Ordinance No. 6501

AN ORDINANCE TO PROHIBIT PUBLIC SMOKING OF MARIJUANA BY ADOPTING SECTION 8.32.060 OF THE RAPID CITY MUNICIPAL CODE

WHEREAS, the voters of South Dakota legalized medical cannabis in 2020 by their approval of Initiated Measure 26; and

WHEREAS, the voters of South Dakota also voted for state-wide legalization of recreational marijuana by approving Constitutional Amendment A in 2020; and

WHEREAS, although Constitutional Amendment A is currently not in effect because of litigation concerning the amendment, recreational marijuana may be validated by the South Dakota Supreme Court or otherwise adopted by the legislature and/or the voters in the future; and

WHEREAS, the City wishes to adopt an ordinance prohibiting the smoking in public of medical cannabis or marijuana in public areas within the City; and

WHEREAS, the City believes it to be in the best interests of the health, safety, and welfare of its citizens to prohibit the public smoking of cannabis by adopting Section 8.32.060 of the Rapid City Municipal Code.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 8.32.060 of the Rapid City Municipal Code be and is hereby amended to read in its entirety as follows:

8.32.060 Public Smoking of Marijuana

A. It is unlawful for any person to smoke or carry lighted marijuana indoors or outdoors at, on, or in the following:

1. A public place or place that is open to the public, including any place, whether in or out of a building, commonly and customarily open to or used by the general public;

2. An elementary or secondary school;

3. A City-owned park, playground, pool, bike path, recreational facility, street, highway, alley, or sidewalk, or other City-owned property;

4. A place where the smoking of tobacco products is prohibited pursuant to SDCL Chapter 34-46;

5. A medical cannabis establishment as defined in SDCL 34-20G-1;

6. A form of public transportation; or
7. A correctional facility.

B. Marijuana in this Section includes any and all definitions of cannabis found in state law and any and all definitions of marijuana found in state law, including but not limited to the definition of marijuana found in SDCL 22-42-1.

C. Any person violating this Section shall be subject to the general penalty provision in Section 1.12.010.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Director

(seal)

First Reading:
Second Reading:
Published:
Effective: