

ORDINANCE NO. 6

AN ORDINANCE OF THE TOWNSHIP OF CHERRY, BUTLER COUNTY, PENNSYLVANIA, PROHIBITING SMOKING IN CERTAIN PLACES WITHIN THE TOWNSHIP, PROVIDING FOR THE DESIGNATION OF SMOKING AREAS, PROVIDING FOR THE POSTING OF "NO SMOKING" SIGNS AND THE PROVISION FOR ASHTRAYS IN SAFE AREAS FOR SMOKING AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

Be it ordained and enacted by the Supervisors of the Township of Cherry, Butler County, Pennsylvania, and it is hereby ordained and enacted as follows:

SECTION 1

The Smoking or carrying of a lighted pipe, cigar, cigarette or tobacco in any form is prohibited in the areas herein provided.

SECTION 2

Smoking shall be prohibited where conditions are such as to make smoking a hazard, including areas of piers, wharves, warehouses, stores, industrial plants, institutions, schools, places of assembly and in spaces where combustible materials are stored or handled. The Supervisors shall designate specific safe locations, if necessary, in any building, structure or place in which smoking may be permitted.

SECTION 3

The Supervisors are empowered and authorized to order the owner or occupant to post "No Smoking" signs in each building, structure, room or place in which smoking shall be prohibited. The content, lettering, size, color and location of required "No Smoking" signs shall be subject to the approval of the Supervisors.

SECTION 4

It shall be unlawful for any person to obscure, remove, deface, mutilate or destroy a posted "No Smoking" sign.

SECTION 5

It shall be unlawful for any person to smoke, throw or deposit any lighted or smoldering substance in any place where "No Smoking" signs are posted.

SECTION 6

Where smoking is permitted, there shall be provided on each table and at other convenient locations suitable noncombustible ashtrays or match receivers.

SECTION 7

Any person convicted of violating any provision of this Ordinance shall be fined for a first offense not less than \$25.00 nor more than \$50.00. Any person convicted of a second or subsequent violation of this Ordinance shall be fined not less than \$50.00 nor more than \$100.00. In determining the number of the offense, convictions older than five (5) years shall be disregarded. After the time period for appeal from a conviction under any of the provisions of this Ordinance has expired, or after an appeal has been made and such conviction upheld and the person convicted refuses to pay the fine assessed by the Magistrate or other appropriate judicial officer within the time period fixed by him, then such person shall undergo imprisonment for an indefinite period until such fine be paid. Provided further, that such period shall not exceed the lesser of fourteen (14) days

nor the maximum term of imprisonment which may be provided by Second Class Townships according to law. Provided further, that no person shall undergo imprisonment under this Section if he can show that his nonpayment was occasioned by extreme poverty.

ORDAINED AND ENACTED this 5th day of July, 1983.

CHERRY TOWNSHIP, BOARD OF SUPERVISORS

ATTEST:

Raylene M. Roussea
Secretary

By [Signature] Chairman