

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 169-7. BEHAVIORS IN CITY PARKS BY ADDING A NEW SUBSECTION N. SMOKING BAN IN ALL CITY PARKS INCLUDING ALL TOBACCO PRODUCTS (CIGARETTES, CIGARS, PIPES AND CHEWING TOBACCO) AS WELL AS E-CIGARETTES, VAPOR CIGARETTES AND ALL ALTERNATIVES

WHEREAS, the City of Coatesville is a Third Class City situated in Chester County, Pennsylvania operating under its Home Rule Charter and the Third Class City Code (hereinafter “the City”); and

WHEREAS, the City recognizes that smoking and tobacco use of any kind is deleterious to the health, safety, and welfare of Coatesville’s citizens and is not appropriate in areas where the public is present and outdoor activities are taking place; and

WHEREAS, the City also recognizes that e-cigarettes, vapor cigarettes and all alternatives are deemed detrimental the health, safety and welfare of Coatesville’s citizens; and,

WHEREAS, the Third Class City Code provides general authority of local self-government under 35 P. S. § 37403.60 and authority to protect the Health Safety and Welfare of its citizen’s and to abate public nuisances, 35 P.S. § 37324 and it is recognized that the City is also governed by its own Home Rule Charter granting broad powers of self-government; and,

WHEREAS, the Commonwealth of Pennsylvania passed the Clean Indoor Air Act, S.B. 246, P.N. 2099, which Act preempts inconsistent local regulation; and

WHEREAS, the City has adopted this Ordinance to be consistent with, and thus not preempted by the Clean Indoor Air Act which bans smoking in public places; and

WHEREAS, parks, while generally outdoor public places in that they are open to the public, are not among places exempted under the Act;

WHEREAS, the City’s children play in the parks and the Pennsylvania Department of Health has partnered with municipalities to allow smoking bans in public parks pursuant to the Young Lungs at Play Program.

NOW, THEREFORE, in consideration of the foregoing, and the broad powers of self-government granted to the City, all tobacco products in all City Parks are banned as well as e-cigarettes, vapor cigarettes and all alternatives and to effectuate this purpose the following addition is made to Chapter 169-7 Behaviors of the City Code as follows:

SECTION 1 - §169-7. Behaviors – a new subsection N. is added:

- 1) “N. All smoking and tobacco products are banned and strictly prohibited in public parks within the City limits and under the City’s jurisdiction shall be 100% smoke free.

Bill No.: 5-2015

Ordinance No. 1448-2015

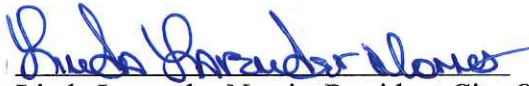
Smoking and tobacco products are described as: all cigars, pipes, and cigarettes and chewing tobacco are strictly prohibited. Cigarettes shall be defined to include vapor cigarettes, e-cigarettes, and all alternatives. A person who violates this ordinance commits a summary criminal offense and upon conviction, shall be sentenced to pay a fine of no more than \$250.00

SECTION 2 - Conflicts with Statutory Provisions. In all matters that are regulated by the law of the Commonwealth of Pennsylvania by regulations or regulated by departments or an agency of the Commonwealth promulgated by authority of law, such law or regulations, or other Ordinance of the City of Coatesville, as the case may be, shall control where the requirements thereof are the same or in excess of the provisions of this Ordinance. The Code controls in all cases where the state requirements or the requirements of other Ordinances of the City are not as strict as those contained in this Ordinance.

SECTION 3 – Severability. If any portion of the Ordinance shall be determined to be unconstitutional, illegal or unenforceable, then the portion and only that portion of this Ordinance, which is deemed to be unconstitutional, illegal or unenforceable, shall be severed from the remainder of this Ordinance and all other terms thereof shall remain in full force and effect.

This Ordinance shall be effective as required by the City Code thirty (30) days after adoption.

ENACTED AND ORDAINED this 23 day of March, 2015.


Linda Lavender Norris, President City Council

ATTEST:


Michael O'Rourke, Acting City Manager

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance was introduced on the 9th day of March, 2015, and was duly enacted by the Council of the City of Coatesville, Chester County, Pennsylvania on the 23 day of March, 2015, that the vote upon the said Ordinance has been recorded in the Minutes of the City Council and that the Ordinance has been fully recorded.


Michael O'Rourke, Acting City Manager