

ORDINANCE NUMBER 3 OF 2016

**AN ORDINANCE OF THROOP BOROUGH, COUNTY OF LACKAWANNA,
COMMONWEALTH OF PENNSYLVANIA PROHIBITING THE USE OF
TOBACCO IN RECREATIONAL AREAS, PARKS, PLAYGROUNDS AND
ATHLETIC FIELDS AND PENALTIES FOR VIOLATION THEREOF**

WHEREAS, Throop Borough Council acknowledges that tobacco use including second hand smoke poses a threat to the health, safety and welfare of adults and minor children;

WHEREAS, the U.S. Surgeon General has determined there is no safe level of exposure to tobacco smoke; and,

WHEREAS, Throop Borough Council desires to discourage tobacco use and promote clean public health by making Borough owned parks, playgrounds, recreational and athletic fields “tobacco free zones”;

NOW THEREFORE, the parties hereto intending to be legally bound hereby agree as follows:

1. Borough owned parks, playgrounds, recreational areas and athletic fields are hereby designated “tobacco free” and the use of any tobacco product or electronic cigarette in any form shall be prohibited hereafter.
2. Appropriate signage will be posted delineating the “tobacco free zone”.
3. Council hereby authorizes its appointed official(s) to take whatever steps are necessary for full participation in and compliance with this Ordinance and the Young Lungs at Play Program and/or such other programs of the Commonwealth of Pennsylvania.
4. Any person in violation of this Ordinance shall be forced to leave the park or playground and may be fined Twenty-Five (\$25.00) Dollars.

“TOBACCO PRODUCTS” MEANS:

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, chewing tobacco, pipe tobacco and snuff;

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;

C. Notwithstanding any provision of Subsections (A) and (B) to the contrary, "tobacco product" includes any component, part or accessory of a tobacco product whether or not sold separately. "Tobacco Products" does not include any product that has been approved by the United States Food & Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marked and sold for such an approved purpose; and,

D. The lists identified in Subparagraph (A) and (B) are subject to adjustment to conform to terms used in specific state or local laws.

SECTION 1.

If any section, clause, provision or portion of this ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The Borough of Throop reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intent of this Ordinance and the effective administration thereof.

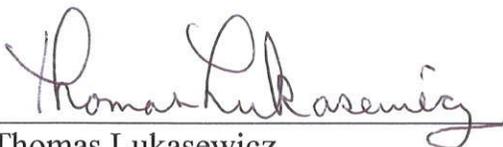
SECTION 2.

This ordinance shall become effective immediately upon its enactment.

SECTION 3.

This Ordinance is enacted by the Council of the Borough of Throop under the authority of the Act of the Legislative, as amended, December 12, 1990, P.L. 1994, No. 220, and any other applicable law arising under the laws of the Commonwealth of Pennsylvania.

ORDAINED AND ENACTED this 1st day of July, 2016.



Thomas Lukasewicz

Council President



Wayne Williams

Mayor

Attest:


Renee O'Malley
Secretary