

Sec. 22-101. - [Smoking regulations and prohibitions.]

- (a) Findings. The city does hereby find that:
- (1) The environmental protection agency has classified environmental tobacco smoke as a "Group A" carcinogen, including among the most toxic substances known to cause cancer in humans, including benzene, radon and asbestos;
 - (2) Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing second-hand smoke is a cause of disease, including lung cancer, in nonsmokers.
 - (3) Health hazards included by breathing second-hand smoke include lung cancer, heart disease, respiratory infection, decreased respiratory function, broncho-constriction and broncho-spasm.
 - (4) The city has a desire to protect the health and safety of its employees as well as the adults and children who use buildings owned, leased or operated by the city; and
 - (5) Based upon recent EPA studies and in accordance with the Michigan Clean Air Act, the city council believes that a significant health hazard and safety concern exists by allowing smoking in buildings owned, leased or operated by the city.
- (b) Purpose. The city finds and declares that the purposes of this regulation are to protect the public health and welfare by prohibiting smoking in public places, and to guarantee the right to nonsmokers to breathe smoke-free air, and to recognize that the need to breathe smoke free air shall have priority over the desire to smoke.
- (c) Defined. The term "smoke" or "smoking" as used in this section means the lighting, inhaling, exhaling or burning, or carrying of any lighted cigar, cigarette, tobacco, weed, plant or other similar article or combustible substance in any form.
- (d) Prohibition. No person shall smoke within any enclosed building owned, leased or operated by the city. This prohibition shall include, but is not limited to, private enclosed offices, open space offices, meeting rooms, conference rooms, eating areas, including cafeterias and break rooms, lounges, restrooms, hallways, stairways and enclosed entrances. This prohibition shall extend one hundred (100) feet from the entrances to all buildings owned, leased or operated by the city, except in those outdoor areas designated by the city manager as smoking areas. A violation of this prohibition is hereby declared to be a public nuisance.
- (e) Notice and posting. The smoking prohibition section of this section shall be posted by the city clerk at all public entrances to all buildings owned, leased or operated by the city. All employees of the city shall receive notice through posting in individual offices. The absence of a posting shall not bar enforcement of this section. Also, prominent signage shall be displayed at all entrances to buildings.
- (f) Violations and penalties. Any person who violates this section is guilty of a civil infraction, and upon being found responsible therefor shall be subject to a civil fine of not more than fifty dollars (\$50.00) for a first offense and not more than one hundred dollars (\$100.00) for each subsequent offense.
- (g) Interpretation and application. This regulation is intended to be supplemental to the Michigan Clean Indoor Act, MCL 333.12601, et seq. and any other statutes enacted by the state to protect the public health. Where the provisions of any other state law, ordinance, rule or regulation apply, the more restrictive of any or all laws, ordinance, regulations or rules shall prevail.

(Ord. No. 04-23.24, Pt. I, 5-3-04)