

ORDINANCE NO. 234

AN ORDINANCE OF NEW SEWICKLEY TOWNSHIP, BEAVER COUNTY, COMMONWEALTH OF PENNSYLVANIA, PROHIBITING THE USE OF E-CIGARETTES, VAPING DEVICES, TOBACCO, NICOTINE, AND ALCOHOL CONSUMPTION AT GREEN VALLEY PARK, FREEDOM AREA SCHOOL DISTRICT, AND ALL PROPERTY OWNED BY NEW SEWICKLEY TOWNSHIP, EXCEPT THAT THE BOARD OF SUPERVISORS MAY APPROVE ALCOHOL CONSUMPTION FOR SPECIAL EVENTS AT GREEN VALLEY PARK, AND PRESCRIBING PENALTIES FOR VIOLATIONS.

WHEREAS, Green Valley Park, Freedom Area School District, and the public property owned by the Township serve to protect the health, safety, and welfare of the students and residents as well as all minors throughout New Sewickley Township; and

WHEREAS, the Township acknowledges that tobacco, nicotine, e-cigarettes, and alcohol can pose a threat to the health, safety, and welfare of adults and minor children; and

WHEREAS, the Board of Supervisors of New Sewickley Township desires to discourage the use of e-cigarettes and vaping devices by minors within the Township and also discourage the use of e-cigarettes and vaping devices by adults and minors alike within the buildings and on the property of the Freedom Area School District, and Green Valley Park and;

WHEREAS, the Board of Supervisors of New Sewickley Township desires to discourage tobacco, nicotine, and alcohol use on Township property and promote the public health by making Green Valley Park, Freedom Area School District, and all property owned by the Township tobacco, nicotine, and vaping free zones.

WHEREAS, the consumption of alcohol on Township owned property is prohibited unless the Board of Supervisors approves the consumption of alcohol at Green Valley Park, on a case-by-case basis, for special events with any conditions that the Board of Supervisors chooses to attach to such approval to protect the health, safety, and welfare of the residents of New Sewickley Township;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township of New Sewickley, Beaver County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. Definition of “Tobacco”: is defined to include, but is not limited to, any lighted or unlighted cigarette, cigar, pipe, and any other tobacco-leaf smoking product and also smokeless tobacco, also known as spit, dip, chew, spitless, snus, snuff, and herbal smoking products in any form. It also includes non-FDA approved cessation nicotine products.

SECTION 2. Definition of E-Cigarettes and Vaping Devices: any electronic oral device, such as one composed of a heating element, battery or electronic circuit, which provides vapor of nicotine or any other substances and the use of inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed or sold as an e-cigarette, e-cigar, e-pipe, vape, vape pen, or under any other product name or descriptor. The term shall include all such devices whether or not they contain nicotine or other controlled substances.

SECTION 3. Designated Tobacco, Nicotine, E-Cigarette, and Vaping Free Areas: That the area of Green Valley Park, the property, schools and other buildings belonging to the Freedom Area School District that are located within New Sewickley Township, and all other properties owned by the Township of New Sewickley, Beaver County Pennsylvania be designated tobacco, nicotine, e-cigarette, and vape free. The use of any tobacco, nicotine, e-cigarettes, and vaping products in these areas in any form shall be prohibited hereafter to all adults and minors (including employees, visitors, and vendors).

SECTION 4. Definition of a Minor. Anyone under the age of 18.

SECTION 5. Minors Prohibited from Using or Possessing E-Cigarettes and Vaping Devices: Minors are prohibited from using or possessing e-cigarettes and vaping devices throughout New Sewickley Township, Beaver County, Pennsylvania.

SECTION 6. Prohibition of Alcohol. The consumption of alcohol by adults and minors (including employees, visitors, and vendors) is prohibited on all properties owned by New Sewickley Township, including Green Valley Park and the property, schools, and other buildings belonging to Freedom Area School District that are located within New Sewickley Township unless the Board of Supervisors approves the legal consumption of alcohol, on a case-by-case basis, at Green Valley Park for special events with any conditions that the Board of Supervisors chooses to attach to such approval to protect the health, safety, and welfare of the residents of New Sewickley Township.

SECTION 7. Signs: Appropriate signs will be posted delineating the tobacco, nicotine, e-cigarette, vape and/or alcohol free areas.

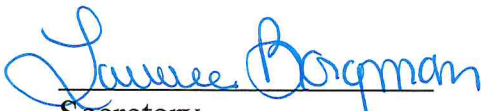
SECTION 8. **Enforcement:** In the event of a violation of this ordinance, the Township may initiate civil enforcement proceedings before a district justice where the fine shall not exceed \$600 per violation. Any person who violates or permits the violation of the Ordinance shall pay the fine plus all court costs, including reasonable attorney fees incurred by the Township. In addition, the Township may commence an action before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure where the fine may not exceed \$1,000 per violation and may prescribe imprisonment to the extent allowed by law for the punishment of summary offenses.

SECTION 9. **Repealed.** Ordinances 204, 215, and 224 are hereby repealed and it is also confirmed that Ordinance 158 has already been repealed. Therefore, Ordinances 204, 215, 224, and the previously-repealed Ordinance 158, have no further force or effect.

ENACTED AND ORDAINED THIS 5th day of Dec, 2023.

ATTEST:

TOWNSHIP OF NEW SEWICKLEY


Secretary


Chairman, Board of Supervisors