

BOROUGH OF CONSHOHOCKEN
MONTGOMERY COUNTY, PENNSYLVANIA

RESOLUTION NO. _____ 2019

A RESOLUTION OF THE BOROUGH OF CONSHOHOCKEN, MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA, CREATING A TOBACCO-FREE POLICY FOR ALL BOROUGH PARKS, PLAYGROUNDS AND OTHER RECREATIONAL AREAS; REPEALING PRIOR INCONSISTENT RESOLUTIONS AND PARTS OF RESOLUTIONS; PROVIDING FOR A SAVINGS CLAUSE; AND CONTAINING AN EFFECTIVE DATE.

WHEREAS, in Pennsylvania, more than 858,000 young people are exposed to tobacco smoke pollution every day and the US Surgeon General has stated that there is no safe level of exposure, whether indoors or outdoors, and that children's exposure to secondhand smoke causes increased risk of sudden infant death syndrome, lower respiratory infections, middle ear diseases, more severe asthma, respiratory symptoms and slowed lung growth and is responsible for the premature deaths of over 430,000 Americans each year from lung cancer, heart disease, respiratory illness and other diseases;

WHEREAS, secondhand smoke is responsible for over 50,000 deaths among nonsmokers each year;

WHEREAS, tobacco kills more Americans each year than alcohol, cocaine, heroin, homicide, suicide, accidents, fire and AIDS combined;

WHEREAS, 80% of smokers started smoking before the age of 18, and the average initiation age is 12 years old;

WHEREAS, every day an estimated 3,900 young people under the age of 18 try their first cigarette and one-third of these children will die prematurely from tobacco related illnesses; and

WHEREAS, to help role model non-smoking behavior to children and youth, and to provide children, youth and their families with a safe, smoke-free environment, the Borough Council of the Borough of Conshohocken establishes a tobacco-free policy in its public parks, playgrounds and other recreational facilities as set forth herein.

NOW, THEREFORE, be it resolved by the Borough Council of the Borough of Conshohocken, County of Montgomery, Commonwealth of Pennsylvania, as follows:

SECTION 1. TOBACCO-FREE POLICY STATEMENT.

A. Purpose.

The Borough of Conshohocken's Parks and Recreation Tobacco-Free Policy is designed to protect the health welfare and safety of Borough residents and park patrons.

B. Policy Statement.

The Borough of Conshohocken is committed to providing a high quality of living for all residents and a safe environment for all visitors to the Borough. Therefore, the Borough Council of the Borough of Conshohocken believes that:

- i. Tobacco products used in proximity of children, youth, and adults engaging in or watching recreational activities are unhealthy and detrimental to the health of others.
- ii. Tobacco products consumed in public spaces are often discarded on the ground, thus posing a risk of ingestion to toddlers and causing a litter problem.
- iii. As parents, leaders, coaches and officials, we are thought of as role models, and the use of tobacco products around youth has a negative effect on their lifestyle choices.

C. Tobacco-Free Facilities.

The Borough of Conshohocken does not allow the use of tobacco products in Borough parks, playgrounds or other recreational facilities.

D. Compliance Procedures.

In addition to the penalties set forth in Section 2.E of this Resolution, the emphasis on enforcing the Tobacco-Free Park policy is through voluntary compliance. In pursuit thereof:

- i. Appropriate Borough owned park, playground and other recreational facilities will post *Young Lungs at Play* signage.
- ii. Borough staff, elected, and/or appointed officials will meet with organizations and/or leaders or coaches to discuss the policy and to distribute flyers with the "tobacco-free" regulations.

- iii. Borough staff, elected, and/or appointed officials will make periodic observations of activity sites to monitor compliance and help to promote awareness of the tobacco-free policy.

SECTION 2. ALL PUBLIC PARKS, PLAYGROUNDS AND OTHER RECREATIONAL AREAS TO BE TOBACCO-FREE.

- A. All public parks, playgrounds and other recreational areas within the Borough of Conshohocken shall be designated as tobacco-free and the use of any tobacco product in any form shall be prohibited.
- B. The term “tobacco product” shall include:
 - i. 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, snuff.
 - ii. 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.
 - iii. Notwithstanding any provision of subsections (i) and (ii) 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.
- C. Appropriate signage shall be posted to designate said tobacco-free areas.
- D. The residents of the Borough of Conshohocken shall be notified of this Resolution and the designation of the tobacco-free zones as stated herein.
- E. Any person in violation of this Resolution shall be subject to the penalties pursuant to Part 3 *Rules and Regulations Applicable to All Borough Parks, Playgrounds and Other Recreational Facilities*, of Chapter 16 *Parks and Recreation* of the Borough’s Code of Ordinances.

- F. Borough Council hereby authorizes its elected and appointed officials to make periodic observations of tobacco-free areas to monitor compliance and promote awareness of this Resolution.

SECTION 3.

Any and all other Resolutions or parts of Resolutions in violation or in conflict with the terms, conditions and provisions of this Resolution are hereby repealed to the extent of such irreconcilable conflict.

SECTION 4.

The terms, conditions and provisions of this Resolution are hereby declared to be severable, and, should any portion, part or provision of this Resolution be found by a court of competent jurisdiction to be invalid, non-enforceable or unconstitutional, the Council hereby declares its intent that the Resolution shall have been enacted without regard to the invalid, non-enforceable, or unconstitutional portion, part or provision of this Resolution.

SECTION 5.

This Resolution shall become effective immediately.

RESOLVED by the Borough Council of the Borough of Conshohocken this _____ day of _____, 2019.

BOROUGH OF CONSHOHOCKEN:

COLLEEN LEONARD, COUNCIL PRESIDENT

ATTEST:

STEPHANIE CECCO,
BOROUGH SECRETARY

Approved this _____ day of _____,
2019

YANIV ARONSON, MAYOR