

02/19/2018

ORDINANCE NO. _____

AN ORDINANCE TO ADD NEW SECTION 74-113 TO DIVISION 3 OF ARTICLE II, CITY PARKS, OF CHAPTER 74, PARKS AND RECREATION, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO PROHIBIT SMOKING IN THELMA G. SPENCER PARK, TO REPEAL CONFLICTING OR INCONSISTENT ORDINANCES, AND TO PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Section 74-113 of Chapter 74 of the Code of Ordinances of the City of Rochester Hills shall be added as follows:

Sec. 74-113. Smoking prohibited in Thelma G. Spencer Park

(a) Prohibition. Smoking is prohibited in Thelma G. Spencer Park.

(b) Smoking defined. “Smoking” means the burning, inhaling, exhaling, or carrying of any lighted bidi, bong, cigar, cigarette, cigarillo, hookah, kretek, plant, pipe, weed, or other lighted tobacco product or device. For purposes of this Section, “smoking” shall also include the use of an e-cigarette, as defined in City Code Section 70-401.

Section 2. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 3. Penalty. All violations of this ordinance shall be municipal civil infractions and upon a determination of responsibility therefore shall be punishable by a civil fine of not more than \$500, or as otherwise prescribed herein.

Section 4. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on _____, following its publication in the *Oakland Press* on _____, 2018.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2018.

Bryan K. Barnett, Mayor
City of Rochester Hills

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF ON _____, 2018.

Tina Barton, Clerk
City of Rochester Hills