

1st Reading: _____
2nd Reading: _____
Date Adopted: _____
Date Published: _____
Effective Date: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 92: HEALTH AND SANITATION TO RESTRICT SMOKING ON CITY PROPERTY.

Section 1. That Section 92.210 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

§ 92.210 DEFINITIONS.

For purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

CITY PROPERTY. All property owned, leased, or operated by the city including, but not limited to, all city parks; city golf courses; city buildings; and any ticket, boarding, and waiting areas of any public transit depot.

SMOKING. The carrying or holding of a lighted cigarette, cigar, pipe, or any other lighted smoking equipment; the use of an ***ELECTRONIC SMOKING DEVICE***; or the inhalation or exhalation of smoke from any lighted smoking equipment.

TOBACCO PRODUCT. Any product made or derived from tobacco that is intended for human use, including any component part or accessory of a tobacco product. A ***TOBACCO PRODUCT*** includes, but is not limited to, cigarettes, cigars, pipes, electronic smoking devices, cigarette tobacco, roll-your-own tobacco, smokeless tobacco, and dissolvable tobacco.

ELECTRONIC SMOKING DEVICE. Any device that can be used to deliver an aerosolized solution that may or may not contain nicotine to the person inhaling from the devices, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, e-hookah, or other simulated smoking device. Nicotine products approved by the U.S. Food & Drug Administration for tobacco cessation shall be allowed.

YOUTH ACTIVITIES. Activities in which the intended participants and/or the intended attendees are primarily under 18 years of age.

Section 2. That Section 92.211 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

§ 92.211 PROHIBITED CONDUCT.

- (a) The use of tobacco products and electronic smoking devices is hereby prohibited on any city-owned property when any youth activities take place.
- (b) The use of tobacco products and electronic smoking devices is hereby prohibited in all vehicles owned, leased, or operated by the city.
- (c) Smoking is hereby prohibited at permitted activities as referenced in § 95.018 unless the permittee designates a defined area(s) that will minimize public exposure to smoking. The Director of Parks and Recreation shall be provided notice of the designated smoking area prior to issuing a permit under § 95.018.
- (d) Smoking is hereby prohibited on city property that is leased or managed by a third party unless otherwise provided in this subsection. Notwithstanding the first sentence of this subsection, the lessee or third-party manager of city property may designate smoking area(s) that shall minimize public exposure to smoking.
- (e) Except for designated smoking area(s) authorized in subsection (d) above, smoking will not be allowed at the Denny Sanford PREMIER Center campus within the area defined by the public access roads that connect Bailey St. to Western Ave. and Russell St. to Western Ave.
- (f) Smoking will not be allowed at city golf courses except during the course of play, after the first tee, and before the green of the final hole of any nine holes of play.
- (g) Smoking is hereby prohibited at any ticket, boarding, and waiting areas of any public transit depot.
- (h) Smoking is hereby prohibited within a distance of 20' from any entrance, passageway, operable window, or ventilation of any city-owned building, unless such person is immediately passing through such area, without stopping or standing, en route to another destination, or unless that person is smoking within a designated smoking area pursuant to subsection (d), above.
- (i) Any city policy regulating smoking or the use of tobacco products by the public on city property must be approved by the city council, unless otherwise provided by law or by a joint powers agreement approved by the city council.

Section 3. That Section 92.212 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

§ 92.212 EDUCATION AND ENFORCEMENT.

- (a) The city's public health director shall develop a comprehensive tobacco education program to educate the public about the harmful effects of tobacco product use.

- (b) The city's public health director shall conduct informational activities to notify and educate the public about the city's smoking and tobacco-free policies.
- (c) The city's public health director may publish and distribute educational materials relating to this subchapter.
- (d) Signs will be posted at smoke-free and tobacco-free areas notifying the public of this subchapter.
- (e) Any person in violation of this subchapter may be ejected from the city property on which the violation occurred.
- (f) That this subchapter is cumulative of other state laws that regulate tobacco product use and smoking including, but not limited to, South Dakota Codified Law Ch. 34-46 and city code § [130.010](#), which prohibits smoking in any city-owned buildings, as amended from time to time.

Date adopted: _____

Mayor

ATTEST:

City Clerk