CHARTER TOWNSHIP OF WEST BLOOMFIELD

ORDINANCE NO. 283-A

An Ordinance to amend Chapter 15 of the Charter Township of West Bloomfield Code of Ordinances, Article VII, Division 3.

THE CHARTER TOWNSHIP OF WEST BLOOMFIELD ORDAINS:

DIVISION 3. - SMOKING IN AN EDUCATIONAL FACILITY AND MINORS IN POSSESSION OF TOBACCO AND VAPOR PRODUCTS

Sec. 15-235. - Definitions.

(a) As used in this division, "educational facility" means a building owned, leased or under the control of a public or private school system, college or university.

(b) As used in this division, "smoking" or "smoke" means the possession and/or use of a lighted and/or activated cigar, cigarette, pipe, alternative nicotine delivery, tobacco or vapor product or other lighted smoking device.

(c) Alternative Nicotine Delivery Product means a noncombustible product containing nicotine that is intended for human consumption whether chewed, absorbed, dissolved, inhaled or ingested by any other means.

(d) Tobacco Product means a product that contains tobacco and is intended for human consumption including, but not limited to, cigarettes, cigars, non-cigarette smoking tobacco, chewing tobacco, tobacco snuff or smokeless tobacco as those terms are defined in Section 2 of the Tobacco Products Tax Act, 1993 PA 327, MCL 205.422.

(e) Vapor Product means a noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electric, chemical or mechanical means, regardless of shape or size that can be used to produce vapor from nicotine or in a solution or other form. Vapor products include, but are not necessarily limited to include, an electronic cigarette (E cigarette), electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette (E cigarette), electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

(f) Township means the Charter Township of West Bloomfield, Michigan.

(g) Minor means an individual who is less than 18 years of age.

Sec. 15-236. - Smoking or possession of tobacco, vapor and alternative nicotine delivery products in an educational facility prohibited; exception.

(a) An individual shall not possess or smoke tobacco, vapor or alternative nicotine delivery products in any educational facility except in a designated smoking area.
(b) This section shall not apply to individuals over the age of 18 in a private educational facility after regularly scheduled school hours.

Sec. 15-237. - Designation of smoking areas.

A smoking area may be designated by the school district or the person who owns or operates an educational facility. If a smoking area is designated, existing physical barriers and ventilation systems shall be used to minimize the toxic effect of smoke in both smoking and adjacent nonsmoking areas.

Sec. 15-238. - Owners or operators of educational facilities; duties.

The school district or the person who owns or operates an educational facility shall, at a minimum, do all of the following in order to prevent smoking:

1. Post signs which state that smoking in that educational facility is prohibited, except in designated smoking areas, pursuant to this division.

2. Implement and enforce the policy prohibiting smoking in educational facilities and for the separation of smokers and nonsmokers developed under section 15-237.

Sec. 15-239. - Civil sanctions for violations.

An individual who violates this division is liable for the following civil fines:

1. For the first violation a fine of not more than one hundred dollars ($100.00).

2. For a second or subsequent violation a fine of not more than five hundred dollars ($500.00).

Sec. 15-240. - Use or possession of tobacco, vapor and alternative nicotine delivery products by minors.

A person under 18 years of age shall not possess, consume or otherwise use tobacco products, vapor products or alternative nicotine delivery products on a public highway, street, alley, park or other lands used for public purposes, or any public place of business or amusement within the Township.

Sec. 15-241. – Sale of tobacco, vapor and alternative nicotine delivery products to minors.

(a) A person shall not sell, give, or furnish any tobacco products, vapor products, or alternative nicotine delivery products to a person under 18 years of age, including, but not limited to through direct sale or through a vending machine.

(b) A person under 18 years of age shall not misrepresent his or her age in order to purchase tobacco products, vapor products, or alternative nicotine delivery products.

(c) A person who sells tobacco products at retail shall post, in a place close to the point of sale and conspicuous to both employees and customers, a sign that includes the following statement:
"The purchase of tobacco products, vapor products or alternative nicotine products by a minor under 18 years of age and the provision of tobacco products, vapor products and/or alternative nicotine products to a minor are prohibited by law. A minor unlawfully purchasing or using tobacco products, vapor products and/or alternative nicotine products is subject to criminal penalties."

(d) Section 15-241(a) shall not apply to the handling or transportation of a tobacco product, vapor product, or alternative nicotine product by a minor under the terms of the minor’s employment.

Sec 15-242. Severability.

Should any section, subdivision, sentence, clause or phrase of this Ordinance, be declared by the Courts to be invalid, it shall not affect the validity of the remainder of the Ordinance or any part other than the part invalidated.

CERTIFICATION

STATE OF MICHIGAN )
COUNTY OF OAKLAND ) SS

I, Deborah Binder, the duly elected Clerk for the Charter Township of West Bloomfield, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of the Ordinance adopted by the Township Board for the Charter Township of West Bloomfield at a meeting held on November 26, 2018. The original is on file in the Office of the Township Clerk.

I affix my official signature/seal this 26th day of November, 2018.

By: Deborah Binder, Township Clerk

INTRODUCED: 10-15-2018
ADOPTED: 11-26-2018
EFFECTIVE: 12-05-2018
PUBLISHED: 12-05-2018