BOROUGH OF CONSHOHOCKEN

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 04 - 2019

AN ORDINANCE OF THE BOROUGH OF CONSHOHOCKEN, MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 16 *PARKS AND RECREATION* OF THE CODE OF THE BOROUGH OF CONSHOHOCKEN, ESTABLISHING RULES AND REGULATIONS FOR THE BOROUGH'S PARKS, PLAYGROUNDS, AND OTHER RECREATIONAL AREAS; REPEALING PRIOR INCONSISTENT ORDINANCES AND PARTS OF ORDINANCES; PROVIDING FOR A SAVINGS CLAUSE; AND CONTAINING AN EFFECTIVE DATE.

WHEREAS, the Borough Council of the Borough of Conshohocken is duly empowered by the Borough Code to enact certain regulations relating to the public health, safety and welfare of the citizens of the community of the Borough of Conshohocken, including specifically the establishment of public parks and recreational areas;

WHEREAS, the Borough contains several public parks, playgrounds, and other recreational areas owned and operated by the Borough; and

WHEREAS, the Borough Council of the Borough of Conshohocken has established rules and regulations relating to its public parks, playgrounds, and other recreational areas at Chapter 16 *Parks and Recreation* of the Code of the Borough of Conshohocken;

WHEREAS, the Borough Council of the Borough of Conshohocken desires to amend Chapter 16 *Parks and Recreation* to provide for the establishment of rules and regulations for Borough parks, playgrounds and other recreational areas by resolution of Borough Council, effectuating the more efficient establishment of rules and regulations as needed to protect the health, safety, and welfare of the Borough, its residents, and those using Borough parks, playgrounds, and other recreational areas; and

WHEREAS, the Borough Council of the Borough of Conshohocken wishes to establish a tobacco-free policy in all Borough parks, playgrounds and other recreational areas for the same reason.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Conshohocken as follows:

SECTION 1.

Chapter 16 *Parks and Recreation*, Part 2 *A.A. Garthwaite Field*, Section 16-202 *Prohibited Acts*, is hereby amended by repealing the introductory paragraph of Section 16-202 in its entirety and replacing it with the following language:

> A.A. Gaithwaite Field and the use and occupation of said premises by the public shall be subject to such rules and regulations as shall be established by ordinance or resolution of the Borough Council of the Borough of Conshohocken. In addition to such rules and regulations as may be established from time to time by Borough Council, it shall be unlawful for any person:
>
> [listing prohibited acts]

SECTION 2.

Chapter 16 *Parks and Recreation*, Part 3 *Parks, Playgrounds, and Other Recreational Facilities* is hereby amended by repealing Part 3 in its entirety and replacing it with the following language:

Part 3 RULES AND REGULATIONS APPLICABLE TO ALL BOROUGH PARKS, PLAYGROUNDS, AND OTHER RECREATIONAL AREAS.

§ 16-301 **Possession of Alcohol Prohibited in Public Parks, Playgrounds and Other Recreational Areas.**

No person shall consume or possess any alcohol, liquor, malt or brewed beverage, as such drinks are defined in the Liquor Code of the Commonwealth of Pennsylvania, in any public park, playground or other recreational area in the Borough.

§ 16-302 **All Public Parks, Playgrounds and Other Recreational Areas to be Tobacco Free.**

A. No person shall possess or use any tobacco product in any public park, playground, or other recreational area in the Borough.

B. "Tobacco product" shall mean:

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; and

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.

§ 16-303 **Visitation Hours Regulated in Public Parks, Playgrounds and Other Recreational Areas.**

No person shall enter or remain upon any public park, playground or other recreational area in the Borough during hours as set by Borough Council from time to time by resolution.

§ 16-304 **Rules and Regulations in Public Parks, Playgrounds and Other Recreational Areas.**

In addition to those prohibited acts specifically set forth in this Chapter, the use and occupation of public parks, playgrounds, or other recreational areas of the Borough shall be to such rules and regulations as shall be established by ordinance or resolution of the Borough Council of the Borough of Conshohocken from time to time.

§ 16-305 **Penalty for Violation.**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $600 plus costs and, in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

SECTION 3.

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

SECTION 4.

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

SECTION 5.

This Ordinance shall become effective immediately.

ORDAINED and **ENACTED** an ordinance of the Borough of Conshohocken this 19th day of June, 2019

BOROUGH OF CONSHOHOCKEN:

Colleen Leonard

COLLEEN LEONARD, COUNCIL PRESIDENT

ATTEST:

STEPHANIE CECCO,
BOROUGH SECRETARY

Approved this 19th day of June, 2019

YANIV ARONSON, MAYOR