

**ALLENDALE CHARTER TOWNSHIP
ORDINANCE NO. 2019-3
REGULATION OF ALTERNATIVE NICOTINE
PRODUCTS AND VAPOR PRODUCTS**

AN ORDINANCE TO MAKE CERTAIN LEGISLATIVE FINDINGS CONCERNING THE POSSESSION AND USE OF ALTERNATIVE NICOTINE PRODUCTS AND VAPOR PRODUCTS BY MINORS WITHIN THE CHARTER TOWNSHIP OF ALLENDALE; TO PROVIDE FOR THE PROHIBITION OF SUCH SUBSTANCES AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE, ADMINISTRATIVE LIABILITY AND REPEAL OF CONFLICTING ORDINANCES.

**THE CHARTER TOWNSHIP OF ALLENDALE, COUNTY OF OTTAWA,
STATE OF MICHIGAN, ORDAINS:**

Section 1. Purpose: Allendale Charter Township has determined that it is in the best interests of the citizens of the Township to prohibit the possession and use of alternative nicotine products and vapor products by people under the age of 18 and to establish fines for the violation hereof.

Section 2. Definitions.

- a. “Alternative Nicotine Products” means a noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means.
- b. “Vapor Products” means noncombustible products 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, marijuana extract, or other such stances, 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 on 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 produce or device.

Section 3. Purchase, Consumption or Possession of Alternative Nicotine Products and Vapor Products By Minors. Consistent with Michigan State law, a person who is less than 18 years of age shall not do any of the following:

- a. Purchase or attempt to purchase a vapor produce or alternative nicotine product.
- b. Possess or attempt to possess a vapor product or alternative nicotine product.
- c. Use a vapor product or alternative nicotine product.
- d. 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 purpose of purchasing, attempting to purchase, possessing, or attempting to possess a vapor product or alternative nicotine product.

Section 4. Penalties. Any violation of, refusal to comply with, or resistance to the enforcement of this Ordinance shall be a municipal civil infraction, and shall be subject to the enforcement procedures set forth in Municipal Civil Infraction Ordinance and a fine of fifty (\$50.00) dollars, plus costs and other sanctions, for each infraction. Increased civil fines shall be imposed for repeated violations of this Ordinance; a repeat violation means a second or subsequent municipal civil infraction violation committed within any 12-month period and for which the violator admits responsibility or is determined to be responsible. The increased civil fine for repeat violations shall be as follows:

- a. The fine for any offense which is a first repeat offense shall be \$250.00, plus costs and other sanctions;

- b. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be \$500.00, plus costs and other sanctions.

Members of the Ottawa County Sheriff's Department assigned to the Township, members of the Ottawa County Sheriff's Department whose services are contracted for by the Township, or other persons designated by the Township Board as Township Ordinance Enforcement Officers for this Ordinance are hereby designated as Authorized Township Officials to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at Allendale Charter Township Municipal Ordinance Violations Bureau) as provided in the Municipal Civil Infraction Ordinance adopted by the Township.

Section 5. Severability and Captions. This Ordinance and the various sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected thereby. Pronouns shall be read as masculine, feminine or neuter as may be appropriate. Captions appearing at the beginning of any section shall not be deemed a part of this Ordinance and shall have no independent significance.

Section 6. Repeal. All ordinances or parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance as of the effective date of this Ordinance are hereby repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance was approved and adopted by the Township Board of the Charter Township of Allendale, Ottawa County, Michigan, on _____, 2019, after introduction and a first reading on February 11, 2019, and

publication after first reading as required by Act 359 of the Michigan Public Acts of 1947, as amended. This Ordinance shall be effective on _____, 2019.

Adam Elenbaas, Supervisor

Laurie Richards, Clerk

CERTIFICATE

I, the undersigned, the duly qualified and acting Township Clerk of the Charter Township of Allendale, Ottawa County, Michigan, do hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board at a regular meeting of the Township Board held on the ____ day of _____, 2019. I further hereby certify that public notice of said meeting was given pursuant to and in full compliance with Michigan Act 267 of 1976, as amended, and that the minutes of the meeting were kept and will be or have been made available as required by said Act.

Laurie Richards,
Allendale Charter Township Clerk