

FALL RIVER COUNTY UNAPPROVED MINUTES OF JANUARY 19, 2023

The Fall River Board of County Commissioners met in regular session on January 19, 2023. 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.sdcounties.org>, or, under Fall River County Commission, SD at <http://www.YouTube.com>.

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

Motion made by Russell, seconded by Greenough, to approve the minutes of December 29, 2022 and January 5, 2023.

Motion made by Russell, seconded by Greenough, to approve the December 2022 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 December 2022.

| | | |
|---|----|--------------|
| Total Amount of Deposit in First Interstate Bank, HS: | \$ | 1,404,256.71 |
| Total Amount of Cash: | \$ | 510.53 |
| Total Amount of Treasurer's Change Fund: | \$ | 900.00 |
| Total Amount of Checks in Treasurer's Possession Not Exceeding Three Days: | \$ | 15,456.86 |
| SAVINGS: | | |
| #4) First Interstate Bank, HS: | \$ | 134,770.57 |
| #20) First National Bank of Lead-RAI MM Acct | \$ | 112,004.17 |
| CERTIFICATES OF DEPOSIT: | | |
| #8) Black Hills Federal Credit Union, HS: | \$ | 250,000.00 |
| #14) Schwab Treasury: | \$ | 952,021.00 |
| #15) First National Bank, Lead: | \$ | 318,473.31 |
| #21) Schwab Treasury 2 Yr: | \$ | 265,880.94 |
| #22) Schwab Treasury 2 Yr: | \$ | 969,667.97 |

| | | |
|----------------------------|----|--------------|
| #23) Schwab Treasury 2 Yr: | \$ | 969,843.75 |
| #24) Schwab Treasury 2 Yr: | \$ | 2,008,570.31 |
| #25) Schwab Treasury 3 Yr: | \$ | 1,941,562.50 |
| #26) Schwab Treasury 4 Yr: | \$ | 1,006,422.66 |

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:

| | | |
|-----------------------|----|----------|
| Vertex Properties LLC | \$ | 2,873.62 |
|-----------------------|----|----------|

TOTAL \$ 10,353,749.90

Dated This 31st Day of December 2022.

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

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

| | | |
|-------------------------|-----------|----------------------|
| County Monies | \$ | 10,186,492.56 |
| Held for other Entities | \$ | 48,898.75 |
| Held in Trust | \$ | 118,358.59 |
| TOTAL | \$ | 10,353,749.90 |

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.

The Board received notification from the Mammoth Site of Hot Springs of their intention to sell raffle tickets.

There were no applicants for county assistance.

Lyle Norton, Sheriff, reported to the Board that there are 9 males and 4 females in the Fall River County Jail, with 1 male and 1 female in the Pennington County Jail.

Discussion was held on the possibility of having an agreement with the Oglala Lakota County Sheriff Department to allow them to use dispatch services. Norton believed that the calls would be fairly minimal and no additional staff would need to be hired. Further discussion was held on the agreement with the City of Hot Springs for dispatch services. The current contract has not been updated since 2002 and the costs would need to be raised at some point. The Board requested that Norton come up with figures for both and report back.

Discussion was held on the possibility of cross deputization of the City of Hot Springs Police Officers with Fall River County Sheriff. Although it would not change how Law Enforcement works together it would address the City's jurisdictional issues.

Motion made by Greenough, seconded by Russell, to approve the 2023 Pennington County Jail contract.

Commissioner Allen spoke of the Juvenile Rebate Program and receiving \$36,000.00 back by participating in it.

Frank Maynard, Emergency Management, met with the Board. Motion made by Greenough, seconded by Russell, to approve the L.E.M.P.G Single Signature Form and authorize the Chairman to sign.

Motion made by Russell, seconded by Greenough, to approve the list of volunteers for Workman's Compensation purposes, noting that the list could be expanded if needed, as follows:

Tracy Bastian, Kevin Fees, Les Madsen, Phil Knapp, Ed Jensen, Lyle Jensen, Tim Hammel, Marc Lamphere, Jan Speirs, Sally Park Hageman, Loren Seegrist, Bob Beninati, Willard Rome, Richard Ball.

Maynard reported to the Board about a letter he received regarding that Pennington County and the Rapid City Fire Department will begin charging for services that they provide to other counties. Other discussion included the personnel action form that Maynard is required to complete.

Motion made by Greenough, seconded by Russell, to approve the following resolution:

**Fall River County
RESOLUTION # 2023-04**

WHEREAS, the South Dakota Wildland Fire Coordinator is authorized to assist in fighting range fires through the State; and

WHEREAS, a county must formally request his assistance pursuant to SDCL 41-20A-11; and

WHEREAS, because there is insufficient time to hold a meeting and adopt a resolution during a fire, Fall River County can designate a person (s) with authority to request assistance under this law;

NOW THEREFORE BE IT RESOLVED, that the Fall River County Commissioners hereby designate the following person (s) with the authority to request assistance from the State Wildland Fire Coordinator in fighting range fires:

Franklin W. Maynard
EMERGENCY MANAGEMENT DIRECTOR
605 890-7245 (CELL) or 605 745-7562 (OFFICE)

Lyle Norton
FALL RIVER COUNTY SHERIFF
605 890-1931 (CELL) or 605 745-4444 (OFFICE)

Joe Falkenberg
COMMISSIONER
307 259-2583 (CELL) or 605 459-2608 (HOME)

Deb Russell
COMMISSIONER
605 890-9796 (CELL) or 605 424-2135 (HOME)

Joe Allen
COMMISSIONER
605 890-0198 (CELL) or 605 745-1890 (HOME)

Heath Greenough
COMMISSIONER
605 890-9488 (CELL)

Les Cope
COMMISSIONER
605 441-4960 (CELL) or 605 535-6910 (HOME)

Dated this 19th day of January, 2023

/s/Joe Falkenberg
CHAIRMAN
Fall River County Commission

/s/Sue Ganje
AUDITOR
Fall River County

Motion made by Russell, seconded by Allen, to approve hiring Gary Baker, at \$16.00 per hour, 20 hours per week, effective January 23, 2022, as per union contract for Emergency Management.

Maynard also reported on fires and incidents.

Nina Steinmetz, Weed and Pest Supervisor, met with the Board. Motion made by Greenough, seconded by Allen, to approve travel for Steinmetz and board member Bob Novotny to attend the State Weed and Pest Convention, February 14 - February 17, 2023, in Huron, SD, for a total amount of \$1,126.00.

Lance Russell, State's Attorney, reported to the Board about preliminary discussions with local attorneys regarding the possibility of being public defenders; he will report back when he has a current contract from Butte County to be able to do further research.

Motion made by Allen, seconded by Cope, to waive the conflict of interest for State's Attorney Russell regarding the 2023 Fall River/Oglala Lakota County contract.

Melody Engebretson, Register of Deeds, met with the Board. Motion made by Greenough, seconded by Russell, to approve hiring Amber Tschacher at \$15.50 per hour, effective January 17, 2023, as per union contract.

Teresa Pullen, Treasurer, met with the Board. Motion made by Greenough, seconded by Allen, to approve the following resolution:

Fall River County Resolution Number 2023-05

A RESOLUTION RECONVEYING CERTAIN PROPERTY TAKEN AS TAX DEED

WHEREAS, certain real property located in Hot Springs, South Dakota, with the legal description of Lots 2, 3 and 4, less the North 9 feet of said lots and less Lot H-1 of Lot 2, Block 3, Railway Addition to the Town, now City of Hot Springs, Fall River County, South Dakota was taken by the Fall River County Treasurer by Tax Deed pursuant to SDCL § 10-25 on July 18, 2022; and

WHEREAS, the record owner of this real property, Joseph F Mower, desires a reconveyance of said real property pursuant to SDCL 10-25-41 through 10-25-43; and

WHEREAS, Fall River County agrees to reconvey said property to the record owner, Joseph F Mower, for consideration, not less than the total principal, interest, and costs of all taxes represented in the tax deed and any other taxes and interest which are unpaid on the real property; and

WHEREAS, the Fall River County Commission has determined to set the cost of the requested reconveyance at the total amount of the cost of the back taxes, plus the cost incurred to take the real property through the tax deed process, for a total amount of twenty-four thousand one hundred eighty-three dollars and six cents (\$24,183.06).

NOW, THEREFORE BE IT RESOLVED by the County Commission of Fall River County that the chairman is authorized to sign a Quitclaim Deed reconveying the real property described herein to Joseph F Mower, the record owner of said property, upon the full payment of \$24,183.06 U.S. dollars cash, received at the Office of the Fall River County Treasurer.

Approved and adopted this 19th day of January, 2023.

/s/Joe Falkenburg
Fall River County Commission Chairman
Fall River County, South Dakota

ATTEST:

/s/Sue Ganje
Fall River County, Auditor
Fall River County, South Dakota

Pullen and Engebretson discussed with the Board about the possibility of having a policy put in place for the purchase of bulk office water. The Board requested that the matter be brought back to a future meeting.

Dave Weishaupl, Building Supervisor, met with the Board. Motion made by Allen, seconded by Russell, to approve Golden West Quote for Ruckus 10G-SFPP-LR-S+ transceiver module and LC connector, in the amount of \$2,550.11.

Propane quotes were presented as follows:

| | |
|-------------------------|-----------------------|
| 1/9/2023 Propane Quotes | 7,200 Gallons Propane |
| McGas Propane | \$1.959/gallon |
| Hi-D-Way | \$2.19/gallon |
| Nelson's | \$2.57/gallon |

Motion made by Cope, seconded by Allen, to approve the low bid from McGas Propane for 7,200 gallons of propane at \$1.959 per gallon, for a total of \$14,104.80.

Discussion was held on cracks in the parking lot. Weishaupl and Highway Superintendent Seiler will get together to resolve the problem.

Sue Ganje, Auditor, met with the Board. Motion made by Greenough, seconded by Russell, to approve setting a date for a tax deed auction on April 6, 2023 at 2:00 p.m.

Discussion was held on the possibility of sending a 30-day notice to end the contract with Credit Collections Bureau by mail. State's Attorney Russell spoke of preparing a resolution to the State to reform the law and have Court Appointed Attorney Fees put back on the state to collect; Russell will have it prepared for the next meeting.

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

GENERAL FUND

| | | |
|----------------------------|--------------------------|-------------|
| AUDRA HILL CONSULTING, INC | MI QMHP EVALUATION | \$415.18 |
| CURA HOSPITALITY | INMATE MEALS | \$12,926.00 |
| BEHAVIOR MANAGEMENT SYS | 2023 ALLOTTED BUDGET | \$7,500.00 |
| BLACK HILLS CHEMICAL | SUPPLY | \$857.00 |
| BH COUNCIL OF LOCAL GOV | 2023 ASSESSMENT DUES | \$3,495.00 |
| BLACK HILLS ENERGY | UTILITY | \$3,505.18 |
| BRUNSON, STERLING | WEED GRANT REIMBURSEMENT | \$1,300.00 |
| CAMERON, GEORGE | COURT REPORTER | \$181.30 |
| CENTURY BUSINESS LEASING | COPIER LEASE/USAGE/METER | \$1,184.56 |
| CHEYENNE SANITATION | SANITATION COLLECTION | \$376.73 |
| CONGER RANCH | WEED GRANT REIMBURSEMENT | \$2,000.00 |
| CORRECT RX PHARMACY SERV. | INMATE PHARMACY | \$185.71 |
| CULLIGAN SOFT WATER | RENTAL/SUPPLY | \$223.50 |
| FALL RIVER AUTO SUPPLY | SUPPLY | \$33.30 |
| FALL RIVER HEALTH | PRE-EMPLOYMENT PHYSICAL | \$65.00 |
| FALL RIVER COUNTY HERALD | PUBLICATION | \$859.76 |
| GALLS | UNIFORM ALLOWANCE | \$177.39 |
| GOLDEN WEST TECHNOLOGIES | IT SUPPORT/CONTRACT | \$8,567.33 |
| GOLDEN WEST | PHONE BILL/LONG DISTANCE | \$2,108.10 |

| | | |
|---------------------------|--------------------------------------|-------------|
| HAMMEL, TERRAL | WEED GRANT REIMBURSEMENT | \$480.25 |
| HARVEY'S LOCK & SECURITY | SERVICE | \$18.18 |
| HOT SPRINGS ACE HARDWARE | SUPPLY | \$442.41 |
| CITY OF HOT SPRINGS | CITY WATER BILL/AIRPLANE HANGER RENT | \$847.93 |
| HUSTEAD LAW OFFICE, P.C. | MI, JUV, CAAF | \$4,109.17 |
| JACQUELINE K PERLI | COURT REPORTER | \$78.40 |
| LARSON, VAL | QMHP | \$12.00 |
| LEWNO, LUCY | QMHP BOARD | \$156.57 |
| LOCKWOOD, DARCY | QMHP | \$12.00 |
| MARCO | COPIER LEASE | \$192.66 |
| MASTEL, BRUCE | DATABASE SETUP & MONITORING | \$35.00 |
| MCGAS PROPANE | UTILITY | \$14,101.48 |
| MICROFILM IMAGING SYSTEMS | SCANNING EQUIPMENT LEASE | \$145.00 |
| NELSONS OIL & GAS INC. | UTILITY | \$36.00 |
| QUADIENT FINANCE USA, INC | POSTAGE | \$924.58 |
| PENNINGTON COUNTY JAIL | INMATE HOUSING/TRANSPORT | \$7,726.12 |
| PETE LIEN & SONS INC | WEED GRANT REIMBURSEMENT | \$120.00 |
| QUILL CORPORATION | SUPPLIES | \$22.99 |
| SD ASSOC.OF CO. OFFICIALS | 2023 WEBSITE HOSTING | \$150.00 |
| SD DEPARTMENT OF HEALTH | BLOOD DRAW ANALYSIS | \$40.00 |
| SD DEPT OF REVENUE | AUTO/MI STATE REMITT | \$60.00 |
| SD FEDERAL PROPERTY AG | SUPPLY | \$19.00 |
| SD SHERIFF'S ASSOCIATION | 2023 SD SHERIFF ASSOCIATION | \$709.19 |
| SERVALL | RUGS AND MATS SERVICE | \$450.72 |
| SOFTWARE SERVICES INC | SOFTWARE SERVICES | \$1,342.00 |
| SOUTHERN HILLS LAW PLLC | CAAF | \$366.37 |
| SPECTACLE SHOP LLC | INMATE MEDICAL | \$6.00 |
| STEVENS, LAREE | BLOOD DRAW | \$450.00 |
| NORTON, MIKAYLA | BLOOD DRAW | \$750.00 |
| WEED & PEST CONFERENCE | 2023 WEED & PEST CONFERENCE | \$340.00 |
| WESTERN SD JUV SERV CTR | JUVENILE SERVICES | \$1,160.00 |
| COPE RANCH | WEED GRANT REIMBURSEMENT | \$1,002.50 |
| KINDRED, MIKE | WEED GRANT REIMBURSEMENT | \$712.50 |
| YANKTON CO. SHERIFF | CIVIL PAPERS SERVED | \$50.00 |
| BRUNSON, CINDY | WEED GRANT REIMBURSEMENT | \$365.88 |
| ASH, KEN | WEED GRANT REIMBURSEMENT | \$1,500.00 |
| MILLER, TERESA | WEED GRANT REIMBURSEMENT | \$30.00 |
| HUDDLESTON, CHERYL | WEED GRANT REIMBURSEMENT | \$1,114.23 |
| MILLER, BILL | WEED GRANT REIMBURSEMENT | \$124.38 |
| PETERS, FRANK | WEED GRANT REIMBURSEMENT | \$1,015.05 |
| NORTON, LYLE | REIMBURSEMENT | \$166.11 |
| BROWN, RORY | WEED GRANT REIMBURSEMENT | \$1,044.60 |
| LEWIS, DAVID | WEED GRANT REIMBURSEMENT | \$385.88 |
| TUBBS, MARK | WEED GRANT REIMBURSEMENT | \$212.00 |
| STEARNS, JERRY | WEED GRANT REIMBURSEMENT | \$89.38 |

| | | |
|------------------------|--------------------------|--------------|
| HICKS, LUELLA | WEED GRANT REIMBURSEMENT | \$288.13 |
| SMITH, DEAN | WEED GRANT REIMBURSEMENT | \$112.50 |
| HANSON, KENT | WEED GRANT REIMBURSEMENT | \$298.56 |
| OSMOTHERLY, LARRY | WEED GRANT REIMBURSEMENT | \$40.00 |
| FISH, DON | WEED GRANT REIMBURSEMENT | \$1,200.63 |
| LYNN, JIM | WEED GRANT REIMBURSEMENT | \$66.88 |
| ALLEN, KIMBERLY | WEED GRANT REIMBURSEMENT | \$62.00 |
| FROST, JACK | WEED GRANT REIMBURSEMENT | \$129.38 |
| HUNTER, ROSS | WEED GRANT REIMBURSEMENT | \$1,222.00 |
| KOUPAL, DAVE | WEED GRANT REIMBURSEMENT | \$430.88 |
| NEUGEBAUER, GREG | WEED GRANT REIMBURSEMENT | \$390.50 |
| LORENZ, KELVIN | WEED GRANT REIMBURSEMENT | \$207.20 |
| GOEMAN, JIMMY | WEED GRANT REIMBURSEMENT | \$859.32 |
| HOGUE, FRANK | WEED GRANT REIMBURSEMENT | \$42.00 |
| SCHAACK, TIM | WEED GRANT REIMBURSEMENT | \$1,873.13 |
| SPEARHEAD RANCH LLC | WEED GRANT REIMBURSEMENT | \$228.75 |
| ANDREEN, ERIC | WEED GRANT REIMBURSEMENT | \$48.75 |
| BARKER RANCH | WEED GRANT REIMBURSEMENT | \$2,000.00 |
| DOUBLE V LAND & CATTLE | WEED GRANT REIMBURSEMENT | \$1,253.00 |
| LAPCINSKI, JOE | WEED GRANT REIMBURSEMENT | \$48.75 |
| KINDRED, CLINT | WEED GRANT REIMBURSEMENT | \$475.00 |
| RIPPENTROP, GAYLEN | WEED GRANT REIMBURSEMENT | \$1,199.25 |
| SCHAFFER, KELLY | WEED GRANT REIMBURSEMENT | \$48.75 |
| SCHUBBEL, LISA | WEED GRANT REIMBURSEMENT | \$35.00 |
| TYSDAL, BERNARD | WEED GRANT REIMBURSEMENT | \$48.75 |
| JUROR | GRAND JURY & MILEAGE | \$586.50 |
| WITNESS | WITNESS FEE | \$379.81 |
| | TOTAL FOR GENERAL FUND | \$102,652.99 |

COUNTY ROAD & BRIDGE

| | | |
|--------------------------|----------------------------|------------|
| BLACK HILLS ENERGY | UTILITY | \$893.68 |
| CHEYENNE SANITATION | SANITATION COLLECTION | \$79.00 |
| GOLDEN WEST TECHNOLOGIES | IT SUPPORT/CONTRACT | \$8.25 |
| GOLDEN WEST | PHONE BILL/LONG DISTANCE | \$258.03 |
| CITY OF HOT SPRINGS | CITY WATER BILL | \$34.04 |
| | TOTAL COUNTY ROAD & BRIDGE | \$1,273.00 |

911 SURCHARGE REIMBURSEMENT

| | | |
|--------------------------|---------------------------------------|------------|
| CENTURY BUSINESS LEASING | COPIER LEASE & METER | \$86.15 |
| GOLDEN WEST TECHNOLOGIES | IT SUPPORT/CONTRACT | \$24.75 |
| GOLDEN WEST | PHONE BILL/LONG DISTANCE | \$752.93 |
| QUILL CORPORATION | SUPPLIES | \$215.48 |
| | TOTAL FOR 911 SURCHARGE REIMBURSEMENT | \$1,079.31 |

EMERGENCY MANAGEMENT

| | | |
|--------------------------|----------------------|----------|
| GOLDEN WEST TECHNOLOGIES | IT SUPPORT/CONTRACT | \$8.25 |
| GOLDEN WEST | PHONE BILL/LONG DIST | \$164.30 |
| MARCO | COPIER LEASE | \$38.90 |

| | | |
|---------------------------|---------------------------------------|--------------|
| MCGAS PROPANE | UTILITY | \$541.02 |
| | TOTAL FOR EMERGENCY MANAGEMENT | \$752.47 |
| M & P RELIEF | | |
| MICROFILM IMAGING SYSTEMS | SCANNING EQUIPMENT LEASE | \$75.00 |
| | TOTAL FOR 24/7 SOBRIETY FUND | \$75.00 |
| | TOTAL PAID BETWEEN 1/6/22 AND 1/19/23 | \$105,832.80 |

Break was taken at 9:43 a.m. and the meeting reconvened at 9:48 a.m.

No public comment was heard.

Conrad Cutchin reported to the Board about the possibility of an abatement on his pay 2023 taxes. Concerns were raised about decisions that were made during the appeals process in 2022. The Board recommended that Cutchin speak with Auditor Ganje and Director of Equalization Heidebrink for further review and bring back it to a future meeting.

Treasurer Pullen reported to the Board that if the County stays with Credit Collections Bureau, they will receive 30% of all money that is collected in regard to liens. Motion made by Russell, seconded by Allen, to approve sending a letter to cancel the contract with Credit Collections Bureau and authorize the Chairman to sign.

Randy Seiler, Highway Superintendent, met with the Board. Motion made by Russell, seconded by Allen, to approve an Application for Road Approach Permit from the east side of Red Canyon Road, #FDR15, approximately at 4,300 feet south of Pilger Mountain Road and will serve a residence.

Motion made by Russell, seconded by Allen, to approve the following resolution:

FALL RIVER COUNTY RESOLUTION #2023-06

WHEREAS, the Fall River County Board of Commissioners did adopt the following 2023 ANNUAL LOAD RESTRICTIONS:

Fall River County will impose load limits as follows in coordination with the State Highway's Annual Load Restrictions:

All oil roads will be posted at 7 ton and 40 mph, with the exception of County Road 6N aka as Look Out Road to be posted at 10 ton. These are seasonal Spring Load Limits and the restrictions will take effect when the signs are in place.

NOW THEREFORE BE IT RESOLVED, this resolution was approved and passed on this 19th day of January, 2023.

ATTEST:

/s/Sue Ganje, Fall River County Auditor

/s/Joe Falkenburg, Chairman

Fall River County Board of Commissioners

Discussion was held on gravel, with recommendations from Seiler and James Taylor of Simon Contractors, speaking of counties going forward with a broader scope of management of gravel. Motion

made by Russell, seconded by Allen, to approve advertising for 1” aggregate base, limestone and river rock, with bids to be opened at the February 2, 2023 meeting at 9:30 a.m. With Greenough voting no, all others voting yes, by roll call vote, motion carried.

Discussion was held on the columns in the middle of the Chilson Bridge and the Mickelson Trail bed has been raised under the Bridge; further work will be done in warmer weather.

Motion made by Greenough, seconded by Russell, to enter into executive session as per SDCL 1-25-2 (1) for personnel purposes at 10:26 a.m.

The meeting resumed at 10:46 a.m.

Motion made by Greenough, seconded by Russell, to adjourn at 10:47 a.m.

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

ATTEST:

/s/Sue Ganje, Auditor

Fall River County Auditor’s Office



*Emergency Management
Fall River County*

*Franklin W. Maynard CEM CFM
906 N. River St.
Hot Springs, SD 57747*

605 745-7562 605 890-7245 em@frcounty.org



Date: February 2, 2023

Subj: Commission Update:

1. **Fall River Disaster Resolution 2023-07:** Recommend the Chairman sign the resolution.
2. **Cell Phone:** Request approval to purchase a county cell phone for Gary Baker.
3. **Travel Approval:** Request approval for Gary Baker to attend the EM 101 class in Pierre on March 9, 2023. This course is a basic emergency management course required for all new emergency management employees within the first year of employment.
4. **Fires & Incidents:**
 1. **1/23/2023:** Vehicle accident: Truck vs cow: Oral Road: Fall River Sheriff, Hot Springs Ambulance and Black Hills Energy.
 2. **1/27/2023:** Sig. 1 accident: Fall River Road: Fall River Sheriff, Hot Springs Ambulance and Hot Springs Fire.
 3. **1/30/2023:** Structure fire: West Southshore Road: Oelrichs Fire, Hot Springs Fire, Oral Fire, Cascade Fire and Fall River Sheriff.

A handwritten signature in blue ink that reads "Franklin W. Maynard".

*Franklin W. Maynard, CEM, CFM
Emergency Manager
Fall River County
906 N. River Street
Hot Springs, SD 57747*

Fall River County

Disaster Declaration Resolution 2023-07

WHEREAS, Fall River County, South Dakota has suffered damage and loss due to the blizzard December 12th through December 16th, 2022, and

WHEREAS, the Fall River County Board of Commissioners resolve that these conditions constitute a disaster of such severity and magnitude that effective response is beyond the capabilities of the County and there are not enough resources locally available to alleviate the damage and economic chaos resulting from these conditions; and

WHEREAS, Fall River County may not have the financial resources to respond to the results caused by this disaster; and

WHEREAS, the Fall River County Board of Commissioners is aware of loss to the agricultural community, and loss of electricity and other fundamental infrastructure; and

WHEREAS, outside resources are required to repair roads and other critical infrastructure.

NOW THEREFORE, BE IT RESOLVED, the Fall River County Board of Commissioners, South Dakota declare an emergency, and

BE IT FURTHER RESOLVED, we the Fall River Board of Commissioners, South Dakota respectfully petition the Governor of the State of South Dakota and the President of the United States to insure the maximum amount of assistance is made available to local governments, business and residents affected.

Dated this 5th day of January, 2023

Joe Falkenburg, Chairman
Fall River County Commissioners

ATTEST:

Sue Ganje
Fall River County Auditor



2727 N Plaza Dr.
Rapid City, SD 57702

Phone 605-348-6529 Fax 605-342-1160

Quote
No.: **69244**
Date: 1/19/2023

Prepared for:

Dave Weishaupl (605) 891-1151
Fall River County Auditor
906 N River Street
Hot Springs, SD 57747 USA

Account No.: 1889
Phone: (605) 745-5145
Fax: (605) 745-3530

| Qty | Description | UOM | Sell | Total |
|------|--|-----|----------|----------|
| 1 | HP ProDesk 400 G6 Desktop Mini - i5-10500T 6-Core 2.30GHz, 16GB RAM, 256GB NVMe SSD, Windows 11 Pro 1x DisplayPort, 1x HDMI- 3yr. Warranty | EA | \$893.42 | \$893.42 |
| 1.00 | Microsoft 365 Apps for Business - Subscription License - 1 User - Paid Monthly - 12 Month Subscription | EA | \$8.50 | \$8.50 |
| 1 | Project Installation & Configuration | EA | \$525.00 | \$525.00 |

Your Price: **\$1,426.92**

Total: **\$1,426.92**

Prices are valid for 30 days from quote date.

Prepared by: Chris Bernard, chrisbernard@goldenwest.com

Date: 1/19/2023

Accepted by:



Date: 01/20/2023

Disclaimer

Unless otherwise specified, all labor is charged on a time and materials basis. Any additional service charge or travel will apply.

Any quoted cable runs assume that there is an available cable pathway; if not, additional charges may apply.

Applicable taxes and/or shipping charges may be added to the invoice.

Terms: A 30% down payment may be required for sales of \$10,000 or more, with the balance due 15 days from the invoice date.

Large, long-term projects are subject to progress billing.



2727 N Plaza Dr.
Rapid City, SD 57702

Phone 605-348-6529 Fax 605-342-1160

Quote

No.: **69281**

Date: 1/30/2023

Prepared for:

Dave Weishaupl (605) 891-1151
Fall River County Auditor
906 N River Street
Hot Springs, SD 57747 USA

Account No.: 1889
Phone: (605) 745-5145
Fax: (605) 745-3530

| Qty | Description | UOM | Sell | Total |
|-----|--|-----|----------|------------|
| 2 | Axis P3265-LV Fixed Dome 2.1 MP Camera | EA | \$699.70 | \$1,399.40 |

Your Price:
\$1,399.40

Total:
\$1,399.40

Prices are valid for 30 days from quote date.

Prepared by: Mark Gustaf, markgustaf@goldenwest.com

Date: 1/30/2023

Accepted by: _____ **Date:** _____

Disclaimer

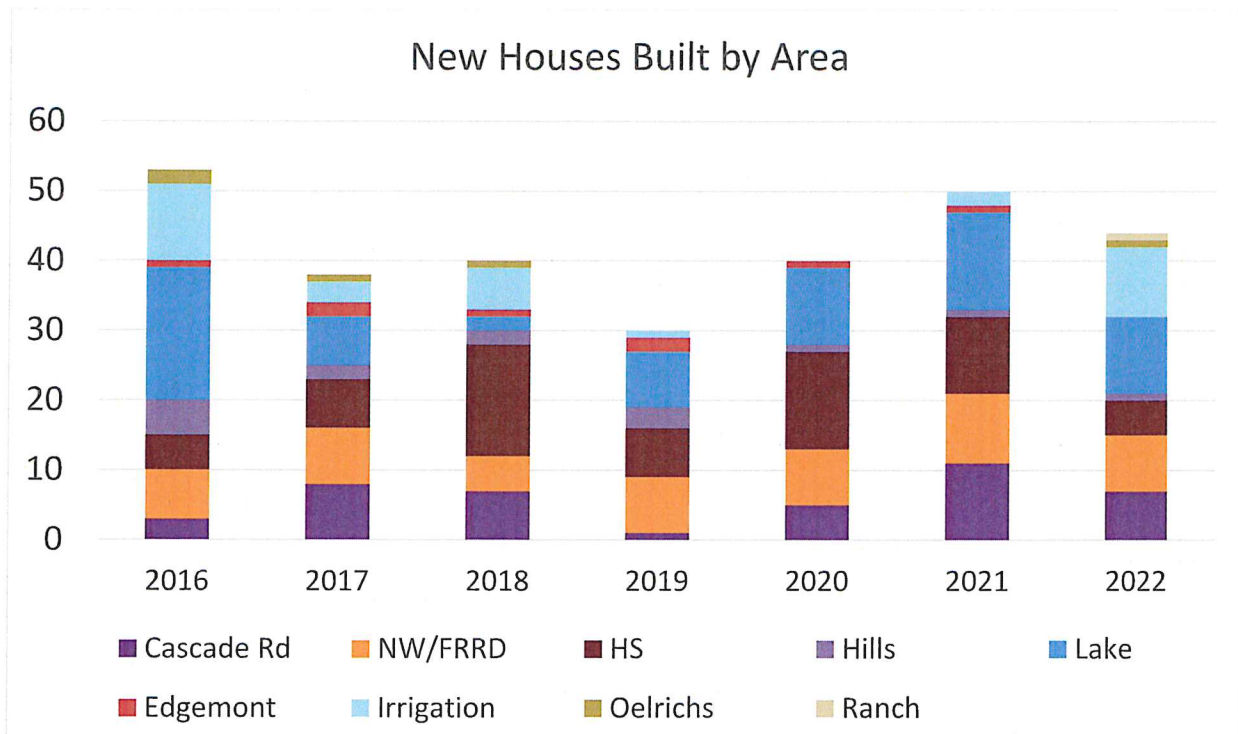
Unless otherwise specified, all labor is charged on a time and materials basis. Any additional service charge or travel will apply.

Any quoted cable runs assume that there is an available cable pathway; if not, additional charges may apply.

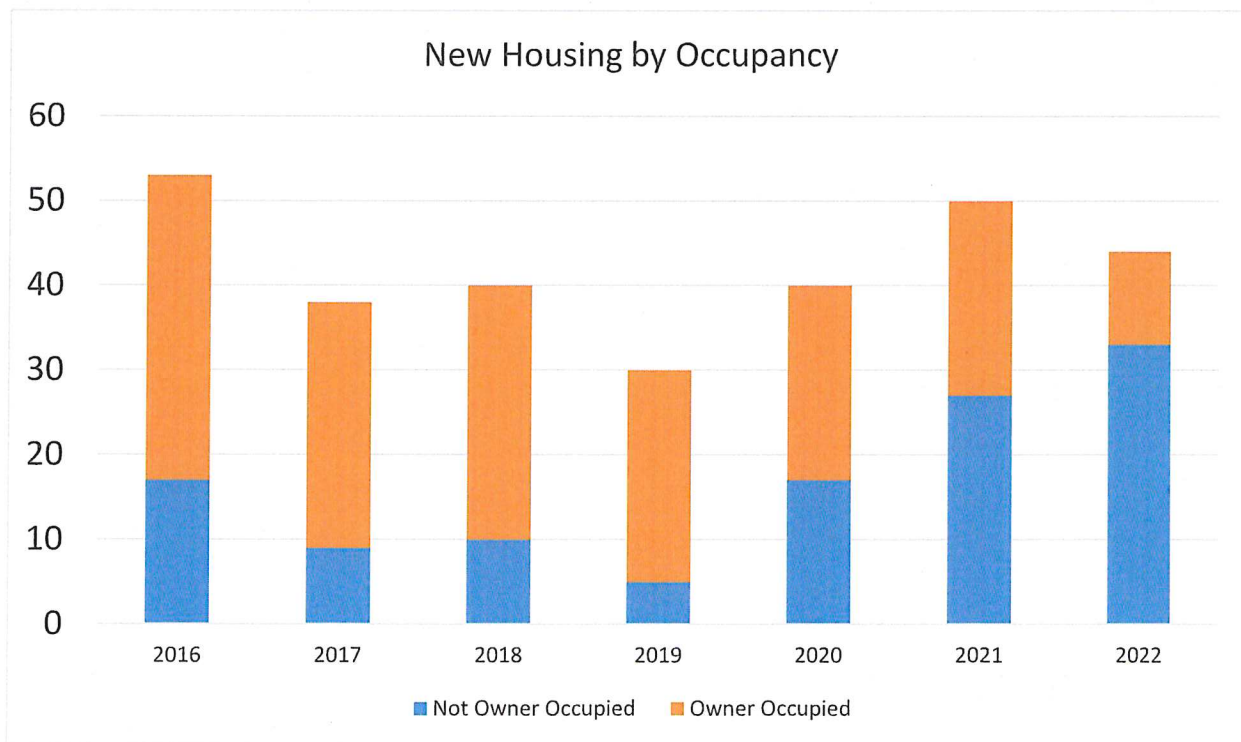
Applicable taxes and/or shipping charges may be added to the invoice.

Terms: A 30% down payment may be required for sales of \$10,000 or more, with the balance due 15 days from the invoice date.

Large, long-term projects are subject to progress billing.



NW – Northwest of Hot Springs, FRRD – Fall River Road



| | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 |
|---------------------------|------|------|------|------|------|------|
| Addresses Assigned | 60 | 51 | 68 | 55 | 121 | 96 |

Taxable Value by Class (total and percentage of county total)

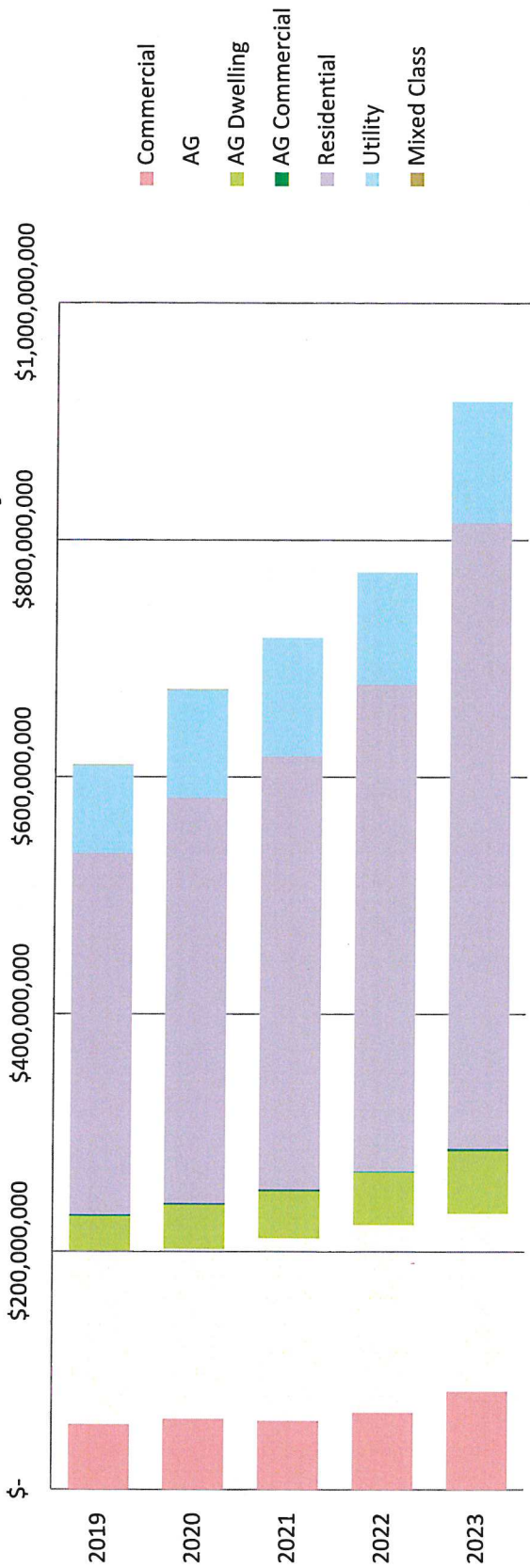
| YEAR | AG | AG Dwelling | AG Commercial | Residential | Commercial | Utility | Mixed Class | Total |
|------|----------------|---------------|---------------|----------------|---------------|----------------|-------------|----------------|
| 2019 | \$ 145,401,170 | \$ 29,833,470 | \$ 915,730 | \$ 304,605,870 | \$ 54,825,180 | \$ 74,449,551 | \$ 438,890 | \$ 610,469,861 |
| | 23.8% | 4.9% | 0.2% | 49.9% | 9.0% | 12.2% | 0.1% | |
| 2020 | \$ 142,763,610 | \$ 37,498,320 | \$ 1,007,660 | \$ 341,763,700 | \$ 59,445,950 | \$ 91,243,056 | \$ 481,340 | \$ 674,203,636 |
| | 21.2% | 5.6% | 0.1% | 50.7% | 8.8% | 13.5% | 0.1% | |
| 2021 | \$ 153,583,020 | \$ 39,626,530 | \$ 1,283,030 | \$ 365,153,130 | \$ 57,877,630 | \$ 100,259,430 | \$ - | \$ 717,782,770 |
| | 21.4% | 5.5% | 0.2% | 50.9% | 8.1% | 14.0% | 0.0% | |
| 2022 | \$ 157,984,080 | \$ 44,521,960 | \$ 308,550 | \$ 410,901,480 | \$ 64,664,630 | \$ 94,830,823 | \$ - | \$ 773,211,523 |
| | 20.4% | 5.8% | 0.0% | 53.1% | 8.4% | 12.3% | 0.0% | |
| 2023 | \$ 149,670,840 | \$ 52,793,340 | \$ 1,705,270 | \$ 527,942,360 | \$ 82,571,020 | \$ 102,528,221 | \$ - | \$ 917,211,051 |
| | 16.3% | 5.8% | 0.2% | 57.6% | 9.0% | 11.2% | 0.0% | |

Taxes by Class (total and percentage of county total)

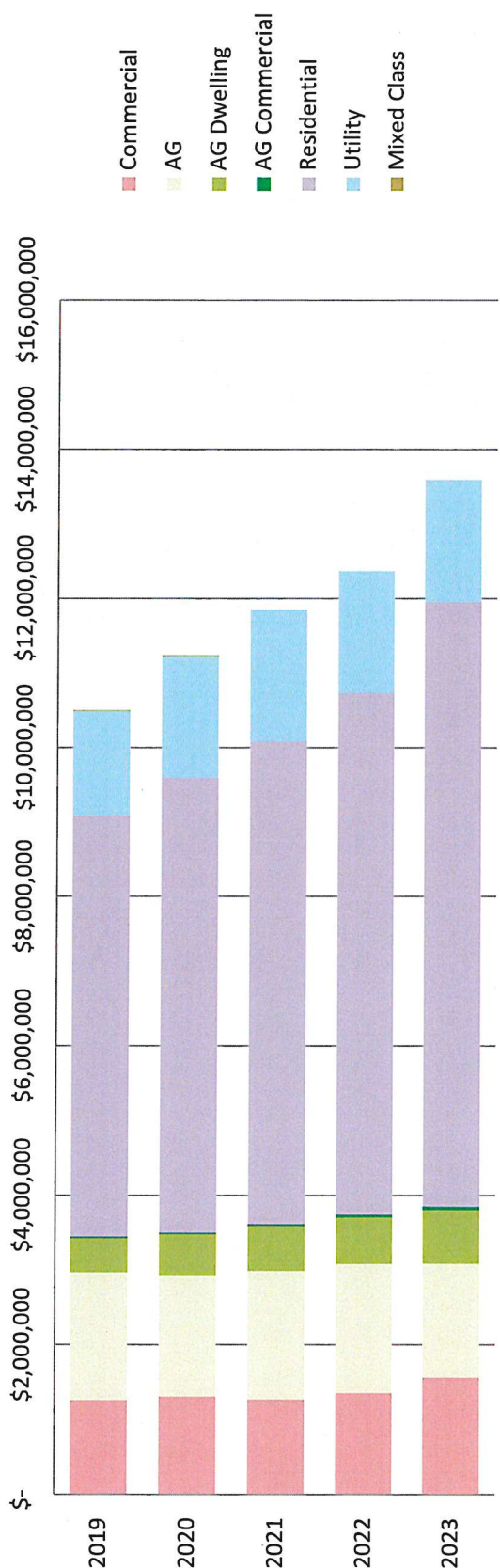
| YEAR | AG | AG Dwelling | AG Commercial | Residential | Commercial | Utility | Mixed Class | Total |
|------|--------------|-------------|---------------|--------------|--------------|--------------|-------------|---------------|
| 2019 | \$ 1,710,355 | \$ 460,936 | \$ 15,835 | \$ 5,639,901 | \$ 1,259,511 | \$ 1,404,653 | \$ 10,793 | \$ 10,501,984 |
| | 16.3% | 4.4% | 0.2% | 53.7% | 12.0% | 13.4% | 0.1% | |
| 2020 | \$ 1,611,880 | \$ 561,367 | \$ 16,848 | \$ 6,093,665 | \$ 1,309,674 | \$ 1,637,658 | \$ 9,732 | \$ 11,240,824 |
| | 14.3% | 5.0% | 0.1% | 54.2% | 11.7% | 14.6% | 0.1% | |
| 2021 | \$ 1,718,850 | \$ 601,985 | \$ 21,157 | \$ 6,470,058 | \$ 1,271,503 | \$ 1,769,851 | \$ - | \$ 11,853,403 |
| | 14.5% | 5.1% | 0.2% | 54.6% | 10.7% | 14.9% | 0.0% | |
| 2022 | \$ 1,727,185 | \$ 620,553 | \$ 39,705 | \$ 6,987,366 | \$ 1,355,033 | \$ 1,639,839 | \$ - | \$ 12,369,681 |
| | 14.0% | 5.0% | 0.3% | 56.5% | 11.0% | 13.3% | 0.0% | |
| 2023 | \$ 1,528,453 | \$ 716,996 | \$ 43,201 | \$ 8,101,276 | \$ 1,560,856 | \$ 1,647,796 | \$ - | \$ 13,598,578 |
| | 11.2% | 5.3% | 0.3% | 59.6% | 11.5% | 12.1% | 0.0% | |

*Year listed is the year taxes were due

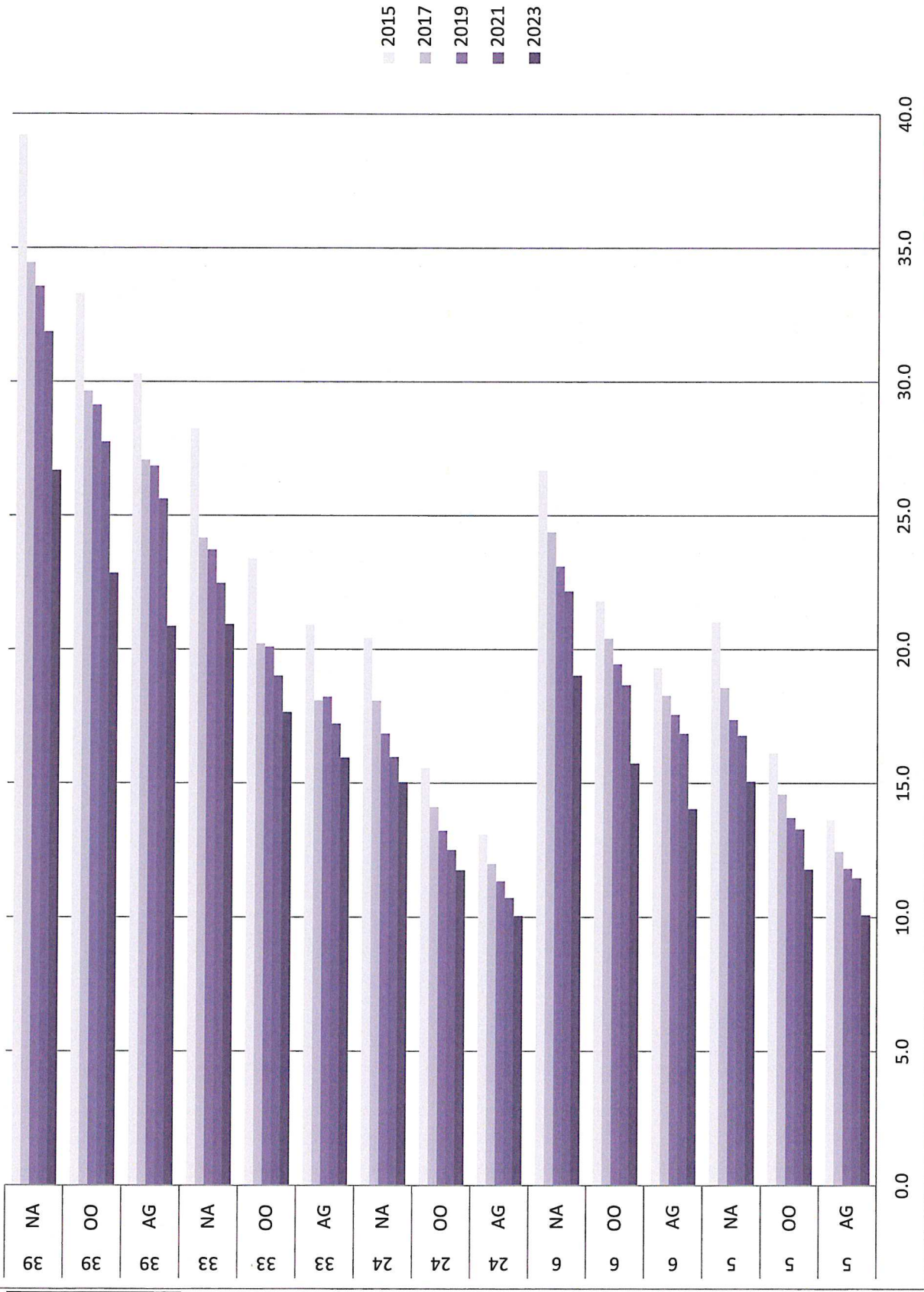
Taxable Value - Fall River County



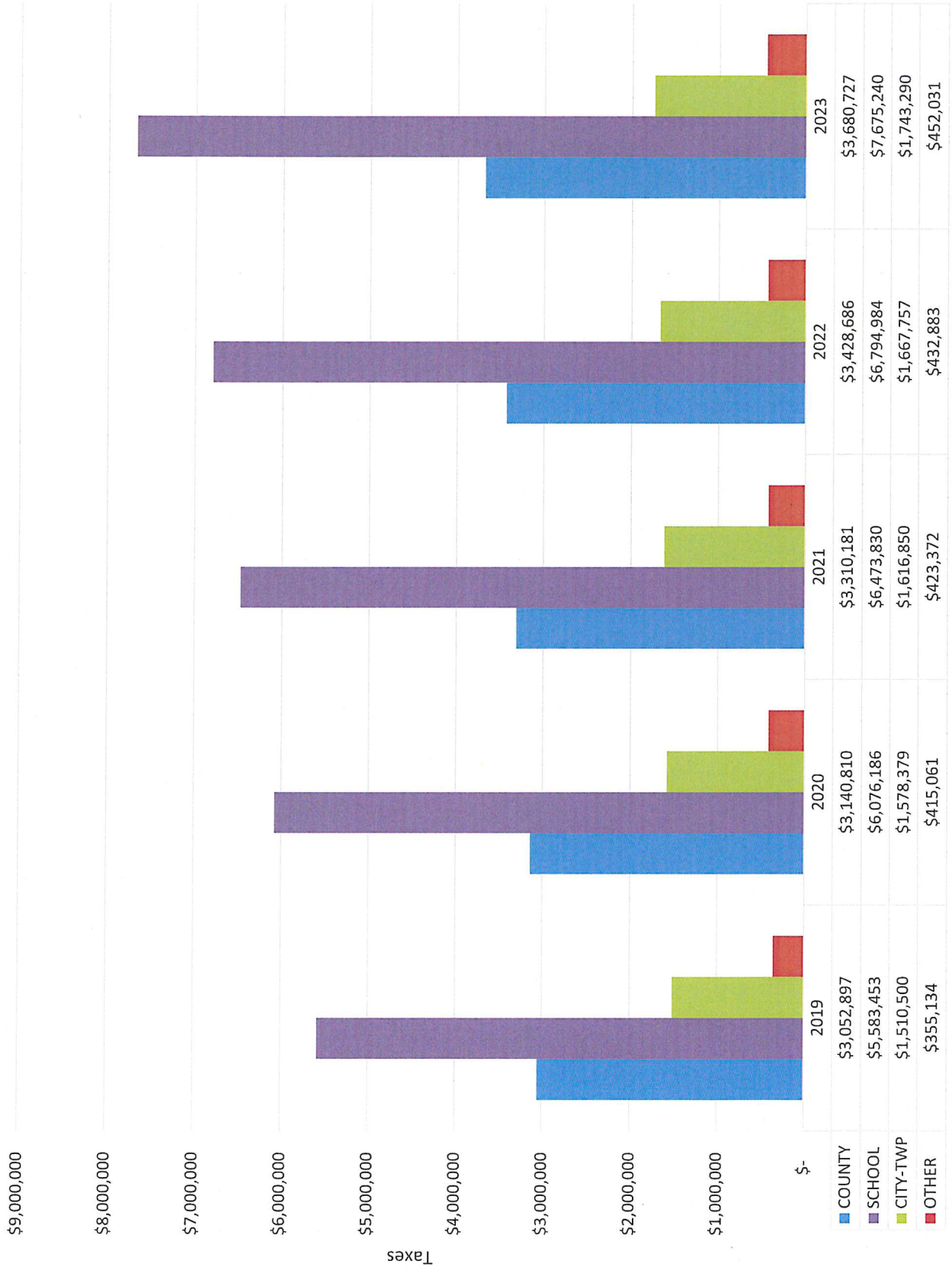
Taxes - Fall River County



Mill Levies by Tax District, Class and Year



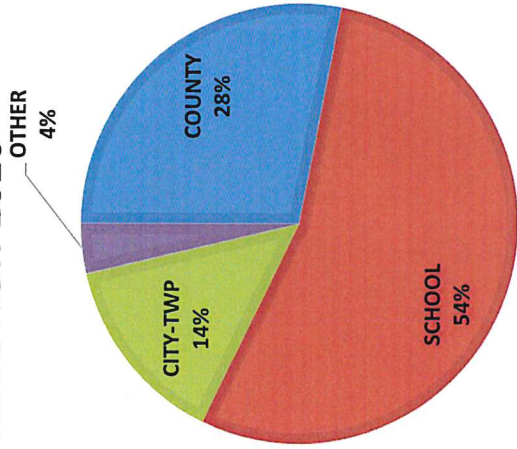
Distribution of Taxes 2019-2023



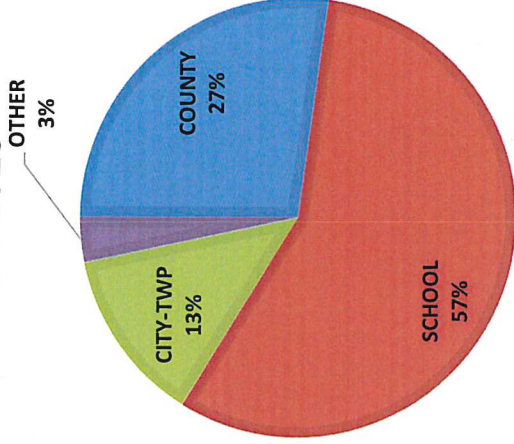
The 'Other' category includes entities such as: road districts, fire departments, and library.

Where are Taxes Going?

TAX DISTRIBUTION 2020

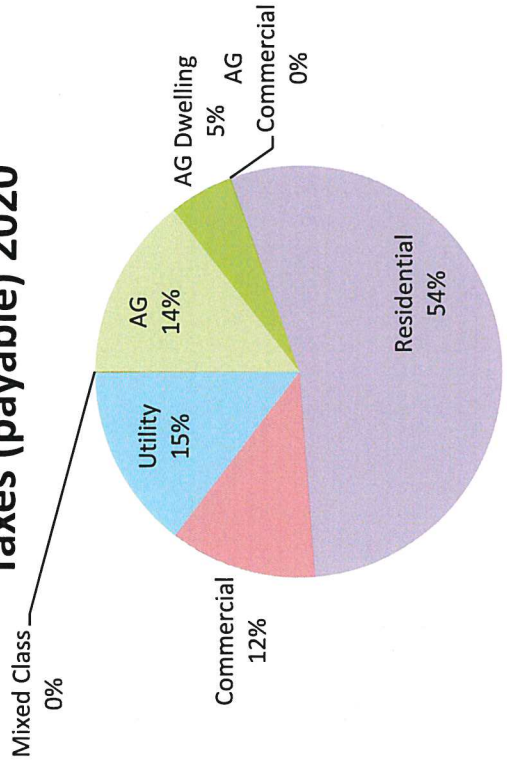


TAX DISTRIBUTION 2023

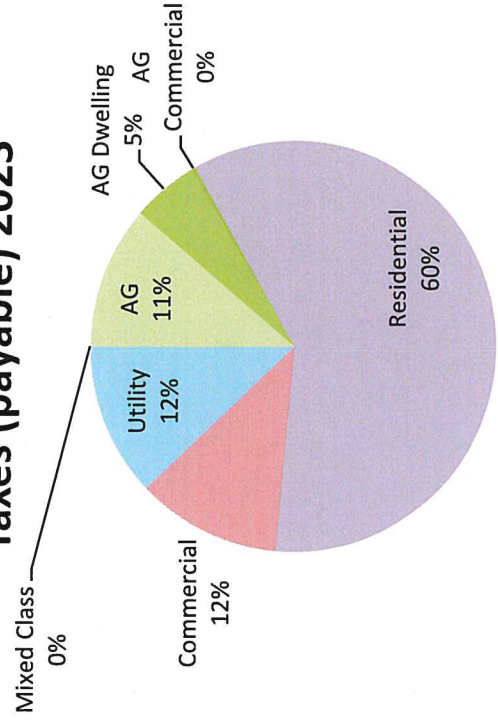


Who is Paying the Taxes?

Taxes (payable) 2020



Taxes (payable) 2023



FAXED BID:
EMAILED BID: HIDWAY@GWTC.NET

TO: FALL RIVER COUNTY HIGHWAY DEPT. FAX # 745-5912
PHONE # 745-5137

DATE: 1/23/2023

FROM: HI-D-WAY PHONE: 605-662-5000

BID FOR: PROPANE 500G TANK ARDMORE SHOP

AMOUNT OF BID: 2,29
(This bid includes all appropriate taxes and fees)

Signed By: William Tamm

** AWARDED * 1/23/2023 10:15 a.m*

Note: all faxed bids must be received in the Fall River County Highway Dept. office at the above number before 10:00 A.M. to be considered, unless otherwise stated by the caller for bids.

If declining to bid please write the words; "Decline todays bid." On the line designated for the Bid Amount.

Thank You

Jan 23 2023 7:45am FR CO HWY

6057455912

1

FAXED BID: 605-745-4188
EMAILED BID:

TO: FALL RIVER COUNTY HIGHWAY DEPT. FAX # 745-5912
PHONE # 745-5137

DATE: 1/23/2023

FROM: NELSON'S PHONE: 605-745-4189

BID FOR: PROPANE 500G TANK ARDMORE

AMOUNT OF BID: \$ 2.59 / gallon
(This bid includes all appropriate taxes and fees)

Signed By: 

*Delivery on next South Route.
could be a couple weeks*

Note: all faxed bids must be received in the Fall River County Highway Dept. office at the above number before 10:00 A.M. to be considered, unless otherwise stated by the caller for bids.

If declining to bid please write the words; "Decline todays bid." On the line designated for the Bid Amount.

Thank You

FAXED BID:
EMAILED BID:

TO: FALL RIVER COUNTY HIGHWAY DEPT. FAX # 745-5912
PHONE # 745-5137

DATE: 1/23/2023

FROM: DAKOTA PROPANE **PHONE: 605-745-5959**

BID FOR: PROPANE 500G TANK – ARDMORE SHOP

AMOUNT OF BID: Decline
(This bid includes all appropriate taxes and fees)

Signed By: Declined

Note: all faxed bids must be received in the Fall River County Highway Dept. office at the above number before 10:00 A.M. to be considered, unless otherwise stated by the caller for bids.

If declining to bid please write the words; "Decline today's bid." On the line designated for the Bid Amount.

Thank You

FAXED BID:
EMAILED BID: hidway@gwtc.net

TO: FALL RIVER COUNTY HIGHWAY DEPT. FAX # 745-5912
PHONE # 745-5137

DATE: 1/23/2023

FROM: HI-D-WAY PHONE: 605-662-5000

BID FOR: PROPANE 1000G (WEST) TANK HOT SPRINGS SHOP

AMOUNT OF BID: 9.29
(This bid includes all appropriate taxes and fees)

Signed By: William Tamm

** Awarded * 1/23/2023 10:15 am*

Note: all faxed bids must be received in the Fall River County Highway Dept. office at the above number before 10:00 A.M. to be considered, unless otherwise stated by the caller for bids.

If declining to bid please write the words; "Decline todays bid." On the line designated for the Bid Amount.

Thank You

FAXED BID: 605-745-4188
EMAILED BID:

TO: FALL RIVER COUNTY HIGHWAY DEPT. FAX # 745-5912
PHONE # 745-5137

DATE: 1/23/2023

FROM: NELSON'S PHONE: 605-745-4189

BID FOR: PROPANE 1000G (WEST)TANK HOT SPRINGS SHOP

AMOUNT OF BID: 2.39 / gallon
(This bid includes all appropriate taxes and fees)

Signed By: 

Note: all faxed bids must be received in the Fall River County Highway Dept. office at the above number before 10:00 A.M. to be considered, unless otherwise stated by the caller for bids.

If declining to bid please write the words; "Decline todays bid." On the line designated for the Bid Amount.

Thank You

FAXED BID:
EMAILED BID:

TO: FALL RIVER COUNTY HIGHWAY DEPT. FAX # 745-5912
PHONE # 745-5137

DATE: 1/23/2023

FROM: DAKOTA PROPANE **PHONE:605-745-5959**

BID FOR: PROPANE 1000G TANK – HOT SPRINGS SHOP

AMOUNT OF BID: Declined
(This bid includes all appropriate taxes and fees)

Signed By: Declined

Note: all faxed bids must be received in the Fall River County Highway Dept. office at the above number before 10:00 A.M. to be considered, unless otherwise stated by the caller for bids.

If declining to bid please write the words; “Decline todays bid.” On the line designated for the Bid Amount.

Thank You

Jan 23 2023 9:37am FR CO HWY

6057455912

1

FAXED BID: 6057454188

**TO: FALL RIVER COUNTY HIGHWAY DEPT. FAX # 745-5912
PHONE # 745-5137**

DATE: 1/23/2023

FROM: NELSONS OIL & GAS PHONE:605-745-4189

BID FOR: Approx. 8,000 Gallons Gasoline

AMOUNT OF BID: \$3.52 / gallon

(This bid includes all appropriate taxes and fees)

Signed By: *And Nelson*

** Awarded 1/23/2023 10:15a.m*

Note: all faxed bids must be received in the Fall River County Highway Dept. office at the above number before 10:00 A.M. to be considered, unless otherwise stated by the caller for bids.

If declining to bid please write the words; "Decline todays bid." On the line designated for the Bid Amount.

Thank You

FAXED BID:

**TO: FALL RIVER COUNTY HIGHWAY DEPT. FAX # 745-5912
PHONE # 745-5137**

DATE: 1/23/2023

FROM: PJ'S HIDAWAY PHONE:605-662-5000

BID FOR: Approx. 8,000 Gallons Gasoline

AMOUNT OF BID: Declined
(This bid includes all appropriate taxes and fees)

Signed By: DECLINE TO BID

Note: all faxed bids must be received in the Fall River County Highway Dept. office at the above number before 10:00 A.M. to be considered, unless otherwise stated by the caller for bids.

If declining to bid please write the words; " Decline todays bid." On the line designated for the Bid Amount.

Thank You

FAX: **PHONE: 6053435984**
EMAIL:MKulish@mgoil.com

TO: FALL RIVER COUNTY HIGHWAY DEPT. FAX # 745-5912
PHONE # 745-5137

DATE: 1/23/2023

FROM: MG OIL

BID FOR: Approx. 8,000 Gallons Gasoline

AMOUNT OF BID: Declined
(This bid includes all appropriate taxes and fees)

Signed By: Declined by email 1/23/2022

Note: all bids must be received in the Fall River County Highway Dept. office at the above number before 10:00 A.M. to be considered, unless otherwise stated by the caller for bids.

If declining to bid please write the words; " Decline todays bid." On the line designated for the Bid Amount.

Thank You

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 ~~\$10,000.00~~ ~~\$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) In the case of an application for a cannabis cultivation facility license, the County will reject the application if the limit on the number of cannabis dispensaries has been reached.

(d) 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. No more than 1 cannabis cultivation facilities shall be allowed to operate in the unincorporated area of the County at any time.
- ii. 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)
- iii. Shall not be located within 1,000 feet from a nonresidential daycare facility
- iv. Shall not be located within 1,000 feet from a public park, public pool or public recreational facility or library
- v. Shall not be located within 1,000 feet of a religious institution
- vi. Shall not be located within 1,000 feet of a residence.
- vii. 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: Fall River County will not license and prohibits the establishment of Cannabis Testing Facilities within the unincorporated areas of the County.

- ~~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: Fall River County will not license and prohibits the establishment of Cannabis Product Manufacturing Facilities within the unincorporated areas of the County.

- ~~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 ~~\$10,000.00~~ \$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 ____ day of February, 2023.

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:

2nd Reading:

Adopted:

Published:

Effective:

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 ~~\$10,000.00~~ ~~\$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: Fall River County will not license and prohibits the establishment of

Cannabis Cultivation Facilities within the unincorporated areas of the County.

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: Fall River County will not license and prohibits the establishment of Cannabis Testing Facilities within the unincorporated areas of the County.

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: Fall River County will not license and prohibits the establishment of Cannabis Product Manufacturing Facilities within the unincorporated areas of the County.

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 ~~\$10,000.00~~ \$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 ____ day of February, 2023.

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:

2nd Reading:

Adopted:

Published:

Effective:

DRAFT TWO

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 ~~\$25,000.00~~ \$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: Fall River County will not license and prohibits the establishment of

Cannabis Cultivation Facilities within the unincorporated areas of the County.

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: Fall River County will not license and prohibits the establishment of Cannabis Testing Facilities within the unincorporated areas of the County.

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: Fall River County will not license and prohibits the establishment of Cannabis Product Manufacturing Facilities within the unincorporated areas of the County.

- ~~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 ~~\$25,000.00~~ ~~\$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 ____ day of February, 2023.

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:
2nd Reading:
Adopted:
Published:
Effective:

DRAFT THREE

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 ~~\$50,000.00~~ ~~\$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: Fall River County will not license and prohibits the establishment of

Cannabis Cultivation Facilities within the unincorporated areas of the County.

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: ~~Fall River County will not license and prohibits the establishment of Cannabis Testing Facilities within the unincorporated areas of the County.~~

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: Fall River County will not license and prohibits the establishment of Cannabis Product Manufacturing Facilities within the unincorporated areas of the County.

- ~~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 ~~\$50,000.00~~ \$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 ____ day of February, 2023.

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:

2nd Reading:

Adopted:

Published:

Effective:

DRAFT FOUR

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 ~~\$25,000.00~~ ~~\$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) In the case of an application for a cannabis cultivation facility license, the County will reject the application if the limit on the number of cannabis dispensaries has been reached.

(d) 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. No more than 1 cannabis cultivation facilities shall be allowed to operate in the unincorporated area of the County at any time.
 - ii. 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)
 - iii. Shall not be located within 1,000 feet from a nonresidential daycare facility
 - iv. Shall not be located within 1,000 feet from a public park, public pool or public recreational facility or library
 - v. Shall not be located within 1,000 feet of a religious institution
 - vi. Shall not be located within 1,000 feet of a residence.
 - vii. 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: Fall River County will not license and prohibits the establishment of Cannabis Testing Facilities within the unincorporated areas of the County.

- ~~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: Fall River County will not license and prohibits the establishment of Cannabis Product Manufacturing Facilities within the unincorporated areas of the County.

- ~~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 ~~\$25,000.00~~ \$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 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.

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 ____ day of February, 2023.

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:
2nd Reading:
Adopted:
Published:
Effective:

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 ~~\$50,000.00~~ \$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) In the case of an application for a cannabis cultivation facility license, the County will reject the application if the limit on the number of cannabis dispensaries has been reached.

(d) 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. No more than 1 cannabis cultivation facilities shall be allowed to operate in the unincorporated area of the County at any time.
 - ii. 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)
 - iii. Shall not be located within 1,000 feet from a nonresidential daycare facility
 - iv. Shall not be located within 1,000 feet from a public park, public pool or public recreational facility or library
 - v. Shall not be located within 1,000 feet of a religious institution
 - vi. Shall not be located within 1,000 feet of a residence.
 - vii. 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: Fall River County will not license and prohibits the establishment of Cannabis Testing Facilities within the unincorporated areas of the County.

- ~~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: Fall River County will not license and prohibits the establishment of Cannabis Product Manufacturing Facilities within the unincorporated areas of the County.

- ~~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 ~~\$50,000.00~~ \$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 ____ day of February, 2023.

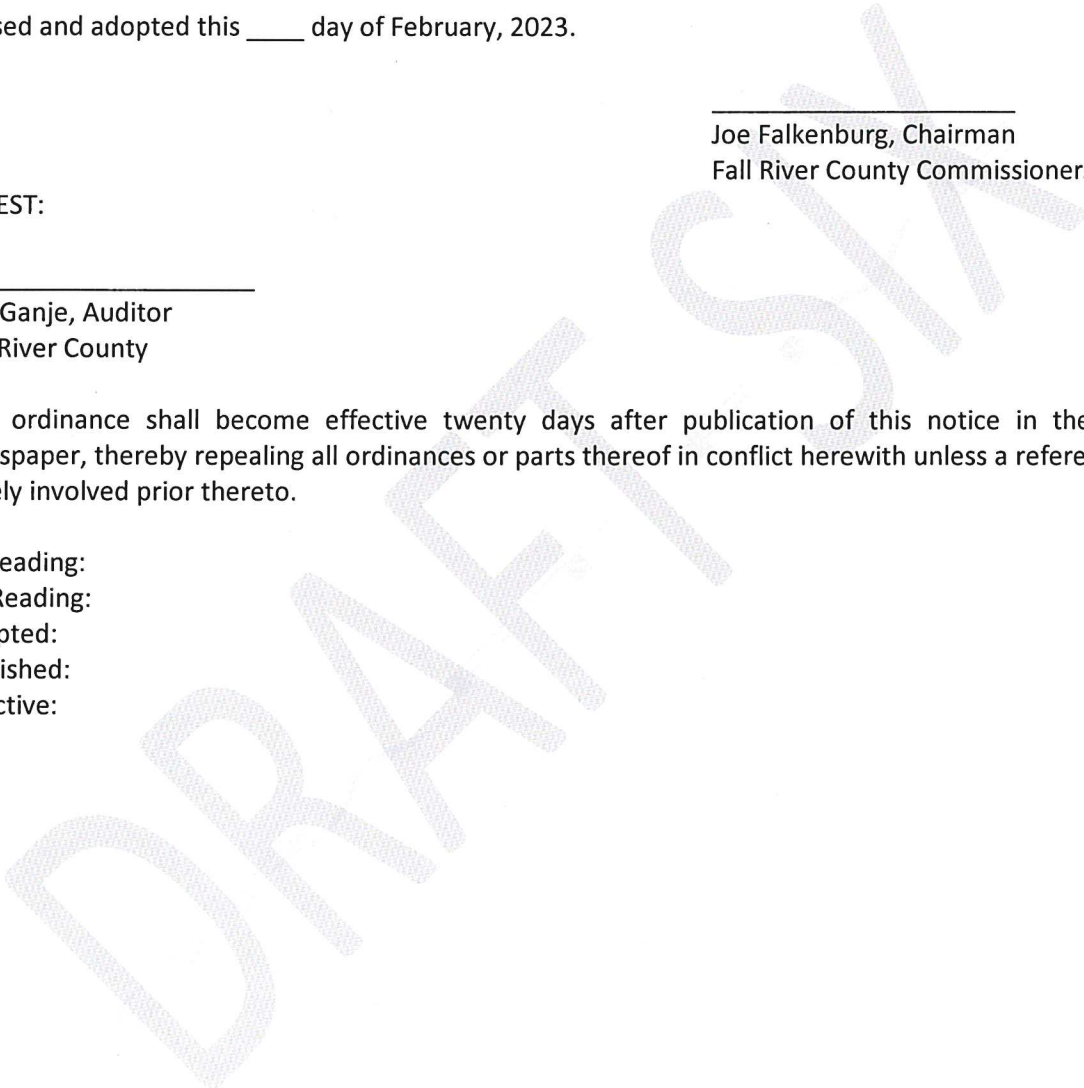
Joe Falkenburg, Chairman
Fall River County Commissioners

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:
- 2nd Reading:
- Adopted:
- Published:
- Effective:



ts

Groups comment on APHIS proposal to require electronic tags

The US Department of Agriculture's Animal and Plant Health Inspection Service published a proposed rule, Jan. 18, 2023, on the use of electronic identification eartags as official identification in cattle and bison.

The rule would require that tags be both visually and electronically readable in order to be recognized for use as official eartags for interstate movement of cattle and bison covered under the regulations.

APHIS is accepting public comment through March 22.

The US Cattlemen's Association said the biggest change if

EPA considers tougher regulation of livestock farm pollution

The U.S. Environmental Protection Agency says it will study whether to toughen regulation of large livestock farms that pollute waterways

By JOHN FLESHER AP Environmental Writer

January 23, 2023, 2:49 PM

TRAVERSE CITY, Mich. -- The U.S. Environmental Protection Agency says it will study whether to toughen regulation of large livestock farms that release manure and other pollutants into waterways.

EPA has not revised its rules dealing with the nation's largest animal operations — which hold thousands of hogs, chickens and cattle — since 2008. The agency said in 2021 it planned no changes but announced Friday it had reconsidered in response to an environmental group's lawsuit.

While not committing to stronger requirements, EPA acknowledged needing more recent data about the extent of the problem — and affordable methods to limit it.

“EPA has decided to gather additional information and conduct a detailed study on these issues in order to be able to make an informed decision as to whether to undertake rulemaking,” the agency said.

Food & Water Watch, whose lawsuit prompted the agency's reversal, said a new approach was long overdue.

“For decades EPA’s lax rules have allowed for devastating and widespread public health and environmental impacts on vulnerable communities across the country,” Tarah Heinzen, the group's legal director, said Monday.

Beef, poultry and pork have become more affordable staples in the American diet thanks to industry consolidation and the rise of giant farms. Yet federal and state environmental agencies often lack basic information such as where they’re located, how many animals they’re raising and how they deal with manure.

Runoff of waste and fertilizers from the operations — and from croplands where manure is spread — fouls streams, rivers and lakes. It's a leading cause of algae blooms that create hazards in many waterways and dead zones in the Gulf of Mexico and Lake Erie.

Under the Clean Water Act, EPA regulates large farms — known as Concentrated Animal Feeding Operations, or CAFOs — covered by federal pollution permits. Federal law requires only those known to discharge waste to obtain permits, although some states make others do so.

EPA's most recent tally shows 6,266 of the nation's 21,237 CAFOs have permits.

In its plan, the agency said its rules impose “substantial and detailed requirements” on production areas — barns and feedlots where animals are held, plus manure storage facilities — as well as land where manure and wastewater are spread.

While prohibiting releases to waterways, the rules make exceptions for production area discharges caused by severe rainfall and for stormwater-related runoff from croplands where waste was applied in keeping with plans that manage factors such as timing and amounts.

In deciding whether to revise the rules, EPA said it would consider how well they're controlling pollution and how changing them would bring improvements.

The agency conceded its data on discharges to waterways is “sparse,” with a preliminary analysis based on reports from only 16 CAFOs. In addition to seeking information from more farms, EPA said it would assess whether discharges are widespread nationally or concentrated in particular states or regions.

It also will look into practices and technologies developed since the rules were last revised, their potential effectiveness at preventing releases, and their cost to farm owners and operators. Under the law, new requirements on farms must be “technologically available and economically achievable.”

Revising water pollution rules typically takes several years, three full-time employees and \$1 million per year for contractor help, EPA said. The study will determine whether “the potential environmental benefits of undertaking rulemaking justify devoting the significant resources that are required,” it said.

Livestock groups have said government regulation is strong enough and that voluntary measures such as planting off-season cover crops and buffer strips between croplands and waterways are the best way to curb runoff. The American Farm Bureau Federation declined comment Monday.

Environmental groups argue regulations should cover more farms, require better construction of manure lagoons to avoid leaks, and outlaw practices such as spreading waste on frozen ground, where it often washes away during rainstorms or thaws.

“We're not talking about really expensive fixes here,” said Emily Miller, staff attorney with Food & Water Watch. “We need the standards to be stronger so they actually prevent discharges as they're supposed to do.”

NEWS

Wyoming Joins Retirement Acc



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ALLOW

Affecting



PRESS RELEASE | January 28, 2023

CHEYENNE — Wyoming has joined a 25-state coalition in a lawsuit over a Department of Labor rule which would affect the retirement accounts of millions of people. The rule would allow 401(k) managers to direct their clients' money to ESG (Environmental Social Governance) investments rather than fiduciary standards. This is contrary to the laws outlined in the Employee Retirement Income Security Act of 1974 (ERISA).

"This rule is contrary to longstanding federal law and fiduciary principles that require fiduciaries to place their clients' financial interests first," Governor Mark Gordon said. "Allowing political agendas to guide managers investing Americans' retirement accounts is unacceptable and short sighted. Their sole responsibility must be the best financial interests of the beneficiaries.

Attorney General Hill looks for appropriate times to involve Wyoming in legal matters, and I appreciate that this legal action is one vehicle to challenge this concerning trend and protect Wyoming's interests and make our voice heard."

Advertisement - Story continues below...

The new rule, "Prudence and Loyalty in Selecting Plan Investments and Exercising Shareholder Rights," takes effect on January 30, 2023. Two-thirds of the U.S. population's retirement savings accounts would be affected, totaling \$12 trillion in assets. Strict laws placed in ERISA are intended to protect retirement savings from unnecessary risk. This rule runs counter to that principle.

From the complaint: "The 2022 Investment Duties Rule makes changes that authorize fiduciaries to consider and promote "non pecuniary benefits" when making investment decisions. Contrary to Congress's clear intent, these changes make it easier for fiduciaries to act with mixed motives. They also make it harder for beneficiaries to police such conduct."

The 25 states in this lawsuit are: Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wyoming.

A copy of the complaint may be found [here](#).

 [Governor Mark Gordon, Lawsuit](#)

Welcome to the South Dakota Property Tax Portal!

This portal provides an overview of the property tax system in South Dakota. The portal offers a tool that explains how local property tax rates are calculated, as well as quick access to property tax reports, data, resources, and laws.

Property taxes are the primary source of funding for school systems, counties, municipalities, and other units of local government. The state does not collect or spend any property tax money.

School districts in South Dakota are funded by state funds (state aid to education payments to schools) and local property taxpayer dollars. Through this partnership, increased state aid to education payments to schools is the state's method of keeping local school property taxes as low as possible.

If you have questions on the assessed value of your property or need a copy of your assessment notice, contact your [local County Director of Equalization](#).

If you have questions on your tax bill or need a copy of your tax bill, contact your [local County Treasurer](#).

If you have questions about this portal or how to use the Property Tax Explainer Tool, contact the [South Dakota Department of Revenue](#).

Property Tax Explainer Tool

This is not a tax bill. The property tax explainer tool provides an estimated breakdown of some of the taxes that you pay.

Your property taxes consist of taxes paid to counties, municipalities, townships, road districts, and other specialized districts. Not all of those district taxes are included in this tool. For a complete list of all taxes that may apply to your property, please refer to your tax bill. To view the tax levy of each district – County, City/Township, School – click on each tab.

Resources

DOR Property Tax Facts, Publications, and Forms

Data

The following property tax data was compiled from various reports submitted by each respective county. The downloads are available in MS Excel, CSV, or Text format

Reports

townships, and schools. Download reports in PDF or Microsoft Word format.

Statutes and Regulations

This page provides quick access to property tax specific South Dakota statutes and regulations.

Using Property Tax Explainer Tool

- Go to DOR website (<https://dor.sd.gov/>)
- Scroll Down to *Online Services Section*
- Select *Property Tax Transparency Portal*
- Select *Property Tax Explainer Tool*
- Select county and year according to property and then select *Next*
- Select districts and property class then select *search*
- Enter approximate taxable property value
- Select *Estimate My Taxes*

Note: The approximate taxable property value will need to be entered on all three tabs on the left of the screen under the New Search Button. Those 3 values then will need to be added together.



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- Home
- Property Tax Explainer Tool
- Resources
- Data
- Reports
- SD Statutes and Regulations
- Help

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New Search

Fall River County Township of Fall River Hot Springs School District

Tax Requested

How much money Fall River County asked property tax payers to pay:
\$2,989,930.93 ▲ 5.75% from prior year.

Property Value

The total taxable value of all property in Fall River County:
\$733,592,210.00 ▲ 6.77% from prior year.

Tax Rate

The tax rate for property tax payers per \$1,000 of assessed value:
\$3.95 ▼ -0.95% from prior year.

The Fall River County tax rate is **\$3.95**, which ranks **8th** highest in the state. This does not include other local taxes listed on your tax bill.

The Fall River County tax rate is calculated using the following formula:

$$\frac{\text{Tax Request}}{\text{District Total Value}} = \text{Tax Rate}$$

Multiplying the tax rate by your taxable property value will calculate the estimated amount you pay in property tax towards Fall River County.

Enter Taxable Property Value:

Your Estimated Tax:

Estimate My Taxes