

**UNION CITY BOROUGH
ERIE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1131

**AN ORDINANCE OF UNION CITY BOROUGH
ESTABLISHING DEFINITIONS, PROHIBITED CONDUCT,
PLACEMENT OF SIGNAGE, ENFORCEMENT,
VIOLATIONS AND PENALTIES RELATED TO THE
PROHIBITION AGAINST SMOKING IN PLAYGROUNDS,
PUBLIC PARKS, AND OTHER PROHIBITED AREAS,
PROVIDING FOR A REPEALER, SEVERABILITY, AND
AN EFFECTIVE DATE.**

WHEREAS, the Union City Borough (the "Borough") is responsible for securing the health, safety, and welfare of the citizens of the Borough and to pass Ordinances under the Borough Code, at 8 Pa.C.S. §1006, to effectuate this purpose; and

WHEREAS, the Borough provides a system of public parks in and throughout the Borough for the purpose of promoting exercise, health, and a healthy environment for its citizens, residents and visitors; and

WHEREAS, the Borough recognizes that tobacco smoke and the use of Tobacco Products is a major contributor to negative health outcomes and that exposure to secondhand smoke is a cause of many serious health diseases in adult non-smokers and children; and

WHEREAS, given the health risks inherent in the use of Tobacco Products, the Borough Council is desirous of adopting an Ordinance that prohibits the use of Tobacco Products in public parks and playgrounds owned and operated by the Borough; and

WHEREAS, the Borough Council believes that enacting this Ordinance will protect public's health and welfare from the dangerous, unnecessary, and involuntary health risks associated with exposure to secondhand smoke and exposure to the use of Tobacco Products.

NOW THEREFORE, this 11th day of February 2020, be it **ENACTED AND ORDAINED** by the Borough Council of the Union City Borough, Erie County, Pennsylvania as follows:

1. Recitals. The recitals described above are incorporated herein as if more fully set forth.
2. Definitions. The following terms shall have the meanings indicated below when used in this Ordinance:
 - a) **Electronic Cigarettes**- An electronic oral device, such as one composed of a heating element and batter or electronic circuit, or both, which provides a vapor of nicotine or any other substance and the use or inhalation of which simulates smoking.

- b) **Playground Area-** A public place with a specific design to facilitate children's play, or any other area specifically designated by the Borough as a public place for the gathering of children.
- c) **Prohibited Areas-** Any playground area, pavilion area, public park, dog park, any other public park owned and operated by the Borough and any area within fifty (50) feet of a Borough-owned property described above.
- d) **Smoke or Smoking-** Inhaling, exhaling, burning, or carrying any lighted cigarette, cigar, pipe, electronic cigarette which contains tobacco products or other smoke-producing products.
- e) **Tobacco Products-** Any device or configuration designed to facilitate the inhalation of tobacco or other plant material smoke, including, but not limited to, electronic cigarettes, roll-your-own tobacco, periques, cigars, hookahs, bongs, granulated, plug cut, crimp cut, ready rubber, and other smoking tobacco, snuff, dry snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, refuse scraps, cuttings and sweepings of tobacco and other kinds and forms of tobacco prepared in such a manner as to be suitable for chewing or ingesting or for smoking in a pipe or otherwise.

3. Prohibited Conduct. No person shall Smoke or utilize a Tobacco Product within any Playground Area or within any of the Prohibited Areas herein provided, and such use shall be unlawful and a violation of this Ordinance. A list of the Borough's Playground Areas and Prohibited Areas is attached hereto as Exhibit A.

4. Placement of Signage

- a) The Borough Council directs the Public Works department to post signs prohibiting the use of Tobacco Products in and around all Prohibited Areas herein designated in which Smoking and use of Tobacco Products is prohibited.
- b) It shall be unlawful for any person to obscure, remove, deface, mutilate, or destroy such posted signs.

5. Enforcement; Violations and Penalties

- a) The Union City Borough Police Department shall have the power to enforce the provisions of this Ordinance and may bring any action at law or in equity to secure compliance with the provisions of this chapter and/or collect any fine imposed.
- b) Any persons who shall violate this Ordinance or fail to comply therewith with any of the requirements thereof shall commit a non-traffic summary offense and shall be liable to a fine of not more than \$300 per offense. Each and every offense shall be deemed a separate and distinct violation of this Ordinance.

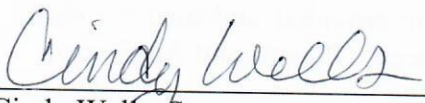
6. Repealer. Any ordinances, rules or resolutions, or parts of ordinances in conflict herewith shall be, and the same are hereby repealed.

7. Severability. The provisions of this Ordinance are severable. 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 Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.


8. Effective Date. This Ordinance shall become effective immediately upon its proper execution by the Borough Mayor.

DULY ENACTED AND ORDAINED this 11th day of February 2020 by the Borough Council of the Union City Borough, Erie County, Pennsylvania, in lawful session duly assembled.

ATTEST:

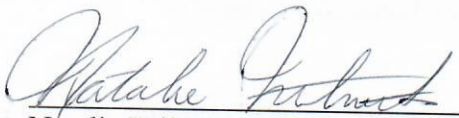


Cindy Wells, Secretary



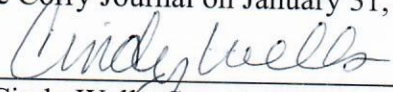
Daniel Brumagin, President

APPROVED



Natalie Wilmoth, Mayor

I certify that the above is a true copy of the Union City Borough, Erie County, Pennsylvania, Ordinance No. 1131, adopted by the Union City Borough Council on February 11, 2020, and advertised in the Corry Journal on January 31, 2020.



Cindy Wells, Secretary

