTION HELP	\$175.00

LARVIE, PAUL JEFF	ELECTION HELP	\$175.00
NIEDERWORDER, SAYLOR	ELECTION HELPER	\$72.50
ROSE, DENNIS	ELECTION HELPER	\$62.50
KERR, ABBY	STUDENT ELECTION HELP	\$75.00
KATTKE, ALLYSON	STUDENT ELECTION HELP	\$75.00
WIESWELER, EMMA	STUDENT ELECTION HELP	\$75.00
WILSON, FAITH	STUDENT ELECTION HELP	\$75.00
NACHTIGALL, JAYLEN	STUDENT ELECTION HELP	\$75.00
MACIEJEWSKI, KAMBREE	STUDENT ELECTION HELP	\$75.00
IVERSON, LANDON	STUDENT ELECTION HELP	\$75.00
CUNY, MAACA	STUDENT ELECTION HELP	\$75.00
IVERSON, PRESTON	STUDENT ELECTION HELP	\$75.00
COMMISSION	OCTOBER SALARIES	\$4,100.00
ELECTION HOURS	OCTOBER SALARIES	\$325.50
AUDITOR'S OFFICE	OCTOBER SALARIES	\$20,610.79
AUDITOR'S OFFICE	OVERTIME	\$195.13
TREASURER'S OFFICE	OCTOBER SALARIES	\$16,946.10
TREASURER'S OFFICE	OVERTIME	\$99.99
STATE'S ATTORNEY OFFICE	OCTOBER SALARIES	\$15,285.04
STATE'S ATTORNEY OFFICE	OVERTIME	\$559.22
MAINTENANCE	OCTOBER SALARIES	\$9,866.81
MAINTENANCE	OVERTIME	\$84.73
ASSESSOR'S OFFICE	OCTOBER SALARIES	\$16,977.98
ASSESSOR'S OFFICE	OVERTIME	\$28.77
REGISTER OF DEED'S OFFICE	OCTOBER SALARIES	\$10,264.58
REGISTER OF DEED'S OFFICE	OVERTIME	\$25.93
VETERAN'S SERVICE OFFICE	OCTOBER SALARIES	\$4,143.36
GIS OFFICE	OCTOBER SALARIES	\$4,090.15
SHERIFF	OCTOBER SALARIES	\$31,173.92
SHERIFF	OVERTIME	\$2,982.80
JAIL	OCTOBER SALARIES	\$26,891.48
JAIL	OCTOBER SALARIES	\$2,400.92
CORONER	OCTOBER SALARIES	\$1,350.00
NURSE'S OFFICE	OCTOBER SALARIES	\$2,309.88
NURSE'S OFFICE	OVERTIME	\$4,958.64
EXTENSION OFFICE	OCTOBER SALARIES	\$2,453.50
WEED & PEST OFFICE	OVERTIME	\$4,203.44
	TOTAL FOR GENERAL FUND	\$218,518.19
COUNTY ROAD & BRIDGE		
AMAZON CAPITAL SERVICES	SUPPLY	\$369.78
HOT SPRINGS AUTOMOTIVE	SUPPLIES	\$363.55
MASTERCARD	COUNTY CREDIT CARD	\$328.16
HIGHWAY DEPARTMENT	OCTOBER SALARIES	41,647.65

HIGHWAY DEPARTMENT	OVERTIME	\$1,537.84
	TOTAL COUNTY ROAD & BRIDGE	\$44,246.98
911 SURCHARGE REIMBURSEMENT		
AMAZON CAPITAL SERVICES	SUPPLY	\$8.68
MASTERCARD	COUNTY CREDIT CARD	\$6.00
DISPATCH	OCTOBER SALARIES	\$19,326.91
DISPATCH	OVERTIME	\$4,106.99
	TOTAL FOR 911 SURCHARGE REIMBURSEMENT	\$23,448.58
EMERGENCY MANAGEMENT		
MASTERCARD	COUNTY CREDIT CARD	\$185.49
FR EMERGENCY MANAGEMENT OFFICE	OCTOBER SALARIES	\$5,295.22
	TOTAL FOR EMERGENCY MANAGEMENT	\$5,480.71
24/7 SOBRIETY FUND		
AMAZON CAPITAL SERVICES	SUPPLY	\$13.96
SD DEPARTMENT OF HEALTH	24/7 LABS	\$30.00
24/7 OFFICE	OCTOBER SALARIES	\$2,404.00
	TOTAL FOR 24/7 SOBRIETY FUND	\$2,447.96
	TOTAL PAID BETWEEN 11/11/22 AND 11/17/22	\$294,142.40

Break was taken 9:23 a.m. and the meeting reconvened at 9:29 a.m.

Public comment was heard from Sheriff Evans that the Durango in Chadron will be done next week; a motor was found to replace the old one. The Sheriff's Department is still using vehicles with over 200,000 miles. Commissioner Russell reported that she is part of a DOT Transportation Alternatives Grant committee that reviews applications from communities which are in need of safe bicycle and walking paths as well as other community enhancement projects. There are grants available for this and suggestions are welcome. Additional comments were heard about trailer houses with no septic systems in the County and how to proceed forward with DANR on this issue. Other concerns were raised about what can be done about marijuana issues and what the Board can or cannot do. Further comments were heard from Paul Nabholz about issues with Oglala Lakota County ballots being used in Fall River County.

Motion made by Allen, seconded by Russell, to enter into executive session as per SDCL 1-25-2 (1) for personnel purposes and as per Executive Session as per SDCL 1-25-2 (4) for negotiations at 9:50 a.m.

The meeting resumed at 11:27 a.m.

Motion made by Allen, seconded by Russell, to adjourn at 11:28 a.m.

/s/Joe Falkenburg
 Joe Falkenburg, Chairman
 Board of Fall River County Commissioners

ATTEST:
/s/Sue Ganje, Auditor

Fall River County Auditor

TALSMA,
JERRY LEE

STATE OF SD LEASED LAND
HUBER, TRENT &
MARCIE (JTWROS)

PETERSON,
DOUGLAS K
& TINA M

STANLEY
ANNAMARIE

RUSK,
MICHAEL
W SR

RAPP, ZACHARY
FREEMAN &
LACEY SHELLECE

RUSK,
MICHAEL W

T009S R07E

T008S R07E

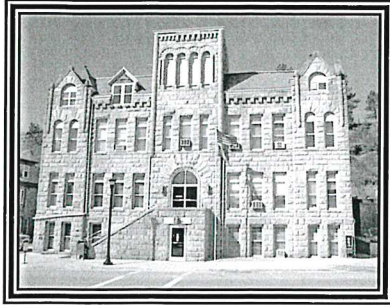
DAVIS,
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DAVIS,
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ET AL

RAPP, ZACHARY
FREEMAN &
LACEY SHELLECE

BERGESON,
CLARK LEE

STATE OF SD
LEASED LAND
BERGESON, LEE



**FALL RIVER COUNTY
AUDITORS OFFICE
COURTHOUSE
906 NORTH RIVER ST
HOT SPRINGS, SOUTH DAKOTA 57747
PHONE: (605) 745-5130 FAX: (605) 745-6835**

Medical Cannabis Initial Application Checklist

Application and fees must be delivered in person to:
Fall River County Auditor's Office, 906 N River St, Hot Springs, SD 57747

Initial on the lines below verifying the information is included in your sealed application packet. Medical Cannabis Dispensary applicants must provide two separate checks with the initial application: one check for \$5,000.00 for the County license fee and one check for \$5,000.00 for the State Certification/ License fee. Medical Cannabis Testing Facility applicants must provide two separate checks with the initial application: one check for \$5,000.00 for the application fee and one check for \$5,000.00 for the license fee. Checks should state the legal business name in the memo line and be attached to the outside of the envelope.

Application Fee payable to Fall River County in the form of check # _____
License fee payable to the State of SD Department of Health in the form of check # _____

____ Certification from property owner (please also attach a copy on the outside of the sealed envelope)

____ Copies of valid photo IDs for Principal Officers/Board Members

____ Confirmation of completed background checks

____ Operating documents

____ Security management plan

____ Application checklist

My signature below indicates my understanding that all documents referenced above must be submitted in paper form and enclosed in a sealed envelope.

Applicant signature: _____

Printed name: _____

ORDINANCE #2021 – 01
AN ORDINANCE AMENDING ORDINANCE #2021 – 01 AND ALL AMENDMENTS THERETO, IN
ACCORDANCE WITH THE PROVISION OF CHAPTER 11-2, 1967 SDCL, AND AMENDMENTS THEREOF,
AND FOR THE REPEAL OF ALL RESOLUTIONS AND ORDINANCES IN CONFLICT THEREWITH

BE IT ORDAINED by the Fall River County Commissioners:

ORDINANCE 2021-01 AMENDED

AN ORDINANCE ADDING CHAPTER 14 TO THE REVISED ORDINANCES OF THE FALL RIVER COUNTY
CREATING LICENSING PROVISIONS FOR CANNABIS ESTABLISHMENTS

BE IT ORDAINED by the Board of County Commissioners of Fall River County that Title 1 of the Revised Ordinances of Fall River County is hereby amended by adding new Chapter 14 as follows:

XX.01: PURPOSE AND INTENT

The Board of County Commissioners of Fall River 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.

XX.02: 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.

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.

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: 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.

Department: the South Dakota Department of Health

XX.03: LICENSE REQUIRED

- (a) No cannabis establishment may be located or operate 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 Chapter 14. 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 Chapter 14. Each day of the violation constitutes a separate offense.

XX.04: 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:
 - 1. Application fee of \$5,000.00. The County will reimburse \$2,500 for applicants who fail to obtain a registration certificate from the South Dakota Department of Health.
 - 2. An application that will include, but is not limited to, the following:
 - i. The legal name of the prospective cannabis establishment;
 - ii. The physical address of the prospective cannabis establishment that meets the location requirements in XX.07, as well as any location requirements pursuant SDCL 34-20G and the

administrative rules promulgated thereunder.

- iii. The name, address, and birth date of each principal officer, owner, and board member of the proposed cannabis establishment.
- iv. 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.
- v. Any additional information requested by the County.

XX.05: ISSUANCE OF LICENSE

(a) The County will issue a license unless:

- 1. The applicant has made a false statement on the application or submits false records or documentation; or
- 2. Any owners, principal officer, or board member of the applicant is under the age of twenty-one (21) years; or
- 3. 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;
- 4. The proposed location does not meet the applicable location requirements found in XX.07 and under SDCL 34-20G;
- 5. The proposed location does not meet all location requirements under SDCL 34-20G and the administrative rules promulgated thereunder;
- 6. The license is to be used for a business prohibited by state or local law, statute, rule, ordinance, or regulation; or
- 7. 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
- 8. 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
- 9. 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.

XX.06: 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.

XX.07: LOCATIONS

(a) Cannabis Dispensary

1. Dispensary shall not be located within a prescribed distance from certain existing uses as measured from the lot line of the property where the dispensary is proposed, to the lot line of the protected uses listed below:
 - i. Shall not be located within 1,000 feet of a public or private school existing before the date of the cannabis dispensary establishment application. (34-20G-55)
 - ii. Shall not be located within 1,000 feet from a nonresidential daycare facility
 - iii. Shall not be located within 1,000 feet from a public park, public pool or public recreational facility or library
 - iv. Shall not be located within 1,000 feet of a religious institution
 - v. Shall not be located within 1,000 feet of a residence.
 - vi. No future development will cause a dispensary to become nonconforming due to the establishment of a protected use within the distance prescribed herein.
2. Other location standards are as follows:
 - i. No cannabis dispensary shall share premises with or permit access directly from another cannabis establishment, business that sells alcohol or tobacco, or if allowed by law, other cannabis establishment. (44:90:04:14)
 - ii. 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. General Provisions and Performance Standards for Dispensaries are shown below:
 - i. No more than 1 cannabis dispensaries shall be allowed to operate in the unincorporated area of the County at any time.
 - ii. No dispensary shall allow access entry to anyone under 21 years of age
 - iii. Access control methods shall be installed pursuant to state requirements
 - iv. Shall be located within a completely enclosed permanent structure. Mobile dispensaries are prohibited.
 - v. Drive-through dispensaries are prohibited.
 - vi. No cannabis dispensary may operate between the hours of 6:01 p.m. and 9:59 a.m. any day of the week, excluding Sundays.
 - vii. Shall provide for proper disposal of cannabis remnants and/or by-products and shall not place waste items in exterior refuse containers.
 - viii. Retail products, storage, sales, and display areas shall be kept out of the public view and shall not be visible from the exterior of the building.

- ix. Signage and advertising shall be limited to on premise signage only, no billboard advertising, pole signage is prohibited, and signage is limited to text only with no graphic displays or video.

(b) Cannabis Cultivation Facility

1. Cannabis Cultivation Facility shall not be located within a prescribed distance from certain existing uses as measured from the lot line of the property where the cultivation facility is proposed, to the lot line of the protected uses listed below:
 - i. Shall not be located within 1,000 feet of a public or private school existing before the date of the cannabis cultivation establishment application. (34-20G-55)
 - ii. Shall not be located within 1,000 feet from a nonresidential daycare facility
 - iii. Shall not be located within 1,000 feet from a public park, public pool or public recreational facility or library
 - iv. Shall not be located within 1,000 feet of a religious institution
 - v. Shall not be located within 1,000 feet of a residence.
 - vi. No future development will cause a cultivation facility to become nonconforming due to the establishment of a protected use within the distance prescribed herein.

2. General Provisions and Performance Standards for Cannabis Cultivation Facilities

- i. All cultivation operations shall be within a completely enclosed permanent building.
- ii. Shall provide for proper disposal of cannabis remnants and/or by-products and shall not place waste items in exterior refuse containers.
- iii. Shall provide for a ventilation and filtration system designed to ensure that odors from cultivation are not detectable beyond the property line. Ventilation and filtration systems shall meet the standards set forth by the State of South Dakota. All cultivation operations shall be within a completely enclosed permanent building or secured greenhouse facility.
- iv. Security measures shall be installed as required by state regulations.
- v. Perimeter of the property shall be fenced with minimum of a six (6) foot high solid fence and security access gates.
- vi. Signage and advertising shall be limited to on premise signage only, no billboard advertising, pole signage is prohibited, and signage is limited to text only with no graphic displays or video.

(c) Cannabis Testing Facility

1. Cannabis Testing Facility shall not be located within a prescribed distance from certain existing uses as measured from the lot line of the property where the testing facility is proposed, to the lot line of the protected uses listed below:
 - i. Shall not be located within 1,000 feet of a public or private school existing before the date of the cannabis testing establishment application. (34-20G-55).
 - ii. Shall not be located within 1,000 feet from a nonresidential daycare facility.
 - iii. Shall not be located within 1,000 feet from a public park, public pool or public recreational facility or library.
 - iv. Shall not be located within 1,000 feet of a religious institution.
 - v. Shall not be located within 1,000 feet of a residence.

- vi. No future development will cause a testing facility to become nonconforming due to the establishment of a protected use within the distance prescribed herein.

2. General Provisions and Performance Standards for Cannabis Testing Facilities

- i. All testing operations shall be within a completely enclosed permanent building.
- ii. Shall provide for proper disposal of cannabis remnants and/or by-products and shall not place waste items in exterior refuse containers.
- iii. Shall provide for a ventilation and filtration system designed to ensure that odors from cultivation are not detectable beyond the property line. Ventilation and filtration systems shall meet the standards set forth by the State of South Dakota. All cultivation operations shall be within a completely enclosed permanent building or secured greenhouse facility.
- iv. Security measures shall be installed as required by state regulations.
- v. Perimeter of the property shall be fenced with minimum of a six (6) foot high solid fence and security access gates.
- vi. Signage and advertising shall be limited to on premise signage only, no billboard advertising, pole signage is prohibited, and signage is limited to text only with no graphic displays or video.

(d) Cannabis Product Manufacturing Facility

- 1. Cannabis Product Manufacturing Facility shall not be located within a prescribed distance from certain existing uses as measured from the lot line of the property where the manufacturing facility is proposed, to the lot line of the protected uses listed below:
 - i. Shall not be located within 1,000 feet of a public or private school existing before the date of the cannabis testing establishment application. (34-20G-55).
 - ii. Shall not be located within 1,000 feet from a nonresidential daycare facility.
 - iii. Shall not be located within 1,000 feet from a public park, public pool or public recreational facility or library.
 - iv. Shall not be located within 1,000 feet of a religious institution.
 - v. Shall not be located within 1,000 feet of a residence.
 - vi. No future development will cause a manufacturing facility to become nonconforming due to the establishment of a protected use within the distance prescribed herein.

2. General Provisions and Performance Standards for Cannabis Testing Facilities

- i. All manufacturing operations shall be within a completely enclosed permanent building.
- ii. Shall provide for proper disposal of cannabis remnants and/or by-products and shall not place waste items in exterior refuse containers.
- iii. Shall provide for a ventilation and filtration system designed to ensure that odors from cultivation are not detectable beyond the property line. Ventilation and filtration systems shall meet the standards set forth by the State of South Dakota. All cultivation operations shall be within a completely enclosed permanent building or secured greenhouse facility.
- iv. Security measures shall be installed as required by state regulations.
- v. Perimeter of the property shall be fenced with minimum of a six (6) foot high solid fence and

security access gates.

- vi. Extraction processes utilizing flammable liquefied gas shall not be located in any building containing Group A, E, I, or R occupancies as defined by the International Building Code.
- vii. Exit doors from extraction rooms shall swing in the direction of egress and be self-closing. Panic hardware shall be provided on door and where latching door hardware is provided panic hardware shall also be provided.
- viii. Extraction rooms, booths, or hoods, including ductwork where required for hazardous exhaust systems shall be protected by an approved automatic fire extinguishing system.
- ix. Signage and advertising shall be limited to on premise signage only, no billboard advertising, pole signage is prohibited, and signage is limited to text only with no graphic displays or video.

XX.08: BUILDING CODE

All Cannabis Establishments are required to be constructed in conformance with the 2021 Edition of the International Building Code and International Fire Code.

XX.09: EXPIRATION OF LICENSE AND RENEWAL

- (a) Each license expires one year from the date of issuance and may be renewed only by making application as provided in Section XX.04. 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 \$5,000.00. The County will reimburse \$2,500 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.

XX.10: SUSPENSION

- (a) A license may be suspended if the license holder or an employee or agent of the license holder:
 - 1. Violates or is otherwise not in compliance with any section of this article.
 - 2. Consumes or smokes or allows any person to consume or smoke cannabis on the premises of the cannabis establishment.
 - 3. 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.

XX.11: REVOCATION

- (a) A license may be revoked if the license is suspended under Section XX.11 and the cause for the suspension is not remedied.
- (b) A license may be revoked if the license is subject to suspension under Section XX.11 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:
 - 1. Gave false or misleading information in the material submitted during the application process;
 - 2. Knowingly allowed possession, use, or sale of non-cannabis controlled substances on the premises;
 - 3. 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;
 - 4. Repeated violations of Section XX.12;
 - 5. 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);
 - 6. 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;
 - 7. 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
 - 8. The license holder has its Department-issued registration certificate suspended, revoked, or not renewed or the registration certificate is expired.
 - 9. The license holder allows a public nuisance to continue after notice from the County.

XX.12. 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 vice-chair.

- (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.

XX.13: 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 Fall River County Courthouse, 906 N River St., South Dakota, 57747. 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.

XX.14: LICENSES NOT TRANSFERRABLE

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.

XX.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.

XX.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.

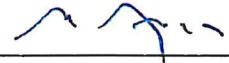
Severability. The provisions of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or

application.

Passed and adopted this 7th day of September 2021.


Joe Falkenburg, Chairman
Fall River County Commissioners

ATTEST:



Sue Ganje, Auditor
Fall River County

This ordinance shall become effective twenty days after publication of this notice in the official newspaper, thereby repealing all ordinances or parts thereof in conflict herewith unless a referendum in timely involved prior thereto.

1st Reading: August 31, 2021
2nd Reading: September 7, 2021
Adopted: September 7, 2021
Published: September 16, 2021
Effective: October 5, 2021

S.D. Codified Laws § 31-12-26

Current through the 2022 General Session of the 97th South Dakota Legislative Assembly

LexisNexis® South Dakota Codified Laws Annotated > Title 31 Highways and Bridges (Chs. 31-1 — 31-34) > Chapter 31-12 County Highway Systems (§§ 31-12-1 — 31-12-50)

31-12-26. Responsibility for secondary roads in unorganized territory.

Each board of county commissioners and county superintendent of highways in organized counties shall construct, repair, and maintain all secondary roads within the counties not included in any municipality, organized civil township, improvement district organized pursuant to chapter 7-25A, or county road district organized pursuant to chapter 31-12A.

History

SDC 1939, § 28.0408; SL 1992, ch 60, § 2; 1995, ch 170, § 1; 2011, ch 136, § 1.

LexisNexis® South Dakota Codified Laws Annotated
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11S 7E
Section: 07

11S 7E
Section: 08

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Section: 09

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Section: 18

11S 7E
Section: 17

11S 7E
Section: 16

(1 of 3)

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SOUTH BEEF CREEK RD

County Code

City Code

Urban Area

Local System

Functional Class

Federal Aid Eligibility

Federal Aid Route Number

Surface Type

Surface Width

Zoom to

24 - Fall River

No City Code

00 - Not in an Urban Area

3 - County Secondary System

09 - Rural Local Roads

0 - Non Federal Aid

0

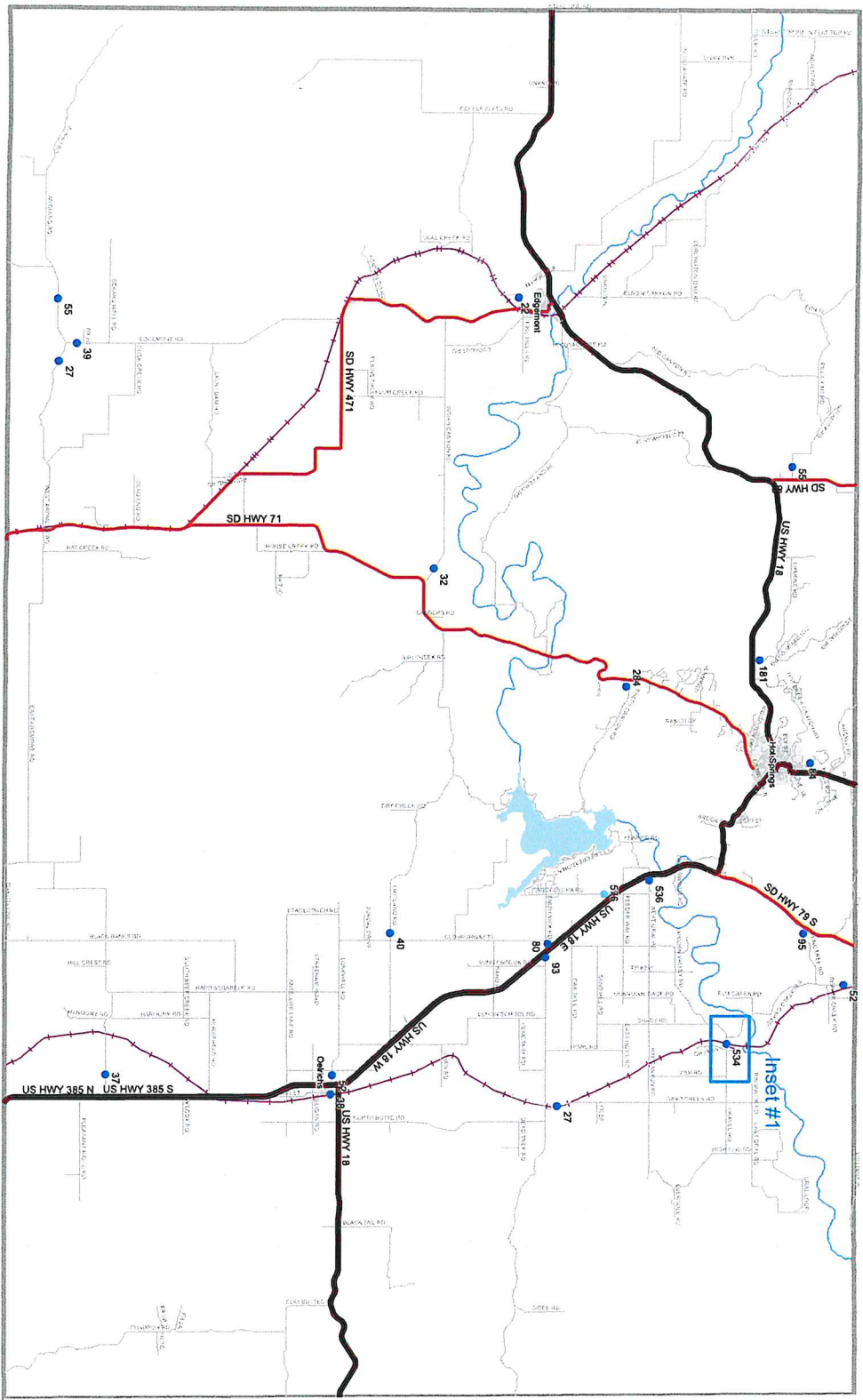
2 - Unimproved

12

System Preferences

Esri Community Maps Contributors, South Dakota Game Fish and Parks, Esri, H

Degrees



Inset #1



Oelrichs

Fall River County



Legend

County locations

- 2018 (orange dot)
- 2017 (yellow dot)
- 2016 (yellow-green dot)
- 2015 (green dot)
- 2014 (teal dot)
- 2013 (cyan dot)
- 2012 (light blue dot)
- 2011 (blue dot)
- 2010 (green dot)

Local Roads

Interstate Highways

US Numbered Highways

State Numbered Highways

Railroads

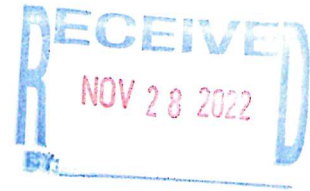
Rivers

Water Bodies

Disability *Rights*

South Dakota

Protection and Advocacy System for South Dakota



November 21, 2022

Sue Ganje
Fall River County Auditor
906 N River St
Hot Springs SD 57747-1398

RE: Polling Site Monitoring

Dear Ms. Ganje,

Disability Rights South Dakota (DRSD) staff conducted polling site observations during the November 8, 2022, elections. Please see the information below regarding concerns identified at polling sites in Fall River County.

Oelrichs

- Screen door push button handle
- Round doorknob must grasp and turn
- Small step up into door

If you have any questions about the above information, please contact me. I am also available to participate in Poll Worker training on Disability Etiquette and to answer any questions related to disability and voting rights they may have.

Best regards,

A handwritten signature in blue ink, appearing to be "C.J. Moit", written over a horizontal line.

C.J. Moit
PAVA Lead/Client Advocate
DRSD