

ORDINANCE NO. 2020 - 1

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF HANOVER, COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA TO AMEND THE CODE OF ORDINANCES BY AMENDING CERTAIN PROVISIONS OF CHAPTER 95 HEALTH AND NUISANCES BY PROVIDING THAT THE CONSUMPTION OF ALCOHOL AND/OR SMOKING OR THE USE OF PRODUCTS CONTAINING ALCOHOL FOR CONSUMPTION AND/OR TOBACCO PRODUCTS ON ANY TOWNSHIP OF HANOVER OWNED PROPERTY IS DECLARED A NUISANCE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Supervisors of Hanover Township, Northampton County, Pennsylvania as follows:

SECTION 1. The Supervisors of Hanover Township, Northampton County, Pennsylvania, under the powers vested in them by the "Second Class Township Code, as well as other laws of the Commonwealth of Pennsylvania, do hereby ordain and enact the following amendment to the Hanover Township Codified Ordinance, as amended.

SECTION 2. Purpose. The purpose of this Ordinance is to provide for the healthy enjoyment of all residents, especially the children and employees of the Township of Hanover, by prohibiting alcohol, smoking and tobacco use on all Township of Hanover owned property on which alcohol, smoking and tobacco use can pose significant health risks to those using and enjoying the Township of Hanover owned property.

SECTION 3. Chapter 95 Health and Nuisances, section 95.2 Purpose is amended by adding the following Subsection G to read as follows:

“G. To prohibit the Smoking of and the use of all Tobacco Products and/or electronic cigarette products on or at all Township Owned Property to include but not

be limited to the municipal building, public works facilities, parking lots and all areas of parks, playgrounds, recreational fields and open spaces.

H. To prohibit the drinking of and use of alcohol and products containing alcohol for consumption on or at all Township Owned Property to include but not be limited to the municipal building, public works facilities, parking lots and all areas of parks, playgrounds, recreational fields and open spaces.”

SECTION 4. Chapter 95 Health and Nuisances, Section 95-3 Definitions and Word Usage, Subsection B is hereby amended by adding the following definitions:

“ALCOHOL – shall include alcohol and all beverages and products containing alcohol for consumption.

SMOKING – The carrying by a person of a lighted cigar, cigarette, pipe or other lighted smoking device used for tobacco or the carrying by a person of an electronic cigarette.

TOBACCO PRODUCT – Includes all of the following:

(1) 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, snuffed, dipped or ingested by any means including, but not limited to, cigarettes, cigars, chewing tobacco, pipe tobacco and snuff, or dipping tobacco;

(2) Any electronic device that delivers nicotine or other substances to the person inhaling from the device including, but not limited to, electronic cigarettes (e-cigarettes), vape pens, juul devices, pipes, hookah pipes or devices and any

other similar electronic tobacco devices which ignite tobacco and/or emit smoke, aerosol or vapor; and

(3) Notwithstanding any provision of (1) and (2) above, to the contrary, "Tobacco Product" further includes any component, part or accessory of Tobacco Product whether or not sold separately. "Tobacco Products" does not include any product that has been approved by the United States Food & Drug Administration for sale as tobacco cessation products or for other therapeutic purposes where such product is marked and sold for such use.

TOWNSHIP OWNED PROPERTY – Property to include but not be limited to the municipal building, public works facilities, parking lots and all areas of parks, playgrounds, recreational fields and open spaces."

SECTION 5. Chapter 95 Health and Nuisances, Section 95-5 Activities and conditions constituting nuisances is hereby amended by adding a new Subsection O to read as follows:

"O. The Smoking of or use of all Tobacco Products at or on all Township Owned Property.

P. The drinking of and use of alcohol and products containing alcohol for consumption."

SECTION 6. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 7. The provisions of this Ordinance shall be severable and if any provision thereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a

legislative intent of the Township that this Ordinance would have been enacted had such unconstitutional, illegal or invalid provision(s) not been included herein.

SECTION 8. This Ordinance shall become effective thirty (30) days after enactment.

ENACTED AND ORDAINED at a regular meeting of the Board of Supervisors of the Township of Hanover, County of Northampton on this 24th day of **March, 2020**.

ATTEST:

**BOARD OF SUPERVISORS,
HANOVER TOWNSHIP,
NORTHAMPTON COUNTY,
PENNSYLVANIA**

By: 

**JOHN J. FINNIGAN, JR., Township
Manager**

By: 

JOHN N. DIACOGIANNIS, Chairman

