



CITY OF NOVI CITY COUNCIL
JANUARY 26, 2026

SUBJECT: Approval of resolution establishing smoking and vaping ban within specified areas and in city parks.

SUBMITTING DEPARTMENT: Parks, Recreation and Cultural Services

BACKGROUND INFORMATION:

The City currently has in place a limitation on smoking and vaping near municipally-owned buildings, and more specifically within 100 feet of such buildings. A resident brought forward concerns with the lack of similar limitations at City parks, specifically at the restroom/concession building at Ella Mae Power Park.

Staff was asked to take options to the Parks, Recreation and Cultural Services (PRCS) Commission for discussion. Avenues to address the concern included establishing an ordinance, creating a park rule, or enacting "No Smoking/Vaping" signage as needed. The Parks Commission discussed an ordinance and expressed concern about the ability to enforce it. At their September 18, 2026 meeting the PRCS Commission recommended the City Council Ordinance Review Committee discuss whether to enact a park rule for smoking and vaping or display signage without enacting an ordinance.

On October 6, 2026 the Ordinance Review Committee directed staff to send City Council a resolution on the consent agenda to make a Parks Rule to prohibit smoking and vaping and post signage in appropriate areas sufficient to notify the public of this rule.

RECOMMENDED ACTION: Approval of resolution establishing smoking and vaping ban within specified areas and in city parks.

CITY OF NOVI
COUNTY OF OAKLAND, MICHIGAN

**RESOLUTION ESTABLISHING SMOKING AND VAPING BAN WITHIN
SPECIFIED AREAS AND IN CITY PARKS**

Minutes of a Meeting of the City Council of the City of Novi, County of Oakland, Michigan, held in the City Hall of said City on _____, 2026, at ___o'clock P.M. Prevailing Eastern Time.

PRESENT: Councilmembers _____

ABSENT: Councilmembers _____

The following preamble and Resolution were offered by Councilmember _____ and supported by Councilmember _____.

RECITALS

WHEREAS, the City currently has in place a limitation on smoking and vaping near municipally-owned buildings, and more specifically within 100 feet of such buildings; and

WHEREAS, the City would like to clarify that the limitation also applies to buildings within City parks; and

WHEREAS, the City would like to further extend the limitation to other structures within City parks, such as open pavilions, play structures, gazebos and other park features; and

WHEREAS, the City Council has the authority under Chapter 25, Section 25-19, of the City Code, the City Parks Ordinance, to adopt a rule or regulation for public parks by resolution.

NOW, THEREFORE, BE IT RESOLVED that the City of Novi hereby adopts the following rule relating to limitations on smoking and vaping within City and public parks within the City:

1. No person shall smoke within any building owned, leased, or operated by the City within a public park under and subject to Chapter 25 of the City Code. This prohibition shall include, but is not limited to, meeting rooms, conference rooms, eating areas, restrooms, hallways, stairways, and enclosed entrances. This prohibition shall extend 100 feet from the entrances to all buildings owned, leased, or operated by the City within a public park. This prohibition shall also apply to open air pavilions, play structures, gazebos and other park features.

2. The prohibition in this section shall be posted by the Director of Parks, Recreation, and Cultural Services in appropriate areas sufficient to notify the public of this rule. However, the absence of the posting shall not bar enforcement of this rule.

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED.

Cortney Hanson, City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Novi, County of Oakland, and State of Michigan, at a regular meeting held this _____ day of _____, 2026, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, and that the minutes of said meeting have been kept and made available to the public as required by said Act.

Cortney Hanson, City Clerk
City of Novi

MEMORANDUM

TO: Jeff Muck, Director of Parks, Recreation & Cultural Services
Victor Cardenas, City Manager
Cortney Hanson, City Clerk

FROM: Tom Schultz, City Attorney

RE: Potential Regulations Related to Smoking in City Parks

DATE: September 16, 2025

You asked our office to provide some information about the City's ability to ban or regulate smoking in public parks. We've had an opportunity to look at both the law and cases relating to the City's authority to regulate activity on City-owned properties and some sample ordinances and/or park rules that have attempted to do so. Our answer is that you could enact that kind of regulation or rule and that it would be enforceable. The analysis breaks down to three questions: Can the City ban or regulate smoking on city-owned park property? What would be the available mechanisms for doing so? And would such a regulation be enforceable in practice?

Can the City ban or regulate smoking on city-owned park property?

The City has broad authority under the Home Rule City Act (MCL 117.4j) to enact regulations relating to conduct on its own property:

Each city may in its charter provide:

* * *

(3) For the exercise of all municipal powers in the management and control of municipal property and in the administration of the municipal government, whether such powers be expressly enumerated or not; for any act to advance the interests of the city, the good government and prosperity of the municipality and its inhabitants and through its regularly constituted authority to pass all laws and ordinances relating to its municipal concerns subject to the constitution and general laws of this state. [Emphasis added.]

As you know, the City has already adopted limitations on smoking near municipally-owned buildings (within 100 feet of same). (See Section 22-101 of the City Code.) That regulation followed the state legislation that banned smoking in all enclosed workplace and outdoor patios of bars and restaurants, with certain exceptions, commonly referred to as the Dr. Ron Davis Smoke Free Air Law, and is codified as section 12603 of the older Michigan Smoke Free Air Act, found

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at 333 MCL § 12601 *et seq.* That law is cited in the City's current prohibition in Chapter 22 of the City Code.

What would be the available mechanisms for doing so?

There are a couple different ways to accomplish a ban or regulation if that's what the City wants to do. The first would be to enact an *ordinance*. There are at least two areas in the City Code where an ordinance provision banning or limiting smoking in public parks would make sense. The first is in Chapter 22, which is where the current ban on smoking within 100 feet of municipal buildings currently exists. The other would be in Chapter 25 of the City Code, which is the chapter that regulates City parks and, in particular, conduct within City parks.

If the City prefers not to enact an actual ordinance, under Chapter 25 it could adopt a park *rule*. Section 25-19 of the City Code states that "rules and regulations for public parks shall be adopted by the council by resolution." As far as I am aware, the City Council has never adopted a document entitled "Park Rules" by resolution or otherwise. (Your website has a link for "park rules," but it is just a link to some of the provisions of Chapter 25—in other words, it's not a separate set of rules.) But in theory the City Council could adopt a no smoking rule of some kind by way of resolution.

To the extent you are interested in regulating or banning smoking by park *buildings*—e.g., concession stands or pavilions with roofs—you could likely argue that the current language in Chapter 22 already applies to those; it's possible that all you need to do is post those areas.

If you are looking at extending the regulation to playgrounds, I think you could accomplish that with an ordinance amendment or new park rule, so long as the areas are clearly and obviously demarcated as to their boundaries (i.e., where the boundary starts/stops).

Would such a regulation be enforceable in practice?

We can really only speak about *legal* enforceability on this issue. Obviously, an *ordinance* would be enforceable in the normal way. Violation of Chapter 22 (the City regulations relating to municipal buildings) is deemed to be a civil infraction, rather than a misdemeanor, with a civil fine of no more than \$50 for first offense, and no more than \$100 for each subsequent offense. (Section 22-101(f).)

A *rule* adopted by resolution under Section 25-19 of the Parks Ordinance is also fully enforceable. The immediately following section, Section 25-20, relates to the enforcement of rules adopted by the Council, and it states:

Police department, the director of parks and recreation, and park employees shall have the authority to order any person acting in violation of the rules and regulations to leave a park or recreation area. [Emphasis added.]

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Section 25-21 then states that:

Any person who willfully fails to obey an order by a police officer, director of parks and recreation, or public park employee to leave a park or recreation area shall be guilty of a misdemeanor. [Emphasis added.]

We presume that any ordinance or rule adopted by the City would be enforced on a complaint basis—that is, only in the event that the violation is noticed and brought to the attention of someone at the City. We also presume that there would be appropriate posting of signage. Where those signs would go and how extensive they might need to be would depend, of course, on what kind of regulation the City chose.

Our suggestion is that, if the Commission wants to pursue this, they make a recommendation to the Ordinance Review Committee as to their preferred approach, which ORC can then take to the Council as a whole.

I hope that answers your questions. If you have any more questions, please don't hesitate to call.