

ORDINANCE NO. 80-720

AN ORDINANCE TO ADD ARTICLE V ENTITLED PUBLIC PROPERTY SMOKING RESTRICTIONS, TO CHAPTER 21 OF THE CODE OF ORDINANCES.

THE CITY OF WARREN ORDAINS:

SECTION 1. That the Code of Ordinances of the City of Warren, Michigan is hereby amended by adding an article, to be numbered V., to Chapter 21,

WHICH SHALL READ AS FOLLOWS:

ARTICLE V. PUBLIC PROPERTY SMOKING RESTRICTIONS

Section 21-73. Purpose.

The City of Warren recognizes that secondhand smoke poses a danger to public health and has been associated with chronic disease, birth defects, and even death. The City wishes to protect the public from the dangers of secondhand smoke when they enter buildings, or participate in activities on municipal property. All persons should be able to enjoy city services without concern or risk of inhaling secondhand smoke. Public property should be free from litter, dangers, and lingering odors associated with smoking. This Ordinance endeavors to provide protection and serve the health, safety, and welfare of the public from the ills associated with smoking.

Section 21-74. Definitions.

The terms used in this Article, whether capitalized or not, will have the following meanings:

Entrances: means the doors and/or other areas designed and used for ingress and egress by members of the public including, but not limited to, any entrance accessed through a parking lot structure.

Public Building: means all buildings owned, leased, or managed by the City of Warren including, but not limited to: city administrative buildings, court buildings, maintenance garages, satellite office buildings, libraries, and buildings owned by the Downtown Development Authority (DDA), the Tax Increment Finance Authority (TIFA), and the Warren Building Authority.

Smoking: means the inhaling, exhaling, burning, or carrying any lighted or heated cigarette, cigar, or pipe/bong; or any other action that produces smoke.

Section 21-75. General Prohibition.

- (a) A person shall not smoke within 25 feet of an entrance to a public building, except as noted in Section 21-76.

Section 21-76. Exceptions.

- (a) The following public buildings shall be excluded from the general prohibition:
 - (1) Any building managed by Warren Community Housing Authority including, but not limited to, the Joseph Coach and Stillwell Manor apartments.
- (b) The Warren Community Housing Authority may enact more restrictive smoking regulations.

Section 21-77. Signs.

- (a) The City shall post signs that are reasonably calculated to inform all persons of the smoking restrictions in this Article.
 - (1) The signs shall include the following language:
 - (i) "NO SMOKING WITHIN 25 FEET OF THIS ENTRANCE"; and
 - (ii) a citation to this Ordinance.

Section 21-78. Debris Receptacles.

- (a) In order to control litter caused by smoking and demarcate the appropriate distance from public entrances where smoking is permitted, the City shall place debris receptacles:
 - (1) at a distance of 25 feet from an entrance to a public building where smoking is permitted.
- (b) Any person who intentionally moves a debris receptacle, when placed pursuant to this Article, more than one foot in any direction from its appropriate location, is guilty of a misdemeanor, punishable by up to 90 days in jail, a fine up to five hundred dollars (\$500.00), and/or court costs.

Section 21-79. Construction.

- (a) This Article is intended to supplement, not duplicate or preempt, any applicable ordinance, state law, or federal law. Therefore, this Article shall not be interpreted to permit smoking where it is otherwise restricted by other applicable laws.

Section 21-80. Penalties and Enforcement.

- (a) Except where otherwise specified, any violation of this Article is a municipal civil infraction, punishable by:
 - (1) A fine not to exceed one hundred dollars (\$100.00) for the first violation.

- (2) A fine not to exceed two hundred dollars (\$200.00) for each additional violation of this Article, within a one year period.
- (b) If a person continues to smoke after a police officer tells the person to stop, or issues him or her a citation under this Article, the police officer may:
 - (1) ask the person to leave the public property and/or
 - (2) issue the person a citation for a misdemeanor, punishable by up to 90 days in jail, a fine up to five hundred dollars (\$500.00), and/or court costs.

SECTION 2. This Ordinance shall take effect on July 28, 2014.

I HEREBY CERTIFY that the foregoing Ordinance No. 80-720 was adopted by the Council of the City of Warren at its meeting held on July 8, 2014.

PAUL WOJNO
City Clerk

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