

## ORDINANCE NO. 55

### AN ORDINANCE ESTABLISHING METHOD FOR ISSUING CERTAIN LICENSES

#### Article 1: General Provisions

##### 1.1 Authority

The Meade County Board of County Commissioners (Board) is empowered by statute to approve applicants and award certain types of licenses that are limited in number. Such licenses include, without limitation, alcoholic beverages (on and off sale) and medical cannabis establishments.

##### 1.2 Purpose

As certain types of licenses are limited and in high demand in the County, this Ordinance establishes the process whereby the Board will consider applications submitted for those types of licenses when such licenses become available to be issued by the County through change of law or loss of a license by an existing license holder. Generally, subject to the process set forth herein, there will be a lottery system if more applications are received in the specified period of time than there are licenses available.

##### 1.3 Jurisdiction and Coverage

This Ordinance shall apply to all licenses for which the Board or a Meade County Department receives applications that are approved by the Board. This Ordinance shall apply to any type of license limited in number by applicable law. At the time of adoption of this Ordinance this would include alcoholic beverage licenses (on and off sale) and medical cannabis establishments. It is intended that this Ordinance shall apply to similar licenses created by statute or applicable law in the future without the necessity of changes to this Ordinance.

#### Article 2: Definitions

Alcoholic Beverage License: retail licenses issued pursuant to SDCL Title 35 which are approved by the Board

Auditor: the Meade County Auditor

Available License: a license of the type covered by this Ordinance which is a newly created license, a license returned to the County from a licensee whether returned voluntarily or involuntarily. It shall not include licenses which have been previously approved by the Board and issued to a licensee, including any approved transfer of such license.

Board: the Meade County Board of County Commissioners.

Medical Cannabis Establishment: shall have the same meaning as established by statute in SDCL 34-20G-1 or court interpretation thereof.

#### Article 3: Application Process

3.1 All application requirements established by statute or ordinance shall be complied with prior to consideration of that application. This may include:

- 3.1.1 For alcoholic beverage licenses, the requirements of SDCL 35-2-1 and 35-2-1.2.
- 3.1.2 For medical cannabis establishments, the requirements of Meade County Ordinance 53.
- 3.1.3 Any application fee required by statute or ordinance shall be submitted with the application prior to consideration under this Ordinance.
- 3.2 No application for a license of the type addressed by this Ordinance may be accepted by the Auditor if there is no available license.
- 3.3 **Deadline.** Completed applications for any available license shall be submitted to the office of the Auditor no sooner than the day the license becomes available and no later than 5:00 pm on the 15th day after the license becomes available. Any application submitted after that time shall be accepted by the Auditor but shall not be eligible for consideration by the Board until after the lottery process set forth herein is concluded.
- 3.4 **Lottery.** The names of those applicants submitting a valid application before the deadline shall be drawn at random at the next regularly scheduled open meeting of the Board. All applicant names shall be drawn in order to have a list of alternates should one or more applicant with a higher priority fails to qualify for such license.
- 3.5 The applications of those selected at lottery shall be considered for approval by the Board following any notice or hearing requirement set by statute or ordinance for that type of license.
- 3.6 In the event the applicant refuses to consummate the purchase of the license or fails to be approved by the Board, the next alternate applicant shall have their application considered. The alternate applicant's application shall be considered following any notice or hearing requirements set by statute or ordinance for that type of license.
- 3.7 In the event that Auditor receives fewer applications than the number of available licenses by the deadline, the available license shall be considered in the order they are received.

Article 4: Effective Date

- 4.1 This Ordinance shall be effective twenty (20) days after publication.

Dated at Sturgis, South Dakota, this 26 day of July \_\_\_\_\_, 2022.

By: [Signature]  
Meade County Board of County Commissioners, Chairperson

Attested: [Signature]  
Meade County Auditor

First Reading: July 18<sup>th</sup> 2022

Second Reading: July 26<sup>th</sup> 2022

Adopted: July 26<sup>th</sup> 2022

Published: August 3<sup>rd</sup> 2022