

ORDINANCE NO. 309
CONYNGHAM BOROUGH, LUZERNE COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF CONYNGHAM, COUNTY OF LUZERNE AND
COMMONWEALTH OF PENNSYLVANIA, PROHIBITING THE USE OF TOBACCO IN
RECREATIONAL AREAS, PARKS AND PLAYGROUNDS AND PROVIDING
PENALTIES FOR A VIOLATION

BE IT ORDAINED AND ENACTED by Conyngham Borough Council, Luzerne County, Pennsylvania, as follows:

§101. Title. This Ordinance shall be known and may be cited as the "Conyngham Borough Tobacco-Free Parks and Playgrounds Ordinance."

§102. Purpose. Conyngham Borough Council acknowledges that second hand tobacco smoke poses a threat to the health, safety and welfare of adults and minor children and wishes to discourage tobacco use and promote the public health by prohibiting tobacco use in Borough owned parks, playgrounds and recreational fields.

§103. Applicability. This Ordinance shall apply to all Borough owned parks, playgrounds and recreational fields.

§104. Definitions. The following words, when used in this Ordinance shall have the meanings ascribed to them in this section, except where the context clearly indicates otherwise:

BOROUGH- means Conyngham Borough, Luzerne County, Pennsylvania.

COUNCIL- means the elected officials of Conyngham Borough, Luzerne County, Pennsylvania.

PERSON- means any natural person, individual, partnership, firm, association, corporation, political subdivision, municipal authority, the Commonwealth and its agencies and instrumentalities, or any other entity.

PUBLIC PARK OR PARKS- includes the areas of parks and playgrounds where children are present that are owned or maintained by Conyngham Borough including sports and athletic fields, picnic areas, trails, and recreational structures such as a gazebo. Public parks in the Borough specifically include

the parks commonly known as the Whispering Willows Park and Conyngham Nature Park.

SMOKING- means the act of emitting or exhaling smoke from a cigarette, cigar, pipe or any other lighted smoking device or vapor producing device. The term includes the use of (a) Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuffl; and (b) Any electronic device that delivers nicotine or other substances to the person inhaling from the device, including, but not limited to an electronic cigarette, cigar, pipe, or hookah.

\$105. Prohibition. No person shall engage in smoking in a public park.

\$106. Notice. Signage delineating the tobacco-free areas will be posted by the Borough in the public parks.

\$107. Enforcement. The police officers or code officials of the Borough are charged with enforcement of the provisions of this Ordinance.

\$108. Penalties. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred (\$300.00) dollars plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days.

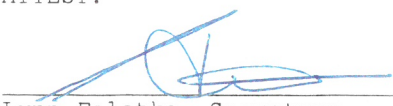
\$109. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate and distance and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

\$110. Repealer. All ordinances or parts thereof which are inconsistent with this Ordinance are hereby repealed to the extent of their inconsistencies.


\$111. Effective Date. This Ordinance shall become effective immediately following its adoption.

ADOPTED THIS 17th DAY OF April, 2018, by Conyngham Borough Council.

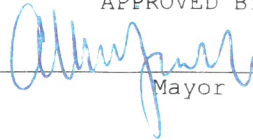
ATTEST:


Lynn Falatko, Secretary

CONYNGHAM BOROUGH COUNCIL:


Gary Gregory, President

APPROVED BY:


Mayor

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