

Ordinances

Prohibitions

ORDINANCE

97-6

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF  
THE TOWNSHIP OF HOPEWELL OF THE COMMONWEALTH OF  
PENNSYLVANIA, AUTHORIZING AND APPROVING AN ORDINANCE  
RESTRICTING SMOKING IN BUILDINGS AND FACILITIES  
WHERE BUSINESS FOR THE TOWNSHIP OF HOPEWELL IS  
CONDUCTED**

**WHEREAS**, it has been determined that the Americans With Disabilities Act protects those individuals who suffer from adverse physical manifestations arising from the inhalation of second-hand smoke; and

**WHEREAS**, as a public entity, the Township of Hopewell, Beaver County is required to make reasonable accommodations for these individuals; and

**WHEREAS**, the purpose of this Resolution is to implement compliance with the Americans With Disabilities Act and to promote a safe and healthful environment for employees and the public in Township buildings and facilities. It is intended to reduce the health risks associated with exposure to environmental tobacco smoke while minimizing the inconvenience to individuals who smoke.

**NOW, THEREFORE BE IT ORDAINED** by the Board of Commissioners of the Township of Hopewell, a first class township under the laws of the Commonwealth of Pennsylvania, **AND IT IS HEREBY ORDAINED:**

TOWNSHIP OF HOPEWELL SMOKING ORDINANCE

1. **PURPOSE:**

The purpose of this Ordinance is to obtain compliance with the Americans With Disabilities Act and to promote a safe and healthful environment for employees and the public in Township buildings and facilities. It is intended to reduce the health risks associated with exposure to environmental tobacco smoke while minimizing the inconvenience to individuals who smoke.

2. **DEFINITION:**

Smoking is defined as a lighted cigar, cigarette, pipe or any other lit tobacco product.

3. **POLICY:**

A. It is the policy of the Township of Hopewell to respect the preferences of both the nonsmoker and the smoker in Township buildings and facilities. When these preferences conflict, the preferences of the nonsmoker shall prevail. The right of an individual to protect his or her health shall take precedence over an individual's desire to smoke.

B. In recognition of the health hazards of environmental tobacco smoke for the nonsmoker and in recognition of the needs of the smoker, smoking shall be permitted only in designated smoking areas. Smoking areas shall be designated that are convenient, adequately entitled, and operationally feasible. All other areas are presumed to be nonsmoking.

C. **Work Areas.**

(1) In work areas where space is shared by two or more persons smoking is prohibited.

(2) Nothing contained herein shall be construed to impair or diminish or otherwise affect any contractual agreement, collective bargaining agreement, collective bargaining rights or collective bargaining procedures.

(3) In Township vehicles, smoking is permitted only when there is no objection from any of the occupants.

D. **Areas of Common Use.**

(1) Smoking is not permitted in confined areas of general access, such as meeting rooms and places frequently visited by the public.

(2) Smoking is not permitted in conference rooms.

(3) Smoking shall be permitted only in designated smoking sections, provided there is adequate ventilation.

(4) Employees and visitors are expected to honor the smoking and nonsmoking designations and to be considerate of nonsmokers in their vicinity.

(5) Smoking is not permitted in hallways or entrance ways of Township buildings.

(6) All employees share in the responsibility for adhering to and enforcing this policy.

E. Hazardous Areas.

(1) Smoking is prohibited where combustible fumes can collect, such as in garage and storage facilities, areas where chemicals are used, and all other designated places where an occupational safety or health hazard might exist.

(2) Smoking is not permitted in computer facilities, copy rooms, mailrooms, or other areas with sensitive equipment or where records and supplies would be exposed to hazard from fire, ash or smoke.

4.

**Signs:**

Signs displaying the following statement shall be posted at all facility entrances:

Smoking is prohibited except  
in designated smoking areas.

5. **Authorization To Promulgate Additional Rules:**

The Board is authorized to establish additional rules and regulations as deemed necessary.

6. **Enforcement:**

The Township Manager and Police Department are charged with enforcement of the provisions of this Ordinance.

7. **Penalties:**

Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced as follows:

First Offense            \$75.00

8. **Repealer:**

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

9. **Severability:**

If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Board of Commissioners that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

10. **Effective Date:**

This ordinance shall become effective the 9<sup>th</sup> day of Sept, 1997.

ADOPTED on this 9<sup>th</sup> day of Sept, 1997.

Daniel L. Youngs Bates  
Manager

Betsy A. D'Eramo Jr.  
President,  
Board of Commissioners

# Beaver County Times



P.O. BOX 400  
BEAVER, PA 15009-0400  
AREA CODE 412 775-3200



## LEGAL ADVERTISING INVOICE

TOWNSHIP OF HOPEWELL  
1700 CLARK BOULEVARD  
ALIQUIPPA PA 15001-4298

08/08/97 828.00

PROOF CHARGE IS \$3.00 FOR AFFIDAVIT, \$6.00 FOR CLERICAL FEE

ACCOUNT	INVOICE DATE	DESCRIPTION	LINES	TIMES	PROOF	TOTAL
94249600	08/01/97	ORD-SMOKING	225	2		
07/21/97	08/01/97					
DATES APPEARED						

### PROOF OF PUBLICATION

The **Beaver County Times**, a daily newspaper of general circulation, published by **BEAVER NEWSPAPERS, INC.**, a Pennsylvania corporation, 400 Fair Avenue, West Bridgewater, Beaver County, Pennsylvania, was established in 1946, and has been issued regularly, except legal holidays since said date.

The attached advertisement, which is exactly as printed and published, appeared in the regular issue on 07/21/97 08/01/97

BEAVER NEWSPAPERS, INC.

By 

STATE OF PENNSYLVANIA, }  
COUNTY OF BEAVER, } SS:

Before me, a Notary Public in and for such county and state, personally appeared

EDWIN METZGER, who being duly sworn according to law says that he is CONTROLLER of BEAVER NEWSPAPERS, INC.; that neither affiant

nor said corporation is interested in the subject matter of the attached advertisement; and that all of the allegations of the foregoing statement including those as to the time, place and character of publication are true.

Sworn to and subscribed before me  
08TH day of AUGUST 1997  
this day of



The costs of advertising and proof, 828.00 has been paid.

**HOPEWELL TWP - 4 bedroom, 2 story, family room on main floor with fireplace, wrap-around deck, \$112,000, 378-2761**  
**HOPEWELL TWP - 1 bedroom, 4 stall garage, 5.7 acres, near Rt. 60, \$55,000, 375-1133**  
**HOPEWELL TWP - 2 bedroom 2 story aluminum home, full basement, attached garage, low payments, ACME REALTY, 846-2360**  
**BIG BEAVER - Ideal country living 3 bedroom home features 2 baths, newer carpet, 2 car garage, all situated on 4.4 acres of ground. \$122,500, Bee Matted, HOWARD HANNA, 775-5700**  
**HOPEWELL TWP - 5 bedroom aluminum ranch, finished basement, 1 car detached garage, dry, enclosed sun porch, possible lower level suite, attached garage, \$87,000, CENTURY 21 TREMBATH AGENCY, INC., Realtor, 378-1819.**  
**INDUSTRY - Sunrise Hills area. Brick ranch, excellent condition. 1 bedroom, can be made into 2 bedroom, \$69,900, #96567, OXFORD REALTY, 774-7373**  
**BRIGHTON TWP Owner offering \$2500, towards buyer's costs. 4 bedroom, 2 1/2 bath, 2 story, family room, eat-in, garage, 3 country acres, Bargain!!**  
**2 stall attached**

Notarial Seal  
Pamela Sue Reese, Notary Public  
Bridgewater Boro, Beaver County  
My Commission Expires Aug. 26, 1999  
Member, Pennsylvania Association of Notaries

BEAVER NEWSPAPERS, INC.

By \_\_\_\_\_

# Pennsylvania Clean Indoor Air Act of 1988

## Section 10.1. Clean Indoor Air.

(a) The purpose of this section is to protect the public health and to provide for the comfort of all parties by regulating and controlling smoking in certain public places and at public meetings and in certain workplaces.

(b) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Bar areas" means those areas which are devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages.

"Public meetings" means all meetings open to the public pursuant to the act of July 3, 1986 (P.L.388, No.84), known as the "Sunshine Act."

"Public place" means either of the following:

(1) An enclosed, indoor area owned or operated by a State or local governmental agency and used by the general public or serving as a place of work for public employees or a meeting place for a public body, including an office, educational facility, health facility, auditorium, arena, meeting room or public conveyance.

(2) An enclosed, indoor area which is not owned or operated by a State or local governmental agency, which is used by the general public and which is any of the following:

(i) A workplace.

(ii) An educational facility.

(iii) A health facility.

(iv) An auditorium.

(v) An arena.

(vi) A theater.

(vii) A museum.

(viii) A restaurant.

(ix) A concert hall.

(x) Any other facility during the period of its use for a performance or exhibit of the arts.

"Restaurant" means any eating establishment which offers food for sale to the public.

"Smoking" means the carrying by a person of a lighted cigar, cigarette, pipe or other lighted smoking device.

"Workplace" means an enclosed, indoor area serving as a place of employment, occupation, business, trade, craft or profession.

(c) No person shall smoke in an area designated nonsmoking by the proprietor or person in charge in a public place or at a public meeting.

(d) The following places shall be exempt from this section:

(1) Private social functions where the area utilized is under the control of the sponsor and not the proprietor.

(2) Factories, warehouses and similar places of work not frequented by the general public.

(3) Restaurants seating fewer than seventy-five (75) persons.

(4) Bar areas in a liquor licensee establishment.

(5) Areas in public places commonly referred to as lobbies and hallways.

(6) Hotel and motel rooms.

(7) Retail stores, the primary business of which is the sale of tobacco or tobacco-related products.

(e) The regulation of smoking in restaurants with seventy-five (75) or more seats shall be governed by the following:

(1) Restaurants shall provide for their patrons smoking and nonsmoking areas reasonably calculated to address the needs of their clientele, the size of which may be increased or decreased, by the proprietor or person in charge, according to need.

(2) Restaurants shall make reasonable efforts to prevent smoking in the designated nonsmoking section by:

(i) Posting appropriate signs which are readily visible. The color, size and placement of the signs shall be left to the discretion of the proprietor or person in charge in keeping with the decor or aesthetics of the establishment.



- (ii) Arranging seating so that smokers and nonsmokers are placed in contiguous groupings.
- (iii) Asking smokers to refrain from smoking in the nonsmoking areas.
- (f) The regulation of smoking in restaurants with fewer than seventy-five (75) seats shall be left to the discretion of the proprietor, provided that:
  - (1) Restaurants which choose not to provide a nonsmoking area nor develop a no-smoking policy based upon customer preference shall post notice of such lack of policy at each entranceway.
  - (2) Restaurants which choose to provide a nonsmoking area shall develop a policy in accordance with subsection (e).
- (g) Except as otherwise provided in this section, employers shall develop, post and implement a policy to regulate smoking in the workplace, provided that nothing in this section or any local law, rule or regulation shall be construed as to impair or diminish or otherwise affect any contractual agreement, collective bargaining agreement, collective bargaining rights or collective bargaining procedures. The employer shall provide a copy of the policy to any employe upon request.
- (h) No proprietor or person in charge of a public place who establishes a policy or designates areas pursuant to this section shall be subject to any action in any court by any party other than the Department of Health or local board or department of health under this section.
- (i) A violation of this section shall be punishable by a civil fine of not more than fifty dollars (\$50.00).
- (j) The Department of Health shall promulgate and adopt rules and regulations as are necessary and reasonable to implement the provisions of this section.

(10.1 added Dec. 21, 1988, P.L.1315, No.168)

### **Section 1235. Enforcement**

The provisions of this act shall apply to every building enumerated in this act, including buildings owned, in whole or in part, by the Commonwealth, or any political subdivision thereof, and shall be enforced by the Secretary of Labor and Industry, by and through his authorized representatives: Provided, That nothing in this act shall be construed as affecting buildings in cities of the first class, second class, and second class A . . .

### **Section 1235.1. Preemption**

(a) This act shall preempt and supercede any local ordinance or rule concerning the subject matter of sections 1223.5 and 1230.1 of this act.

(b) This act shall preempt and supersede any local ordinance or rule concerning the subject matter of section 1230.1 of this act except that:

(1) The provisions of section 1230.1 of this act shall not apply to local rules or ordinances concerning the subject matter of section 1230.1 of this act which have been adopted by cities of the second class and were in effect prior ro September 1, 1988.

(2) In the event that the local rule or ordinance is amended, suspended, rescinded or rendered, in whole or in part, ineffective by a court decision, the exemption shall not apply; and the city of the second class shall be subject to the provisions of section 1230.1 of this act.