

ORDINANCE NO. 93-23.12

**AN ORDINANCE TO ADD SECTION 22-263 TO THE NOVI CODE OF ORDINANCES
TO PROHIBIT THE USE OF A TOBACCO PRODUCT ON SCHOOL PROPERTY.**

THE CITY OF NOVI ORDAINS:

Part I. That Section 22-263 is hereby added to the Novi Code of Ordinances and shall read in its entirety as follows:

Sec. 22-263. Use of tobacco products on school property.

- (a) Except as otherwise provided in subsection (d), a person shall not use a tobacco product on school property.
- (b) A person who violates subsection (a) is guilty of a misdemeanor, punishable by a fine of not more than \$50.00.
- (c) The provisions of Sec. 22-251 notwithstanding, as used in this section:
 - (1) "School district" means a school district, local act 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 1976, being sections 380.1 to 380.1852 of the Michigan Compiled Laws; a joint high school district formed under part 3a of Act No. 451 of the Public Acts of 1976, being sections 380.171 to 380.187 of the Michigan Compiled Laws; or a consortium or cooperative arrangement consisting of any combination of these.
 - (2) "School property" means a building, facility, or structure and other real estate owned, leased, or otherwise controlled by a school district.
 - (3) "Tobacco product" means a preparation of tobacco to be inhaled, chewed, or placed in a person's mouth.
 - (4) "Use a tobacco product" means any of the following:
 - a. The carrying by a person of a lighted cigar, cigarette, pipe or other lighted smoking device.
 - b. The inhaling or chewing of a tobacco product.
 - c. The placing of a tobacco product within a person's mouth.
- (d) Subsection (a) does not apply to that part of school property consisting of outdoor areas including, but not limited to, an open-air stadium, during either of the following time periods:
 - (1) Saturdays, Sundays and other days on which there are no regularly scheduled school hours.
 - (2) After 6 p.m. on days during which there are regularly scheduled school hours.

Part II. Savings Clause. The addition of section 22-263 of the Novi Code of Ordinances, as amended, does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the addition of section 22-263 of the Novi Code of Ordinances.

Part III. Effective Date; Publication. The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

MADE, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE 8th DAY OF November, 1993.

s/Kathleen S. McLallen

KATHLEEN A. McLALLEN - MAYOR

s/Geraldine Stipp

GERALDINE STIPP - CITY CLERK

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing is a true and complete copy of an Ordinance passed at a regular meeting of the Novi City Council, held on the 8th day of November, 1993.

s/Geraldine Stipp

GERALDINE STIPP - CITY CLERK