

**OFFICIAL
BOROUGH OF FRANKLIN PARK
ORDINANCE NO. 588-2011**

AN ORDINANCE OF THE BOROUGH OF FRANKLIN PARK, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA AMENDING ORDINANCE NO. 287-86, AS AMENDED, AND CODIFIED AS CHAPTER 146 OF THE 1986 CODE, REGULATING BOROUGH PARKS AND RECREATION AREAS TO PROHIBIT SMOKING AND TOBACCO USE IN PUBLIC PARKS AND RECREATION AREAS.

WHEREAS, the Borough Council of the Borough of Franklin Park is specifically vested with the power 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 in accordance with Borough Code Section 1202(6); and

WHEREAS, the Borough Council of the Borough of Franklin Park 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, 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.

NOW THEREFORE BE IT ORDAINED AND ENACTED by Borough Council of the Borough of Franklin Park, Allegheny County, Pennsylvania and it is hereby ordained and enacted by and with the authority of the same.

SECTION 1. That Section 2 of Ordinance No. 287-86, which was enacted on the 11th day of June 1986 and codified as Section 146-2 of Chapter 146 of the Code of

the Borough of Franklin Park, be and the same is hereby amended to add the following Subsection 146-2 (B) (14):

(14) To carry any kind of lighted pipe, cigar, cigarette or any other lighted smoking equipment and any other use of tobacco products in any area of the parks and public grounds and facilities prominently posted with "No Smoking" or "Tobacco-Free Zone" signs or the international "No Smoking" symbol, which consists of a pictorial representation of a burning cigarette in a circle with a bar across it. The carrying of any kind of lighted pipe, cigar, cigarette or any other lighted smoking equipment and any other use of tobacco products is permitted in areas prominently posted with a "Smoking Permitted" sign.

SECTION 2. That any Ordinance or part of any Ordinance conflicting with the provisions of this Ordinance be and the same are hereby repealed to the extent of such conflict.

SECTION 3. Should any part or section of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part held to be invalid.

SECTION 4. This Ordinance shall be effective immediately.

ORDAINED AND ENACTED into law by Borough Council of the Borough of Franklin Park, Allegheny County, Pennsylvania at its meeting held on the ____ day of _____, 2011.

ATTEST:

BOROUGH OF FRANKLIN PARK

Secretary

By: _____
President, Borough Council

Approved by me this ____ day of _____, 2011.

Mayor