

MARION TOWNSHIP
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2015-4

AN ORDINANCE OF THE TOWNSHIP OF MARION, BERKS COUNTY, PENNSYLVANIA REGULATING SMOKING IN AND UPON PUBLIC BUILDINGS AND PUBLIC PROPERTIES, AND CREATING A CHAPTER OF THE TOWNSHIP CODE ENTITLED "SMOKING" TO ACCOMPLISH SAME

WHEREAS, the Township of Marion, Berks County, Pennsylvania (the "Township") deems it to be in the best interests of the Township to establish a new Chapter of the Code of the Township of Marion entitled "Smoking"; and

WHEREAS, the United States Surgeon General has found that active smoking of tobacco products and the passive inhalation of environmental tobacco smoke are the most prevalent causes of preventable death, disease and disability; and

WHEREAS, on the basis of published warnings of the United States Surgeon General and on the basis of scientific reports and other authoritative and instructive data, it is the intent of the Board of Supervisors of the Township to provide for the public health, safety, and welfare by: discouraging the inherently dangerous behavior of smoking around non-tobacco users; protecting children from exposure to smoking and tobacco related products; reducing the potential for children to associate smoking and tobacco with a healthy lifestyle; protecting the public from nonconsensual exposure to secondhand smoke and tobacco-related litter and pollution; and affirming the family-friendly atmosphere of public places; and

WHEREAS, the Township finds that the establishment of this Ordinance guarantees that the need to breath smoke free air shall take priority over smoking, is an important public concern, and is necessary to implement.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Marion, Berks County, Pennsylvania, and it is hereby enacted and ordained on the authority of the same as follows:

Section 1. Definitions. As used in this Chapter only the following words and terms shall be defined as set forth below. All other terms, words and phrases not defined herein shall be given their customary meaning.

PERSON - Any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee or any other legal entity.

PUBLIC PROPERTY - Any municipally owned, maintained and/or operated building, structure, facility or complex, park or lands to which the general public is invited.

PARK - Any athletic fields, playgrounds and other active and passive recreation areas owned, leased or operated by the Township to which the general public is invited.

SMOKING - The inhaling, exhaling, burning or possession of any lighted cigar, cigarette, pipe or similar device or any other combustible or inhalable tobacco product or any matter or substance which contains tobacco or any other material that can be smoked, or the inhaling or exhaling of smoke or vapor products from an electronic smoking device.

ELECTRONIC SMOKING DEVICE - Any electronic device that can be used to deliver nicotine or other substances, including vapor, to the person inhaling from the device.

TOBACCO PRODUCT - Any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidi cigarettes or any other preparation of tobacco, including electronic devices and dissolvable tobacco products not approved for tobacco cessation by the Food and Drug Administration (FDA).

Section 2. Smoking Prohibited. Smoking shall be prohibited at all times on or within Public Property within the Township where the public is present, invited, or gathers, including but not limited to the following places:

1. In every room, office, chamber, lobby, hallway and other common areas in all public buildings owned, leased or operated by the Township.
2. Parks and recreation areas within the Township, including trails, roadways and parking areas located within a park, established specifically for the purposes of active or passive recreation.
3. In or around parking or grass common areas or entrance or exit areas of any Township owned, leased or operated buildings where smoke may enter the air people breathe.

Section 3. Signs. "No Smoking" signs, as appropriate, or the international, "No Smoking" symbol (a picture of a burning cigarette inside a red circle with a red bar across it), shall be clearly and conspicuously posted on every public property where smoking is controlled by this Chapter.

Section 4. Enforcement. The provisions of this article shall be enforceable by police officers, as designed enforcement officers for the purposes of enforcing this

Ordinance. Any citizen may register a complaint under this Ordinance with a police officer or a Supervisor or the Secretary of the Township.

Section 5. Violations and Penalties. It shall be unlawful for any person to smoke in any area where smoking is prohibited under this Ordinance. Any person who smokes in an area in which smoking is prohibited shall be guilty of a disorderly persons offense and subject to a maximum fine of Two Hundred Dollars (\$200.00) for each violation. Any person found guilty of defacing, tampering or removing "No Smoking" signs, which are required by this Ordinance, shall be guilty of a disorderly persons offense and subject to a maximum fine of Two Hundred Dollars (\$200.00), plus the cost of replacing the sing. Any juvenile adjudicated to have violated the provisions of this Ordinance shall be subject to such penalties, fines or other discipline as may be imposed upon an adult pursuant to this Ordinance.

Section 6. Repealer. Any and all ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

Section 7. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township hereby declares its intent that the balance of the Ordinance not affected by such invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of this Ordinance.

Section 8. Effective Date. This Ordinance shall take effect upon proper passage and publication in accordance with law.

DULY ENACTED and ORDAINED this 27th day of August, 2015.

BOARD OF SUPERVISORS OF
MARION TOWNSHIP
Berks County, Pennsylvania

By: David Mark
(Vice) Chairman

ATTEST: Austin Le Brown
(Assistant) Secretary

MUNICIPAL CERTIFICATION

I, Jason Lee Brown, (Assistant) Secretary of MARION TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, do hereby certify that the foregoing Ordinance No. 2015 - 4 was advertised in the Reading Eagle, a daily newspaper of general circulation in Berks Township, on Wednesday, August 19, 2015, and was duly enacted and approved as set forth at a Regular Meeting of the Board of Supervisors held on Thursday, August 27, 2015.

MARION TOWNSHIP
Berks County, Pennsylvania



(Assistant) Secretary