

AN ORDINANCE PROHIBITING THE CONSUMPTION AND/OR SMOKING OF CANNABIS IN PUBLIC PLACES

Section 1: Authority

This Ordinance is enacted under the authority of SDCL 7-8-33 and SDCL Chapter 34-20G. The Minnehaha County Board of County Commissioners hereby find that consuming and/or smoking cannabis in any public place or in any place that is open to the public is a public nuisance in that such consumption and/or smoking annoys, injures, and endangers the comfort, repose, health, or safety of others.

(MC 58-21, adopted 7-20-2021)

Section 2: Purpose

It is the purpose of this Ordinance to prohibit the consumption and/or smoking of cannabis in any public place or in any place that is open to the public in Minnehaha County outside of an incorporated municipality.

(MC 58-21, adopted 7-20-2021)

Section 3: Definitions and Interpretation

For purposes of this Ordinance the terms "public place" and "place open to the public," shall be defined to include:

- a. any area to which the public is invited,
- b. any area in which the public is permitted,
- c. any place of employment, and
- d. any area in, on, or around any public place including without limitation: parking lots, elevators, lobbies, hallways, corridors, and areas open to the public within any place of business, place of employment, or multifamily residential buildings.

The definition of other terms shall correspond to the definitions set forth in SDCL 34-20G-1. Any interpretation of terms under that statute shall apply to the same term in this Ordinance.

(MC 58-21, adopted 7-20-2021)

Section 4: Unauthorized Acts

It is unlawful for any person to consume and/or smoke cannabis, medical cannabis, or cannabis products in any public place, whether or not the cannabis, medical cannabis or cannabis product is prescribed by a practitioner of the medical arts.

(MC 58-21, adopted 7-20-2021)

Section 5: Criminal Penalty

Violation of the terms of this Ordinance may be enforced through a fine not to exceed the fine established by subdivision 22-6-2(2) for each violation or by imprisonment for a period not to exceed thirty days for each violation, or by both the fine and imprisonment.

(MC 58-21, adopted 7-20-2021)

Section 6: Severability and Separability

Should any Article, Section, subsection or part of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional, invalid or otherwise affected by law, such determination shall not affect the validity or constitutionality of the Ordinance as a whole or any part thereof other than the part so determined.

(MC 58-21, adopted 7-20-2021)

Section 7: Effective Date

This Ordinance is necessary to protect and immediately preserve the public peace, health, or safety and is therefore immediately effective following second reading pursuant to SDCL 7-18A-8.

(MC 58-21, adopted 7-20-2021)