

**BOROUGH OF SOUTHMONT  
CAMBRIA COUNTY, PENNSYLVANIA  
ORDINANCE NO. 549**

AN ORDINANCE OF THE BOROUGH OF SOUTHMONT, COUNTY OF CAMBRIA AND COMMONWEALTH OF PENNSYLVANIA, PROHIBITING THE USE OF TOBACCO IN MUNICIPALITY OWNED PROPERTY, RECREATIONAL AREAS, PARKS AND PLAYGROUNDS AND PROVIDING PENALTIES FOR VIOLATION THEREOF:

The Municipality's Building, Parks and Recreation facilities will serve to protect the health, safety and welfare of the citizens of the Borough of Southmont.

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

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Borough of Southmont 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 municipality owned property, parks and playgrounds where children may be present including, but not limited to the Southmont Borough Municipal Building, Diamond Boulevard Playground, the Bird Sanctuary, and the basketball courts/soccer field along State Street in the Borough of Southmont 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:** Young Lungs at Play Signs or other appropriate signage will be posted delineating the tobacco-free areas.

**Section 3: ENFORCEMENT:** Any person violating any provision of this Ordinance shall upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00) and costs of prosecution, for each offense thereof.

**Section 4:** The community shall be notified of this Ordinance.

**"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, snuff1; 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.

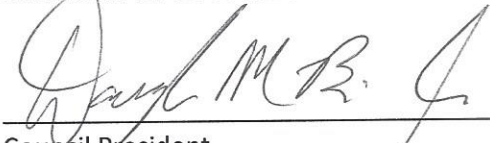
This Ordinance shall become effective on the 12<sup>th</sup> day of December, 2023.

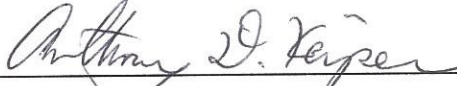
ENACTED AND ORDAINED this 11th day of December, 2023, a quorum being present and acting throughout.

ATTEST:

  
\_\_\_\_\_  
Borough Secretary

BOROUGH OF SOUTHMONT:

  
\_\_\_\_\_  
Council President

  
\_\_\_\_\_  
Mayor