

AVOCA BOROUGH

ORDINANCE NO. 9 OF 2022

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF AVOCA, LUZERNE COUNTY, PENNSYLVANIA, PROHIBITING THE USE OF TOBACCO IN OUTDOOR PARKS AND RECREATIONAL FACILITIES, AND REVISING AND REPLACING ORDINANCE NO. 5 OF 2008.

WHEREAS, the Borough of Avoca believes that tobacco use and the use of electronic based cigarettes or smoking devices, in the proximity of children and adults engaging in or watching outdoor recreational activities at Borough-owned or operated facilities is detrimental to their health and can be offensive to those using such facilities; and

WHEREAS, non-smoking individuals who do not wish to be exposed to second hand smoke are considered by this Body to have rights that are entitled to protection; and

WHEREAS, the Borough of Avoca has a unique opportunity to create and sustain an environment that supports a non-tobacco norm through a tobacco-free policy, rule enforcement, and adult-peer role modeling on Borough-owned outdoor recreational facilities; and

WHEREAS, the Borough of Avoca believes parents, leaders, and officials involved in recreation are role models for youth and can have a positive effect on the lifestyle choices they make; and

WHEREAS, cigarettes, once consumed in public spaces, are often discarded on the ground, requiring additional maintenance expenses, diminishing the beauty of the Borough's recreational facilities, and posing a risk to toddlers due to ingestion; and

WHEREAS, the Borough of Avoca determines that the prohibition of tobacco use and the use of electronic based cigarettes or smoking devices at the Borough's recreational facilities serves to protect the health, safety and welfare of the citizens of our Borough.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Council of the Borough of Avoca, and it is hereby enacted and ordained by and with the authority of same, as follows:

1. Tobacco Use Prohibited in Outdoor Parks and Recreational Facilities:

No person shall use any form of tobacco or electronic based cigarettes or smoking devices on any Borough-owned or operated outdoor parks and recreational facilities, including the restrooms, spectator and concession areas.

2. Enforcement:

A. Appropriate signs shall be posted in the above specified areas.

- B. The community, especially facility users and staff, will be notified about this policy.
- C. Borough Staff as authorized and directed by the Borough Police Department will make periodic observations to monitor for compliance.
- D. Any person found violating this policy may be subject to immediate ejection from the recreation facility for the remainder of the event, and a fine in the amount of two hundred dollars (\$200.00).

3. Effective Date:

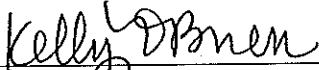
The tobacco-free policy set forth in this Ordinance is effective immediately upon the date of adoption

ORDAINED BY THE BOROUGH COUNCIL OF AVOCA BOROUGH this 12
day of May, 2022.



BOB DOMMERMUTH
President of Council

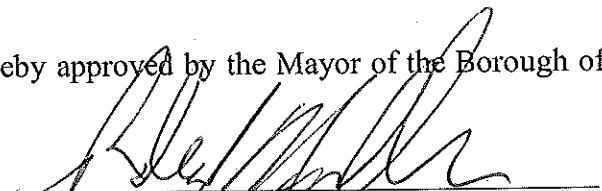
ATTEST:



KELLY O'BRIEN, Secretary

(SEAL)

THE FORGOING ORDINANCE is hereby approved by the Mayor of the Borough of Avoca, this 12 day of May, 2022.


ROBERT MULLEN, Mayor