



**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1419**

An ordinance to amend City Code section 78-100(13) to prohibit smoking in city buildings and tot-lot playgrounds and within 15 feet of any play structure in any city park

1. THE CITY OF YPSILANTI HEREBY ORDAINS

That section 78-100 (13) of the Ypsilanti City Code is hereby amended to revise section 78-100 (13) to prohibit smoking in any city building, tot-lot playground or within 15 feet of any play structure in any city park as follows:

• **Sec. 78-100. - Other prohibited activities.**

While in a city park, city owned property or open area, no person shall:

(1) Use any device transmitting electronically amplified sound, including, but not limited to radios, tape recorders, automobile radios or music amplifiers at a volume so that the sound may be heard by persons of normal sensitivity at a distance of more than 50 feet, except by special permission and permit granted by the chief of police.

(2) Enter the premises of any swimming pool facility or use any other park facility for which payment is required without making the required payments and being duly admitted to the use of the facility.

(3) Loiter in or about any restroom/washroom, or use such facilities for purposes other than those intended.

(4) Carry, possess, sell, use or discharge any weapon, explosives or fireworks without legal authority. The following persons have such legal authority:

a. Duly authorized law enforcement officers or officials.

b. Members of the United States armed services, army reserve, and national guard while on active duty or reserve or special duty.

c. Holders of a valid license to carry concealed weapons while within the restrictions imposed by the license.

d. Holders of a special fireworks or explosive permit issued by the city council.

- (5) Make or excite any disturbance so that the peace and good order of other persons using the park, city owned property or open area or persons in the neighborhood of such property are disturbed.
- (6) Interfere with any baseball, football, or hockey game or other authorized event.
- (7) Gamble or maintain a gaming table or pool tickets, used for gaming or knowingly suffer a gaming table or pool tickets to be kept, maintained, played or sold on any park, city owned property or open area except under special event permit.
- (8) Operate powered, line attached model crafts or remote controlled crafts of any kind or description, including but not limited to airplanes, boats and automobiles except in areas set aside for those specific activities.
- (9) Operate any portable electric generator, alternator or other machinery, except by permission and permit granted by the city manager. All departments of the city and all franchise utility companies operating within the city are exempt from this provision.
- (10) Wear footwear that will damage, injure or create need for excessive maintenance on any field, court, deck, floor, turf or specialized surface prepared for particular games or activities. In areas posted with a sign specifying footwear authorized or approved it shall be unlawful for any person to participate in any sports activities in any such area other than with the footwear so designated.
- (11) Enter any body of water for the purpose of swimming, diving, wading, bathing, when such activities are prohibited by signs conspicuously posted.
- (12) Sell, offer to sell, show, hawk, display, or distribute any goods, wares, merchandise or refreshments, or conduct business of any kind, without a peddler's license or special events permit.
- (13) Smoke, light, or carry a lighted pipe, cigar, cigarette, or other smoking device of any kind ~~in any of the City's tot-lot playgrounds. This prohibition includes~~ the use of any e-cigarette, e-cigar, e-pipe, and any personal vaporizer or electronic nicotine delivery system of any kind In any city building including city hall, police station, fire station, senior center, Rutherford Pool, Freighthouse, DPS buildings, Parkridge Community Center, tot-lot playground, or within 15 feet of the outermost edge of any play structure, rest room or pavilion in any city park(Code 1983, § 3.3(9)—(12), (15), (17), (19)—(23), (26); Ord. No. 1179, § 1, 6-19-2012; Ord. No. 1231, § 1, 11-18-2014; Ord. No. 1241, § 1, 2-17-2015; Ord. No. 1383, 10-5-2021)

2. Severability. If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons,

firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

3. Repeal. All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

4. Savings Clause. The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

5. Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours. A complete copy of the ordinance is also available for inspection on the City's website, www.cityofypsilanti.com.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the publication of record. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS 19th DAY OF September, 2023.



Aaron Smith, Interim City Clerk

Attest

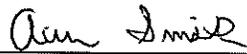
I do hereby confirm that the above Ordinance No. 1419 was published in Washtenaw Legal News on the 28th day of September, 2023.



Aaron Smith, Deputy City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the 19th day of September, 2023.



Aaron Smith, Interim City Clerk

Notice Published: August 24th, 2023

First Reading: September 5th, 2023

Second Reading: September 19th, 2023

Published: September 28th, 2023

Effective Date: October 28th, 2023