

## **Chapter 413 – Sale, Use, and Possession of Tobacco Products**

### **Section 413.1 – Purpose**

The purpose of this Ordinance is to regulate the sale, use, and possession of tobacco products within Lenox Township; intended to protect the public safety and welfare of persons residing within Lenox Township; to set forth the penalties for the violation of this Ordinance, and to repeal all ordinances in conflict therewith.

### **Section 413.2 – Enabling Legislation / Adoption of State Law by Reference**

It is the intention of Lenox Township to adopt State law by reference to this Ordinance, the enabling legislation of which is set forth in MCLA 722.641 et. Seq.

### **Section 413.3 – Sale of Tobacco Products to Minors Prohibition**

No person shall sell, give, or furnish any cigarette, cigar, chewing tobacco, snuff, or tobacco in any other form to a person under eighteen (18) years of age.

### **Section 413.4 – Sale of Tobacco Products to Minors Penalty**

A person who is convicted of violating this Ordinance shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) for each such offense, including the costs of prosecution.

### **Section 413.5 – Sale of Tobacco Products at Retail / Sign Requirements**

- A. A person who sells tobacco products at retail shall post, in a place close to the point of sale and conspicuous to both employees and customers, a professionally produced sign that includes the following statement: “The purchase of tobacco products by a minor under eighteen (18) years of age and the provision of tobacco products to a minor are prohibited by law. A minor unlawfully purchasing or using tobacco products is subject to criminal penalties.”

- B. If a sign (required by Section 413.5) is more than six (6) feet from the point of sale, it shall be at least 5" by 8", and the statement required by subsection (1) shall be printed in 36-point boldface type. If the sign required under subsection (1) is six (6) feet or less from the point of sale, it shall be at least 2" by 4" and the statement required under the section shall be printed in 20-point boldface type.
- C. Penalty for violation of sign requirements for the sale of tobacco products at retail: A person who is convicted for violating this Ordinance shall be guilty of a misdemeanor punishable by a fine of up to five hundred dollars (\$500.00) for each separate offense, together with the costs of prosecution.

#### **Section 413.6 – Use of Tobacco Products by Minors / Prohibition**

A person under eighteen (18) years of age shall not possess nor smoke cigarettes or cigars or possess or chew, suck, or inhale chewing tobacco or tobacco snuff, or possess or use tobacco in any other form on a public highway, street, alley, park, or other lands used for public purposes, or in a public place of business.

#### **Section 413.7 – Use of Tobacco Products by Minors / Penalties**

- A. A person who is convicted of violating this Ordinance shall be guilty of a misdemeanor, punishable by a fine of not more than fifty dollars (\$50.00) for each offense. The Court may require a person who violates this Section to participate in a health promotion and risk reduction assessment program and to make them responsible for the costs of participating in that program. In addition, a person who violates this Section is subject to the following:
  - 1. For the first violation, the Court may order the person to perform not more than sixteen (16) hours of community service in a hospice, nursing home, long-term care facility, or in such other manner as the court deems appropriate.
  - 2. For a second violation, in addition to participation in a health promotion or risk reduction program, the Court may order the person to perform not more than thirty-two (32) hours of community service in a hospice, nursing home, long-term care facility, or in such other manner as the court deems appropriate.
  - 3. For a third or subsequent violation, in addition to participation in health promotion or risk reduction program, the Court may order the person to perform not more than forty-eight

(48) hours of community service in a hospice, nursing home, long-term care facility, or in another such manner as the Court deems appropriate.

#### **Section 413.8 – Enforcement**

The Lenox Township Ordinance Enforcement Officer or the Macomb County Sheriff's Department shall be the appropriate persons to enforce this Ordinance.

