

Chapter 5.48

MEDICAL CANNABIS USE RESTRICTIONS

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5.48.010 GENERAL PROVISIONS

1) Authority

This Ordinance is enacted under the authority of SDCL 9-29-13. The Governing Body of the City of North Sioux City hereby makes a determination that smoking cannabis in any public place is a public nuisance in that the act (1) Annoys, injures, or endangers the comfort, repose, health, or safety of others and (2) Offends decency.

2) Purpose

It is the purpose of this Ordinance to prohibit the smoking of cannabis in any public place in the City of North Sioux City.

5.48.020 DEFINITIONS

1) Application and Interpretation

The definitions listed hereafter shall apply to this Ordinance. The definitions set forth are to be understood in their ordinary sense.

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

2) Definitions

- A. "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;
- B. "Governing Body," the North Sioux City Council;
- C. "Medical cannabis" or "cannabis," marijuana as defined in § 22-42-1;
- D. "Public place," any area to which the public is invited or in which the public is permitted.
- E. "Place Open to the Public," any place to which the public is invited or permitted, including in, on, or around any place of business, parking lot, or place of amusement or entertainment and includes the elevator, lobby, hallways, corridors, and area open to the public of any store, office, or multifamily residential buildings.

5.48.030 UNAUTHORIZED ACTS

1) It is unlawful for any person to smoke any cannabis, medical cannabis, or cannabis products in any public place, whether the cannabis, medical cannabis or cannabis product is prescribed by a practitioner of the medical arts.

5.48.040 PENALTIES

1) Criminal Penalty

A. 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.

5.48.050 SEVERABILITY AND SEPERABILITY

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.

5.48.060 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 9-19-13. This Ordinance shall be enforceable no sooner than July 1, 2021.