

## **SUMMARY**

This proposed ordinance amends Chapter 31 of the 2019 Detroit City Code, *Offenses*, Article I, *Generally*, by amending Section 31-1-1, *Misdemeanor violation; continuing violation; penalties for conviction thereof*, and by amending Article V, *Offenses Against Public Peace*, by adding Section 31-5-21, *Use of Smokeless Tobacco, Alternative Nicotine Products, and Other Tobacco Products Prohibited at Stadiums or Sports Arenas*, to prohibit use of smokeless tobacco products, alternative nicotine products, and other tobacco products in stadium or sports arenas in the City of Detroit.

1 **BY COUNCIL MEMBER \_\_\_\_\_:**

2 **AN ORDINANCE** to amend Chapter 31 of the 2019 Detroit City Code, *Offenses*, Article  
3 I, *Generally*, by amending Section 31-1-1, *Misdemeanor violation; continuing violation; penalties*  
4 *for conviction thereof*, and by amending Article V, *Offenses Against Public Peace*, by adding  
5 Section 31-5-21, *Use of Smokeless Tobacco Prohibited at Stadiums or Sports Arenas*, to prohibit  
6 use of smokeless tobacco products in event sites for professional sports in the City of Detroit.

7 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**

8 **THAT:**

9 **Section 1.** Chapter 31 of the 2019 Detroit City Code, *Offenses*, Article I, be amended by  
10 amending Section 31-1-1, and Article V, be amended by adding Section 31-5-21, to read as  
11 follows:

12 **CHAPTER 31. OFFENSES**

13 **ARTICLE I. GENERALLY**

14 **Sec. 31-1-1. Misdemeanor violation; continuing violation; penalties for conviction thereof.**

15 (a) It shall be unlawful for any person to violate any provision of this chapter.

16 (b) Any person who violates this chapter may be issued a misdemeanor violation for  
17 each day that the violation continues.

18 (c) Except for the penalties that are provided for in Sections 31-3-4, 31-5-18, 31-5-21,  
19 31-9-42, 31-11-4, 31-11-5, 31-13-23, and 31-13-24 of this Code, any person who is found guilty  
20 of violating any provision of this chapter shall be convicted of a misdemeanor for each violation  
21 that is issued and, in the discretion of the court, may be fined up to \$500.00 and sentenced up to  
22 90 days in jail, or both, for each misdemeanor violation that is issued.



1 sports arena, police chief, or the police chief's designee;

2 (3) Any person who fails or refuses to obey and abide by such an order shall leave the  
3 premises immediately;

4 (4) An individual who violates Subsection (c)(3) of this section is guilty of a  
5 misdemeanor punishable by a fine as follows:

6 a. 1<sup>st</sup> offense: not more than \$100.00; and

7 b. 2<sup>nd</sup> or any additional offense thereafter: not more than \$500.00.

8 (d) Definitions. For purposes of this section, the following words and phrases shall  
9 have the meanings respectively ascribed to them by this subsection:

10 (1) Alternative nicotine product, as likewise defined in Section 29-3-1 of this Code,  
11 means a noncombustible product containing nicotine that is intended for human  
12 consumption, whether chewed, absorbed, dissolved, or ingested by any other  
13 means. Alternative nicotine product does not include a tobacco product, a vapor  
14 product, food, or a product regulated as a drug or device by the United States Food  
15 and Drug Administration under 21 USC 351 to 360fff-7.

16 (2) Stadiums or Sports Arena means a physical area, where professional sports or  
17 exhibitions are played or held. Site shall include, but is not limited to, bathrooms,  
18 pedestrian walkways, dining spaces, spectator seating areas, training rooms,  
19 playing fields, locker rooms, and vendor areas.

20 (3) Smokeless tobacco, as likewise defined in Section 2 of the Tobacco Products Tax  
21 Act, being MCL 205.422, means snuff, snus, chewing tobacco, moist snuff, and  
22 any other tobacco that is intended to be used or consumed, whether chewed,  
23 absorbed, dissolved, inhaled, snorted, sniffed, or ingested, by any means other than

1 smoking or combustion.

2 **Secs. 31-5-22 – 31-5-40. Reserved.**

3 **Section 2.** This ordinance is hereby declared necessary to preserve the public peace,  
4 health, safety and welfare of the People of the City of Detroit.

5 **Section 3.** All ordinances, or parts of ordinances, that conflict with this ordinance are  
6 repealed.

7 **Section 4.** In the event this ordinance is passed by two-thirds (2/3) majority of City  
8 Council Members serving, it shall be given immediate effect and become effective upon  
9 publication in accordance with Section 4-118 of the 2012 Detroit City Charter. Where this  
10 ordinance is passed by less than a two-thirds (2/3) majority of City Council Members serving, it  
11 shall become effective on the thirtieth (30) day after enactment in accordance with Section 4-118  
12 of the 2012 Detroit City Charter.

**Approved as to Form:**



Conrad L. Mallett  
Corporation Counsel