

# SMOKING REGULATION ORDINANCE

ORDINANCE 2-93

AN ORDINANCE OF THE TOWNSHIP OF SHENANGO, LAWRENCE COUNTY, PENNSYLVANIA REGULATING SMOKING IN A PUBLIC PLACES AND WORK PLACES OWNED OR OPERATED BY SHENANGO TOWNSHIP; AUTHORIZING AND DIRECTING THE PROPER OFFICIALS TO POST APPROPRIATE NOTICES AS TO SUCH RESTRICTIONS AND REGULATIONS; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the Act of December 21, 1988, P.L. 1315, No. 168, Sec. 2 (35 P.S. Sec. 1230.1), more commonly known as the Clean Indoor Air Act, sets forth certain provisions regulating smoking in certain public places and work places; and

WHEREAS, the aforesaid Act provides for the development and promulgation of a policy to regulate smoking in work and public places; and

WHEREAS, reliable studies have shown that second-hand or side-stream smoke induces certain health hazards; and

WHEREAS, nonsmokers who suffer allergies, respiratory diseases and other ill effects of breathing second-hand or side-stream smoke may experience a loss of job productivity or may be forced to take periods sick leave because of such adverse reaction; and

WHEREAS, the United States Surgeon General has determined smoking to be the leading cause of premature death and disability in America; and

WHEREAS it is the intent of the Shenango Township Board of Supervisors to protect the public health and welfare by prohibiting smoking in public places and work places; and

WHEREAS, smoking is a potential cause of fires and has been shown to have adverse effects upon sensitive equipment, computer systems, as well as records and supplies exposed to the hazards of fires, ashes and smoke.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Shenango Township by the authority of the same as follows:

Section I. The definitions contained in Act 168 of 1988, P.L. 1315 are incorporated herein by reference as though fully set forth, however, the following words and phrases, whenever used in this Ordinance shall be construed and defined as follows:

(a) "Enclosed Area" means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of door and passage ways) which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid.

(b) "Public Place" means any enclosed area owned and operated by the Township of Shenango to which the public is invited or in which the public is permitted.

(c) "Place of Employment" means any enclosed area owned and operated by the Township of Shenango, Lawrence County, Pennsylvania, and normally frequented during the course of employment, including but not limited to, work areas, employee lounges, rest rooms, and conference rooms.

(d) "Smoking" means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, weed, plant or other combustible substance in any manner or in any form.

(e) "Public Meetings" means all meetings open to the public pursuant to the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act".

(f) "Private Offices or Areas" means any enclosed area owned and operated by the Township of Shenango to which the public is not invited or permitted.

## SECTION II. Smoking Prohibited Except as Otherwise Designated.

Except as otherwise designated by authorized signs, smoking shall be prohibited in, within, or through the public buildings owned and operated by the Township of Shenango.

## SECTION III. Areas Exempted.

The exterior garages are exempted from the prohibitions hereinbefore set forth in Section II, and may be designated "Smoking Permitted" or "No-Smoking" by the elected officials and appropriate signs shall be conspicuously posted.

## SECTION IV. Designation of "Smoking Permitted" and "No-Smoking" Areas and the Posting of Signs.

(a) The Board of Supervisors or their designee(s) are herewith authorized and directed to post "Smoking Permitted" or "No-Smoking" notices at conspicuous places in all public buildings and work areas owned and operated by the Township of Shenango in such manner and in such number as will give reasonable notice to the public of the provisions of this Ordinance. Such "Smoking Permitted" or "No-Smoking" signs, whichever are appropriate, shall be used with letters of not less than One (1") inch in height or the international "No-Smoking" symbol consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, and such signs shall be clearly, sufficiently and conspicuously posted in every location or place where smoking is regulated by this Ordinance.

(b) Signs displaying the following statement shall be posted at all buildings and entrances subject to this Ordinance stating "Smoking Prohibited Except in Designated Smoking Areas".

## SECTION V. Penalty

Violation of this Ordinance shall be deemed a summary offense and shall be punishable by a fine of not more than Fifty and No/100th (\$50.00) Dollars.

SECTION VI. Interpretation

This Ordinance shall be deemed to be regulations as are authorized and required by the Act of Assembly of December 21, 1988, P.L. 1315, No. 168, Sec. 2 (35 P.S. Sec. 1230.1), and shall be interpreted in conjunction therewith. The purpose of this Ordinance is to implement a policy of the regulation of smoking the work place and in the public places as same are defined by said Act.

SECTION VIII. Severability.

The provisions of this Ordinance shall be severable and, if any of the provisions hereof shall be held unconstitutional, void or otherwise unenforceable, such shall not affect the validity of any of the remaining provisions of said Ordinance.

SECTION VIII. Repealer.

All ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

ORDAINED AND ENACTED into law by the Shenango Township Board of Supervisors, on this 11<sup>th</sup> day of November, 1993.

ATTEST:

Teresa K. Sparacino  
Teresa K. Sparacino

BOARD OF SUPERVISORS

Richard L. Schweinsberg  
Richard L. Schweinsberg  
Joseph Budai  
Joseph Budai

Ronald Golba  
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