

ORDINANCE 2021-07
AN ORDINANCE PROHIBITING THE SMOKING OF CANNABIS IN PUBLIC PLACES

BE IT ORDAINED BY BROOKINGS COUNTY:

Section 1: Authority

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

Section 2: Purpose

It is the purpose of this Ordinance to prohibit the smoking of cannabis in any public place or in any place open to the public in Brookings County outside of an incorporated municipality.

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, parks 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.

Section 4: Unauthorized Acts

It is unlawful for any person to smoke cannabis, including medical cannabis, in any public place, whether or not the cannabis, including medical cannabis, is prescribed by a practitioner of the medical arts. Consuming medical cannabis products, not including smoking, is permitted.

Section 5: Criminal Penalty

Violation of the terms of this Ordinance may be enforced through a fine not to exceed the fine established by SDCL 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.

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.

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.

Adopted this 21st day of September 2021.

Effective: September 21, 2021

BROOKINGS COUNTY
BOARD OF COUNTY COMMISSIONERS

By: _____
Larry Jensen, Chairperson
Board of County Commissioners

ATTEST:

Lori Schultz, Finance Officer
Brookings County

First Reading: August 17, 2021
Second Reading: September 21, 2021
Adopted: September 21, 2021
Effective Date: September 21, 2021