

2019-129  
RD # 2019-345

**BOROUGH OF LANDISBURG  
PERRY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2019-01**

**AN ORDINANCE PROHIBITING THE USE OF TOBACCO IN RECREATIONAL AREAS,  
PARKS AND PLAYGROUNDS AND PROVIDING PENALTIES FOR VIOLATION  
THEREOF.**

**BE IT ENACTED AND ORDAINED** this 14 day of January, 2019, by the Borough Council of the Borough of Landisburg and it is hereby enacted and ordained by the authority of the same as follows:

*Admitted to Record  
2019 Jan 28 PM 12:37  
Prothonotary's Office  
Perry County  
BSH*

**WHEREAS**, the Borough Council of the Borough of Landisburg acknowledges that second hand tobacco smoke poses a threat to the health, safety and welfare of adults and minor children; and

**WHEREAS**, the U.S. Surgeon General has determined that there is no safe level of exposure to tobacco smoke pollution; and

**WHEREAS**, secondhand tobacco smoke is responsible for over 50,000 deaths among nonsmokers each year; and

**WHEREAS**, tobacco kills more Americans each year than alcohol, cocaine, heroin, homicide, and suicide, accidents, fire and AIDS combined; and

**WHEREAS**, 80% of smokers started smoking before the age of 18, and the average initiation age is 12 years old; and

**WHEREAS**, the Borough Council of the Borough of Landisburg desires to discourage tobacco use and promote the public health by making Municipality owned parks, playgrounds and recreational fields "tobacco free zones."

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

**Section 1: DESIGNATED TOBACCO-FREE AREAS:** That the areas of parks and playgrounds where children are present including but not limited to picnic areas, sports and athletic fields, etc., in the Borough of Landisburg, and any property which is owned by the Borough of Landisburg, be designated tobacco-free and the use of any tobacco product\* or electronic cigarette, in any form, shall be prohibited hereafter.

**Section 2: APPROPRIATE SIGNAGE** will be posted delineating the tobacco-free areas.

**Section 3: ENFORCEMENT:**

- A. The provisions of this Ordinance shall be enforced by the Code Enforcement Officer duly authorized by the Borough of Landisburg.
- B. Any violation of the provisions of this Ordinance may be cause for a citation, a violation ticket, and/or a notice of violation to be issued to the violator.
- C. The Borough Council hereby authorizes its appointed officials and employees to take whatever steps are necessary for full participation in and compliance with the Young Lungs at Play Program and/or other such programs of the Commonwealth of Pennsylvania.

**Section 4:** Any person who violates this Ordinance shall pay a fine, not to exceed One Hundred Dollars (\$100.00) for each offense, in addition to any direct or indirect costs incurred by the Borough of Landisburg.

**Section 5:** The Community shall be notified of this Ordinance.

**Section 6:** This Ordinance shall be effective immediately.

**\*"TOBACCO PRODUCT" INCLUDES:**

- (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, little cigars, chewing tobacco, pipe tobacco, snuff; and
- (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 product" does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold for such an approved purpose.

ENACTED AND ORDAINED by the Landisburg Borough Council, Borough of Landisburg,  
County of Perry, Pennsylvania, this 14 day of JANUARY, 2019.

**BOROUGH OF LANDISBURG,  
PERRY COUNTY, PENNSYLVANIA**

By: Step J. Kambler  
President of Council

ATTEST:

Thomas W. Jater  
Secretary

CORPORATE BOROUGH SEAL



APPROVED this 14 day of JANUARY, 2019.

Thomas W. Jater  
Mayor, Borough of Landisburg, Perry County, PA

ATTEST:

Thomas W. Jater  
Secretary