

FOREST CITY BOROUGH ORDINANCE #: 2017 - 509

**AN ORDINANCE OF THE BOROUGH OF FOREST CITY, SUSQUEHANNA COUNTY AND
COMMONWEALTH OF PENNSYLVANIA, PROHIBITING THE USE OF TOBACCO IN
RECREATIONAL AREAS, PARKS, PLAYGROUNDS AND ATHLETIC FIELDS AND
PENALTIES FOR VIOLATION THEREOF.**

WHEREAS, Forest City 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, Forest City 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 Forest City Borough, Lackawanna County and Commonwealth of Pennsylvania that:

1. Borough owned parks, playgrounds, recreational areas and athletic fields are hereby designated "tobacco free" and the use of any tobacco product 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. Any person in violation of this Ordinance shall be forced to leave the park or playground and may be fined Twenty-Five (\$25.00) Dollars.

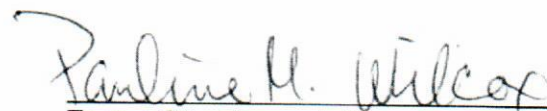
SECTION 5.

Ordained and Enacted this 6th day of November, 2017.


Forest City Borough Secretary
SEAL


Forest City City Borough Council President

The foregoing Ordinance is approved on this 6th day of November, 2017.


Forest City Borough Mayor

YOUNG LUNGS AT PLAY POLICY

I. GUIDELINE STATEMENT;

Forest City Borough Parks and Recreation tobacco-free policy is designed to protect the health, welfare and safety of our park patrons;

II. POLICY STATEMENT

Forest City Borough is committed to providing a high quality of living for all residence, therefore, we believe that;

- a. tobacco products (defined below) used in proximity of children, youth and adults engaging in or watching recreational activities are unhealthy and detrimental to the health of others,
- b. tobacco products consumed in public spaces are often discarded on the ground, thus posing a risk of ingestion to toddlers and causing a litter and maintenance problem.
- c. as parents, teachers, coaches and officials we are thought of as role models, and the use of tobacco products around youth has a negative effect on their lifestyle choices.

III. TOBACCO FREE FACILITIES

Forest City Borough will not allow the use of tobacco products including electronic cigarettes on Borough owned park land, park facilities, athletic fields and/or open spaces. A specific list of said facilities is attached hereto as Exhibit "A" and will be updated on a yearly basis,

IV. COMPLIANCE PROCEDURES

The emphasis on enforcing the Tobacco Free Park Policy is through voluntary compliance;

- a. Borough owned park land, park facilities and athletic fields will post "Young Lungs at Play" signage.
- b. Forest City Borough staff, Council and/or designated employees of Forest City Borough will meet with organizations and/or leaders or coaches to discuss the policy and distribute flyers with the "Tobacco-Free" regulations.

- c. Forest City Borough Council/employees or designated individuals will make periodic observation of activity sites to monitor compliance and help to promote awareness of a tobacco free policy.
- d. Penalties for violation will be detailed in a separate ordinance.

V. TOBACCO PRODUCTS DEFINITION:

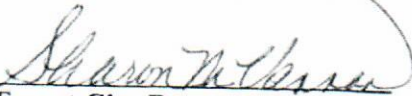
A. Any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means including, but not limited to, cigarettes, cigars, chewing tobacco, pipe tobacco and snuff;

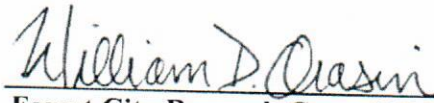
B. Any electronic device that delivers nicotine or other substances to the person inhaling from the device including, but not limited to, an electronic cigarette, cigar, pipe or hookah;

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,

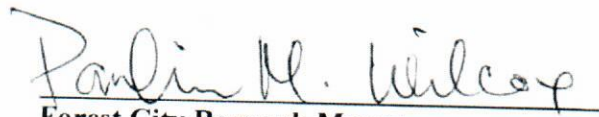
D. The list identified in Subparagraph (A) and (B) are subject to adjustment to conform to terms used in specific state or local laws,

VI. POLICY ADOPTION DATE: November 6, 2017


Forest City Borough Secretary
SEAL


Forest City Borough Council President

The foregoing Policy is approved on this 6th day of November, 2017.


Forest City Borough Mayor