

FOOD AND HEALTH
(SMOKING IN OUTDOOR PUBLIC PLACES)

AN ORDINANCE TO ADD A NEW CHAPTER 64 TO TITLE VI (FOOD AND HEALTH) OF THE CODE OF THE CITY OF ANN ARBOR.

The City of Ann Arbor Ordains:

Section 1. That a new Chapter 64 be added to Title VI of the Code of the City of Ann Arbor to read as follows:

CHAPTER 64. REGULATION OF SMOKING IN OUTDOOR PUBLIC PLACES

6:1. Definitions.

The following words and phrases shall have the following definitions when used in this Chapter:

- (1) *Blake Transit Center* means the bus station in downtown Ann Arbor for public buses operated by the Ann Arbor Area Transportation Authority.
- (2) *Bus Stop* means any location in the City of Ann Arbor where a sign is posted marking the location as a place where passengers may get on or off of public buses operated by the Ann Arbor Area Transportation Authority. The term “bus stop” includes a sheltered area where persons may wait for their buses.
- (3) *City Building* means any building in which employees work to provide public services, including but not limited to the Ann Arbor City Hall and the Ann Arbor Justice Center, which are located at 301 East Huron Street in Ann Arbor.
- (4) *Outdoor Public Place* means all of the following:
 - (a) Outdoors within 20 feet of entrances, windows, and ventilation systems of Blake Transit Center.
 - (b) Outdoors within 20 feet of bus stops.
 - (c) Outdoors within City of Ann Arbor parks or portions of parks where signs are posted prohibiting smoking, as determined by the City Administrator.
 - (d) Outdoors within 20 feet of entrances, windows and ventilation systems of any City Building.
 - (e) Outdoors on the property on which a City Building is located farther than 20 feet from the City Building’s entrances, windows and ventilation systems, where the City Administrator has had signs posted informing persons who

enter onto the property that smoking is prohibited beyond the point at which the sign is located.

- (5) *Smoke or Smoking* means possessing a cigarette, cigar, or pipe, which contains tobacco or any other product that is lighted or burning; lighting a cigarette, cigar, or pipe, which contains tobacco or any other product; or exhaling smoke from burning tobacco or any other burning product, which is contained in a pipe, cigar or cigarette.

6:2. Smoking Prohibited in Outdoor Public Places.

(1) No person shall smoke in an outdoor public place as defined in this Chapter.

(2) A person who violates subsection (1) where no signs are posted is subject to being cited with a violation only if he or she ceases smoking immediately upon being requested or ordered to do so.

(3) No person shall continue smoking in an outdoor public place immediately upon being requested or ordered to do so.

(4) The prohibition in this section against smoking in outdoor public places is in addition to prohibitions against smoking in state law and in other ordinances or regulations and shall not be construed to permit smoking in areas where it is prohibited by state law or by other ordinances or regulations or on private property as determined by the private property owner.

(5) When smoking trash receptacles are provided, if possible they should be placed near or outside the perimeter of the no smoking area in order to discourage smoking in these areas.

6:3. Posting Signs.

(1) The prohibitions against smoking in this Chapter are enforceable whether or not signs are posted except as otherwise provided in this section.

(2) This Chapter may be enforced in City parks or portions of parks only where signs are posted informing persons that smoking is prohibited.

(3) This Chapter may be enforced on property on which a City Building is located in areas that are farther than 20 feet from entrances, windows and ventilation systems of the City Building only where signs are posted informing persons who enter onto the property that smoking is prohibited beyond the point at which the sign is located.

6:4. Authority of City Administrator.

- (1) The City Administrator is authorized to designate any City park or portion of a City park as an outdoor public place where smoking is prohibited by having a sign or signs posted prohibiting smoking.
- (2) The City Administrator is authorized to designate the property or a portion of the property on which a City Building is located as a public place where smoking is prohibited by having a sign posted at the location beyond which smoking is prohibited.

6:5. Penalty.

A violation of this section shall constitute a civil infraction, which shall be punishable by a fine of not more than \$50.00 and costs.

Section 2. That this Ordinance shall take effect on the tenth day following legal publication.