City of Muskegon
Muskegon County, Michigan
Ordinance No. 2354

THE CITY MUSKEGON ORDAINS:

1. Chapter 54, Article VII, Section 242 "Use or possession of tobacco products by minors in public; penalty; special conditions of probation "of the Code of Ordinances of the City of Muskegon, Michigan is hereby repealed and replaced by the following:

Sec. 54-242. Purchase, consumption or possession of tobacco products by minors; furnishing tobacco products to minors.

(a) A person who is less than 18 years of age shall not: purchase or attempt to purchase a tobacco product, vapor product or alternative nicotine product; possess or attempt to possess a tobacco product, vapor product or alternative nicotine product; use a tobacco product, vapor product or alternative nicotine product; or present or offer to an individual a purported proof of age that is false, fraudulent, or not actually his or her own proof of age for the purchase of purchasing, attempting to purchase, possessing, or attempting to possess a tobacco product, vapor product or alternative nicotine product. An individual who violates this Section is responsible for a civil infraction punishable by a fine of not more than $50.00 for the first violation. For a second violation, an individual is responsible for a civil infraction punishable by a fine of not more than $100.00. For a third or subsequent violation, an individual is guilty of a misdemeanor punishable by a fine of not more than $300.00.

(b) No person shall: offer to sell, give, or furnish a tobacco product, vapor product or alternative nicotine product to a person who is less than 18 years of age, including, but not limited to, through a vending machine. Before selling, offering for sale, giving, or furnishing a tobacco product, vapor product or alternative nicotine product to an individual, a person shall verify that the individual is at least 18 years of age by examining a government issued photographic identification that establishes that the individual is at least 18 years of age. This verification requirement does not apply to those persons that visually appear to be older than 25 years of age. A person who violates this Section is guilty of a misdemeanor punishable by a fine of not more than $50.00 for the first violation. For a second violation, a person is guilty of a misdemeanor punishable by a fine of not more than $150.00. For a third or subsequent violation, a person is guilty of a misdemeanor punishable by a fine of not more than $500.00, or by imprisonment for a period of not more than 90 days, or by both such fine and imprisonment.

(c) Definitions: "Alternative Nicotine Product" means a noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means; "Tobacco Product" means a product that contains tobacco and is intended for human consumption, including, but not limited to, cigarettes, non-cigarette smoking tobacco, or smokeless tobacco, as those terms are defined in section 2 of the tobacco products tax act, 1993 PA 327, MCL 205.422, and cigars; "Vapor Products" means a noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. Vapor product includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

This ordinance adopted: March 22, 2016

AYES: Turnquist, Johnson, Gawron, Hood, Warren, German, and Rinsema-Sybenga

NAYS: None

ABSENT: None
Adoption Date: March 22, 2016
Effective Date: April 11, 2016
First Reading: February 23, 2016
Second Reading: March 22, 2016

CITY OF MUSKEGON

By: _____
Ann Marie Meisch, MMC City Clerk

CITY OF MUSKEGON
NOTICE OF ADOPTION

TO: ALL PERSONS INTERESTED

Please take notice that on _____, 2016, the City Commission of the City of Muskegon adopted an amendment to Article VII, Section 242, Use or possession of tobacco products by minors in public; penalty; special conditions of probation, of the of the City of Muskegon Ordinance, whereby the section was replaced in its entirety with the following:

Section 242 was renamed "Purchase, consumption or possession of tobacco products by minors; furnishing tobacco products to minors"

1. Subsection (a) prohibits minors from purchasing, consuming or possessing tobacco products.

2. Subsection (b) prohibits any person from furnishing tobacco products to minors.

3. Subsection (c) defines the terms used in the ordinance.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours. This ordinance amendment is effective ten (10) days from the date of this publication.

CITY OF MUSKEGON

Published: _____, 2016

By: _____
Ann Cummings, MMC, Its Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE