

BOROUGH OF FRACKVILLE
SCHUYLKILL COUNTY, PENNSYLVANIA

ORDINANCE NO. 2-2009

AN ORDINANCE OF THE BOROUGH OF FRACKVILLE PROHIBITING
THE POSSESSION AND USE OF TOBACCO PRODUCTS BY CERTAIN
MINORS

WHEREAS, Council of the Borough of Frackville believes that it is in the best interests of the Borough and its residents to adopt additional regulations regarding the possession and use of tobacco products by certain minors so as to protect the health, safety, and welfare of the Borough, its residents, and especially the youth of the municipality.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED:

Section 1. Definitions.

- a. Alley – A street or highway intended to provide access to the rear or side of lots of buildings and not intended for the purpose of through vehicular traffic.
- b. Highway – The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for the purpose of vehicular travel. The term includes a roadway open to the use of the public for vehicular travel on grounds of a public or private school or public or historical park.
- c. Public Park or Recreational Facility – Any land or tract of land or facility used for passive or active recreation, including any playground, park, skate parks, athletic fields and any other facility owned or operated by the Borough or any other governmental agency, including Schuylkill County or the Commonwealth of Pennsylvania.
- d. Roadway – That portion of the highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk, berm, or shoulder.

e. Sidewalk – That portion of a street between curb lines or the lateral lines of the roadway and the adjacent property lines intended for use by pedestrians.

f. Tobacco – A lighted or unlighted cigarette, cigar, pipe, or other lighted smoking product or device which contains tobacco, including smokeless tobacco in any form.

g. Traffic Way – The entire width between property lines or other boundary lines of every way or place of which any part is open to the public for purposes of vehicular travel as a matter of right or custom.

Section 2. Restrictions on Possession and Use of Tobacco Products by Certain Minors. It shall be unlawful for any minor under the age of eighteen (18) years of age to use or possess tobacco, in any form, within the Borough, on any Borough owned property, to include public park or recreational facilities, any public street, highway, traffic way, alley, or sidewalk within the Borough.

Section 3. Penalties. Any person violating any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than fifty (\$50) dollars and costs of prosecution for each offense thereof.

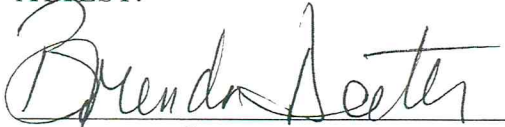
Section 4. Enforcement. All agencies and authorities within the Borough, including but not limited to the Frackville Police Department, have full authority to enforce this ordinance and impose such fines and other penalties as necessary and appropriate.

Section 5. Severability. The provisions of this ordinance are severable. If any section, clause, sentence, part, or provision of this ordinance shall be determined to be illegal or invalid by any court of competent jurisdiction, such decision shall not impair or affect the remaining terms, sections, and clauses of this ordinance.


Section 6. Effective Date. This ordinance shall be effective ten (10) days after it has been approved by the Mayor, or in default thereof, ten (10) days after it is deemed approved by operation of law.

ENACTED and ORDAINED this 9th day of April, 2009, by Council of the Borough of Frackville in lawful session duly assembled.


ATTEST:


Secretary

BOROUGH OF FRACKVILLE

By: 
President, Borough Council

APPROVED:


Mayor