

ORDINANCE NO. 3-20

**TOWNSHIP OF SOUTH STRABANE
WASHINGTON COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE TOWNSHIP OF SOUTH STRABANE,
COUNTY OF WASHINGTON AND COMMONWEALTH OF
PENNSYLVANIA PROHIBITING SMOKING IN TOWNSHIP PARKS
AND PROVIDING PENALTIES FOR VIOLATIONS.**

WHEREAS, the Township of South Strabane has determined that it is in the best interest, health, safety, and welfare of its residents to provide for the prohibition of cigarettes, cigars, pipe tobacco, e-cigarette, vape pens, and/or any other smoke-producing tobacco device or product Township parks and recreation areas and provide for the penalties for violation.

NOW THEREFORE, BE IT ENACTED OR ORDAINED by the Board of Supervisors in and for the Township of South Strabane, Washington County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same pursuant to the Second Class Township Code, as amended, and other relevant laws as follows:

SECTION 1: CODIFICATION

Chapter 162 of the Code of the Township South Strabane shall be amended to include Sections 162-6.10 through 162-6.16 described as follows:

162-6.10	Short Title
162-6.11	Legislative Intent and Applicability
162-6.12	Definitions
162-6.13	Prohibition on Smoking
162-6.14	Enforcement
162-6.15	Penalties
162-6.16	Other Applicable Laws

SECTION 2: SHORT TITLE

Section 162-6.10 of the Code of the Township of South Strabane shall be known as the “South Strabane Township Smokefree Park Ordinance”.

SECTION 3: LEGISLATIVE INTENT AND APPLICABILITY

Section 162-6.11 of the Code of the Township of South Strabane shall set forth the legislative intent and applicability of South Strabane Township Smokefree Park Ordinance as follows:

The background of this Ordinance and the legislative intention of the Board of Supervisors (“Board”) in enacting it are as follows:

- A. The Township of South Strabane is a Township of the Second Class.
- B. The Commonwealth of Pennsylvania, through the Clean Indoor Air Act 2008 (the “Act”), has provided for the cessation of smoking in certain indoor public places; however, the Commonwealth has not yet not provided for cessation of smoking in outdoor public places and recreational areas.
- C. The U.S. Surgeon General has concluded, among other things, that secondhand smoke exposure causes disease and premature death in children and adults who do not smoke.
- D. Numerous studies have found that breathing secondhand smoke is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer.
- E. The use of e-cigarettes, in their various forms, has become a public health concern and exposes users and those in their proximity to several chemicals including nicotine, carbonyl compounds, and volatile organic compounds known to have adverse health effects.
- F. The U.S. Surgeon General has concluded that e-cigarette aerosol is not harmless and can contain potentially harmful constituents including nicotine.
- G. The Township deems it necessary to provide for the regulation of smoking in outdoor public parks within the Township.

SECTION 4: DEFINITIONS

Section 162-6.12 of the Code of the Township of South Strabane shall set forth the definitions as follows:

For the purposes of this Ordinance, the following terms shall be defined as follows:

“Electronic Smoking Device” – means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling smoke, vapor, or aerosol from the product. The term includes, but is not limited to, any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or any other product name or descriptor.

“Park” – means any South Strabane Township owned land, property, or structure under its jurisdiction now or hereafter owned or acquired by the Township utilized and open to the public for recreation, sports, leisure, hiking, etc. purposes, including but not limited to, playgrounds and recreational areas.

“Partially Enclosed” – means an area closed in by a roof or overhang or by permanent or temporary walls or windows (exclusive of doorways), on at least two (2) sides, including but not limited to, courtyards, patios, gazebos, pavilions, and covered walkways.

“Playground” – means any park or recreational area designated in part by the Township to be used by children that has play or sports equipment installed or that has been designated or landscaped for play or sports activities, or any similar facility located on public or private school grounds or on Township grounds

“Recreational Area” – means any Township owned land, property, or structure open to the public for recreational purposes, whether or not any fee for admission is charged, including but not limited to, athletic fields, fairgrounds, gardens, golf courses, parks, plazas, skate parks, swimming pools, and trails.

“Smokeless Tobacco” – any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption, or is likely to be consumed, whether inhaled, absorbed, chewed, sucked, swallowed, or ingested by means other than combustion or Smoking, as defined herein, including but not limited to chewing tobacco, snuff, snus, and dissolvables,

“Smoking” – means the inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, including marijuana, whether natural or synthetic, in any manner or in any form. “Smoking” includes the use of electronic smoking devices which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Ordinance.

SECTION 5: PROHIBITION ON SMOKING & SMOKELESS TOBACCO

Section 162-6.13 of the Code of the Township of South Strabane shall set forth the following prohibitions on smoking and the use of smokeless tobacco as follows:

- A. No person shall Smoke or use any Electronic Smoking Device or use smokeless tobacco in and/or on any Township Park, Playground, or Recreational Area.
- B. Smoking and the use of any Electronic Smoking Device and/or smokeless tobacco product shall be prohibited within twenty-five (25) feet of all Playgrounds.
- C. Smoking and the use of any Electronic Smoking Device and/or smokeless tobacco product shall be prohibited in any Partially Enclosed area in Township Parks, Playgrounds, and Recreational Areas.

SECTION 6: ENFORCEMENT

Section 162-6.14 of the Code of the Township of South Strabane shall set forth enforcement of the South Strabane Township Smokefree Park Ordinance as follows:

- A. The prohibitions set forth herein shall be enforced by the South Strabane Township Police Department.

SECTION 7: PENALTIES

Section 162-6.15 of the Code of the Township of South Strabane shall set forth the penalties for violation of the South Strabane Township Smokefree Park Ordinance as follows:

- A. Any person who Smokes or uses an Electronic Smoking Device in an area where Smoking is prohibited by this Ordinance shall be punishable as provided in §1-3 Civil Enforcement, of the Code of the Township of South Strabane.
- B. Violation of this Ordinance is hereby declared a public nuisance.

SECTION 8: OTHER APPLICABLE LAWS

Section 162-6.16 of the Code of the Township of South Strabane shall set forth the interpretation of this Ordinance in conjunction with other applicable laws as follows:

This Ordinance shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws, including but not limited to, the Pennsylvania Clean Indoor Air Act of 2008.

SECTION 9: SEVERABILITY

If any sentence, clause, phrase or section of this Ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, phrases, sections or parts of this Ordinance.

It is hereby declared as the intention of the Board of Supervisors of this Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, phrase, section or part thereof not been included therein.

SECTION 10: REPEALER

Any other ordinance or parts thereof inconsistent with this Ordinance be and are hereby expressly repealed.

SECTION 11: EFFECTIVE DATE

This Ordinance shall become effective as provided by law.

ORDAINED AND ENACTED this 28th day of July, 2020.

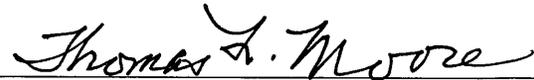
ATTEST:

**SOUTH STRABANE TOWNSHIP
BOARD OF SUPERVISORS**



Brandon J. Stanick, Township Manager

By:



Thomas L. Moore, Chairman

