

**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:

