

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF FARMINGTON

ORDINANCE NO. C-789-2018

AN ORDINANCE TO AMEND THE CITY OF FARMINGTON CITY CODE OF ORDINANCES, CHAPTER 20, "OFFENSES," ARTICLE VIII, "OFFENSES PERTAINING TO MINORS," IN ORDER TO AMEND SECTION 254 TO INCLUDE VAPE AND ELECTRONIC CIGARETTES IN THIS SECTION AND TO PROVIDE FOR CHANGES IN ITS PENALTY PROVISIONS.

THE CITY OF FARMINGTON ORDAINS:

PART I. That Chapter 20, "Offenses," Article VIII, "Offenses Pertaining to Minors," of the City of Farmington Code of Ordinances is hereby amended to read as follows:

Sec. 20-254. – Smoking and Possession of Tobacco Products by Minors.

a) Definitions. The following words, terms and phrases when used in this division have the meaning provided except where the context clearly indicates a different meaning:

Nicotine product means the highly toxic alkaloid found in tobacco, presented in tobacco, or in some other form for ingestion, including, but not limited to water soluble nicotine containing substances, and devices which deliver nicotine through vapor or other means for ingestion, such as electronic cigarettes, hookah pens, or other similar devices.

School district means a school district, local school district, or intermediate school district, as those terms are defined in the school code of 1976 Act No. 451 of the Public Acts of Michigan of 1976 (MCL 380.1 et seq.), as amended or a charter school, consortium, or cooperative arrangement, or any combination of these.

School property means a building facility, or structure, or other real estate owned, leased, occupied, or controlled by a school district.

Smoking or *smoke* means the possession by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device, or activated device which delivers nicotine through vapor or other means, or ingestion electronically such as electronic cigarettes, hookah pens, or other similar devices.

Tobacco products means preparation of tobacco to be ingested by any means including but not limited to smoked, vaporized, chewed or inhaled.

Use of tobacco product and/or nicotine product means any of the following:

- 1) The possession of a lighted cigar, cigarette, pipe, or other lighted smoking device.

- 2) The possession of a device which delivers nicotine through vapor, or other means which is for ingestion, including, but not limited to electronic cigarettes, hookah pens, or other similar devices.
- 3) The ingestion of a tobacco product by any means.

b) Furnishing tobacco products to minors prohibited.

No person shall furnish, give, or sell any tobacco product or nicotine product in any form to a person under the age of eighteen (18) years of age. A person who violates this section shall be guilty of a misdemeanor punishable by a fine of not more than two hundred and fifty dollars (\$250.00) for each offense.

c) Tobacco and nicotine products on school property.

A person shall not smoke a tobacco product or nicotine product on school property. A person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than two hundred and fifty dollars (\$250.00) for each offense.

d) Smoking, use, or possession of tobacco and nicotine products by a minor in public; penalty.

A person under the age of eighteen (18) years shall not possess, smoke, or use nicotine products or tobacco products anywhere within the City of Farmington, State of Michigan. A person who violates this section is guilty of a misdemeanor punishable by a fine of not more than two hundred and fifty dollars (\$250.00) for each offense.

Part II **Severability**

Should any section, subsection, paragraph, sentence, clause, or word of this ordinance be held invalid for any reason, such decisions shall not affect the validity of the remaining portions of the ordinance.

Part III **Savings**

This amendatory ordinance shall not affect violations of the zoning ordinance or any other ordinance existing prior to the effective date of this ordinance and such violation shall be governed and shall continue to be separately punishable to the full extent of the law under the provisions of such ordinance at the time the violation was committed.

Part IV **Effective Date: Publication.**

This amendatory ordinance shall be effective 10 days after adoption by the City Council and after publication as provided by the Charter of the City of Farmington.

Ayes: Schneemann, Taylor, Bowman, Galvin, LaRussa


Nayes: None

Abstentions: None

Absent: None

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

I, the undersigned, the qualified and acting City Clerk of the City of Farmington, Oakland County, Michigan, do certify that the foregoing is a true and complete copy of the Ordinance adopted by the City Council of the City of Farmington at a meeting held on the 15th day of October, 2018, the original of which is on file in my office.



MARY J. MULLISON, City Clerk
City of Farmington

Adopted: October 15, 2018
Published: October 21, 2018
Effective: October 25, 2018

