

BOROUGH OF JERMYN
LACKAWANNA COUNTY, PENNSYLVANIA

ORDINANCE 8 - 18

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF JERMYN,
LACKAWANNA COUNTY, PENNSYLVANIA,

By the powers granted to the Borough of Jermyn by the Pennsylvania Borough Code, 8 Pa.C.S.A. § 101 et seq., be it ENACTED and ORDAINED by the Borough Council of the Borough of Jermyn, Lackawanna County, Pennsylvania as follows:

WHEREAS, Jermyn Borough Council has the authority vested in it by Borough Code Section 1202 (5) to make such regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and the beauty, convenience, comfort and safety of the Borough; and

WHEREAS, the Borough Council is specifically vested with the power to provide, improve, maintain and regulate public parks, parkways and playgrounds, playfields, and other recreation places (hereinafter, collectively "Parks") in accordance with Borough Code Section 2701; and

WHEREAS, the Borough's Parks are intended for the healthy enjoyment of all residents, including children and youth; and

WHEREAS, Jermyn Borough Council desires to discourage tobacco use and promote clean public health by making Borough owned parks, recreational and athletic fields "Tobacco free zones"; and

WHEREAS, the litter and second-hand smoke associated with smoking and tobacco use in the

Parks can pose health risks to the residents of the Borough as determined by the U.S. Surgeon General.

NOW, THEREFORE, BY THIS ORDINANCE BE IT ORDAINED AND ENACTED by the

Council of Jermyn Borough, Lackawanna County and Commonwealth of Pennsylvania that:

Section I. Title

This ordinance shall be known as the "Callahan Park Ordinance."

Section II. Purpose

The purpose of this ordinance is to regulate the use of Callahan Park within the Borough of Jermyn and to set forth penalties for violation of the same.

Section III. Regulations

1. Borough owned parks, playgrounds, recreational areas and athletic fields are hereby designated "tobacco free" and the use of any tobacco product, vaporizer, 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. Hours of operation: Callahan Park shall open at dawn and close at dusk. Any person found in the park between dusk and dawn shall be cited for trespassing. A sign shall be placed at the entrance of the park indicating same.
5. Bicycles, skateboards, scooters, motor vehicles, ATVs, dirt bikes and/or any and all other motorized recreational vehicles are strictly prohibited from entering the park. A sign shall be placed at the entrance of the park indicating same.
6. Graffiti on any area of Callahan Park property also is strictly prohibited. A sign shall be placed at the entrance of the park indicating same.
7. Supervised pets shall be allowed within Callahan Park during the hours the park is open. All laws and ordinances with respect to pets in the Borough of Jermyn must be adhered to by the owners of such pets, including, but not limited to, Ordinance 3 of 1993 relating to the curbing of pets and removal of pet waste."

Section VI Definition of Tobacco Products

"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, vaporizer, 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 V Penalties

Any person violating any of the provisions of this ordinance shall, upon conviction, pay a penalty of one hundred (\$100.00) for the first offense, two hundred and fifty dollars (\$250.00) for the second offense, and five hundred (\$500.00) for the third and subsequent offenses, per incident involving tobacco products, non-motorized vehicles, pets, and/or graffiti; and not more than seven hundred and fifty dollars (\$750.00) per incident involving motorized vehicles; which shall be covered by summary proceedings and on default of payments of any such fine imposed the person(s) so convicted may be committed to the Lackawanna County Prison for a period not exceeding thirty (30) days.

Section VI Severability and Amendment

In the event, any provision, section, sentence, clause, or part of this Resolution shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Resolution, it being the intent of Council that the remainder of the Resolution shall be and shall remain in full force and effect.

Section VII. Repeal of Conflicting Ordinances.

This Ordinance supersedes and repeals all former and prior ordinances or parts thereof which conflict or are inconsistent with the provisions of this Ordinance, and to the extent that any prior or existing ordinances of the Borough of Jermyn are inconsistent with the terms of this ordinance, said inconsistent ordinances or inconsistent portions thereof are hereby repealed.

Section VIII. Effective Date

This ordinance shall become effective upon the date of its enactment.


EFFECTIVE DATE

This ordinance shall become effective upon enactment.

ENACTED AND ORDAINED THIS 1 DAY OF MAM, 2018.

ATTEST:

BOROUGH COUNCIL OF THE
BOROUGH OF JERMYN




CARA FRANKOSKY
Borough Secretary

BY: 

FRANK KULICK
President

APPROVED THIS 1 DAY OF March, 2018.



Anthony Fuga
Mayor, Borough of Jermyn