

TOWNSHIP OF UPPER BERN
COUNTY OF BERKS
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO.: 129-2015

AN ORDINANCE OF THE TOWNSHIP OF UPPER BERN, BERKS COUNTY,
PENNSYLVANIA, PROHIBITING THE USE OF TOBACCO IN RECREATIONAL
AREAS, PARKS AND PLAYGROUNDS AND PROVIDING PENALTIES FOR
VIOLATION THEREOF

WHEREAS, Upper Bern Township's parks and recreational facilities will serve to protect the health, safety and welfare of the citizens of Upper Bern Township; and

WHEREAS, the Board of Supervisors of Upper Bern Township acknowledge 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 tobacco smoke pollution; 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, 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 Board of Supervisors of Upper Bern Township desire to discourage tobacco use and promote the public health by making parks, playgrounds and recreational fields "tobacco free zones."

NOW, THEREFORE, be it ORDAINED and ENACTED by the Board of Supervisors of Upper Bern Township, as follows:

Section 1: Designed Tobacco-Free Areas. That the areas of parks and playgrounds where children are present, including the West Shore Community Park, in Upper Bern Township, be designated tobacco-free and the use of any tobacco product in any form shall be prohibited hereafter.

Section 2: Signage. Young Lungs at Play Signs or other appropriate signage will be posted delineating the tobacco-free areas.

Section 3: Enforcement and Penalties. The Upper Bern Township Road Master and Assistant Road Master shall have the power and duty to enforce the provisions of this Ordinance and are hereby granted the authority to issue Summary Citations for violations. The Road Master or Assistant Road Master are further empowered to assume charge of prosecution before a District Magistrate, to enforce a Summary Citation without the consent of the District Attorney, as required under Pa. R.Crim.P. 83(C) (related to trial and summary cases). The Board of Supervisors hereby sets a criminal fine in the amount of up to \$100.00 per violation, provided further that each day's continuance of a violation shall constitute a separate event.

Section 4: Notification. The community shall be notified of the provisions of this Ordinance via the signage set forth in Section 2 and publication in the Township quarterly newsletter.

Section 5: Repealer. All Ordinances or Resolutions, or parts of Ordinances or Resolutions, insofar as they are inconsistent herewith, shall be in the same or hereby repealed.

Section 6: Validity. If any Section or part of a Section of this Ordinance shall be declared invalid, such invalidity shall not affect the remaining parts or Sections of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been enacted as if such invalid Section or portion thereof had not been included therein.

Section 7: Effective Date. This Ordinance shall become effective February 1, 2015.

ORDAINED AND ENACTED this ¹⁷~~2~~th day of January, 2015, by a vote of

 2 Yes 0 No 0 Abstained ~~1~~ Absent.

UPPER BERN TOWNSHIP BOARD OF SUPERVISORS

By:

Nancy A. Hartman
Rodney Lueb

Attest:

Jay Schan
Secretary