

OFFICIAL
TOWNSHIP OF NORTH HUNTINGDON
PROPOSED ORDINANCE NO. 6 OF 2019
ORDINANCE NO. 2244

**AN ORDINANCE OF THE TOWNSHIP OF NORTH HUNTINGDON,
PROHIBITING THE USE OF TOBACCO IN RECREATIONAL AREAS,
PARKS AND PLAYGROUNDS AND PROVIDING PENALTIES FOR
VIOLATION THEREOF.**

**THE MUNICIPALITY'S PARKS AND RECREATIONAL FACILITIES WILL SERVE TO PROTECT
THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF NORTH HUNTINGDON TOWNSHIP.**

WHEREAS, the North Huntingdon Township acknowledges that secondhand tobacco smoke poses a threat to the health, safety and welfare of adults and minor children; and,

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

WHEREAS, secondhand tobacco smoke is responsible for over 50,000 deaths among nonsmokers each year; and,

WHEREAS, tobacco kills more Americans each year than alcohol, cocaine, heroin, homicide, and suicide, accidents, fire and AIDS combined; and,

WHEREAS, 80% of smokers started smoking before the age of 18, and the average initiation age is 12 years old; and,

WHEREAS, the North Huntingdon Township Board of Commissioners desires to discourage tobacco use and promote the public health by making Municipality owned parks, playgrounds and recreational fields "tobacco free zones."

BE IT ORDAINED, AND IT IS HEREBY ENACTED by the North Huntingdon Township and it is hereby ordained and enacted by the authority of the same as follows:

Section 1: DESIGNATED TOBACCO-FREE AREAS: That the areas of parks and playgrounds where children are present in the North Huntingdon Township be designated tobacco-free and the use of any tobacco product* or **electronic cigarette**, in any form, shall be prohibit hereafter.

Section 2: APPROPRIATE SIGNAGE will be posted delineating the tobacco-free areas.

Section 3: ENFORCEMENT: Violators will be asked to be removed from such designated tobacco free areas for violation of this Ordinance. North Huntingdon Township hereby authorizes its elected and appointed officials to take whatever steps are necessary for full participation in and compliance with the Young Lungs at Play Program and/or other such programs of the Commonwealth of Pennsylvania.

Section 4: THE COMMUNITY SHALL BE NOTIFIED OF THIS ORDINANCE.

*** "TOBACCO PRODUCT" INCLUDES:**

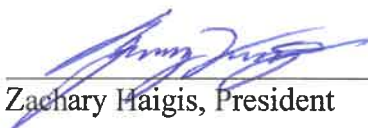
- (a) Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff; 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.
- (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 product" does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold for such an approved purpose.

Section 5: All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

Section 6: If any sentence, clause, section, or part 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, sections or parts of this Ordinance. It is hereby declared as the intent of the Township Commissioner that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

ORDAINED AND ENACTED at a regular meeting of the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland, Commonwealth of Pennsylvania, a full quorum being present on the 19th day of June, 2019.

TOWNSHIP OF NORTH HUNTINGDON
BOARD OF COMMISSIONERS


Zachary Haigis, President

ATTEST:


Jeffrey Silka, Township Secretary

SEAL

SOLICITOR: Bruce E. Dice, Esquire