

**BOROUGH OF AVALON**

**ORDINANCE NO. 1306**

**AN ORDINANCE OF THE BOROUGH OF AVALON  
PROHIBITING SMOKING IN THE BOROUGH BUILDING**

**WHEREAS, the Borough Council of the Borough of Avalon desires to ensure safety in the new Borough building by, among other things, lessening the probability of fire in this building pursuant to 35 P.S. §§ 1221 *et. seq.*;**

**WHEREAS, the Borough acknowledges that there have been numerous studies concluding that smoking is detrimental not only to the health of those smoking but also to those persons exposed to the smoke.**

**WHEREAS, the Borough seeks to protect the general health and welfare of those persons who work in and/or visit the new Borough building; and**

**WHEREAS, the Borough desires to protect the public health and provide for the comfort of all parties by prohibiting smoking in the new Borough building;**

**NOW, THEREFORE, the Council of the Borough of Avalon hereby ordains and enacts as follows:**

**SECTION 1. That the following words, when used in this Ordinance, shall have the following meanings ascribed to them:**

- a. **"The Borough Building." The new Borough Building located at 640 California Avenue, including but not limited to the vestibule, Council Chambers, the administrative offices and/or any other offices and/or conference rooms, the kitchen and/or lunch rooms, the tax office, the restrooms, the hallways and/or stairwells, and the police station—including the garages and showers.**
- b. **"Smoking." This includes, but is not limited to, a lighted cigar, cigarette, pipe, and/or other smoking device.**

**SECTION 2. Smoking is strictly prohibited within the Borough building.**

**SECTION 3. Smoking is permitted only outside the confines of the building's walls.**


**SECTION 4.** Each person violating any provision of this Ordinance shall, upon conviction before any district justice or any other judicial authority, be sentenced to pay a fine of not more than \$300.00, plus costs and counsel fees, if any, associated with prosecution.

**SECTION 5.** Any other Ordinance, or part of any Ordinance of the Borough of Avalon conflicting with the provisions of this Ordinance, is hereby repealed insofar as the same affects this Ordinance.

**SECTION 6.** The provisions of this Ordinance are severable and, if any section, sentence, clause, and/or phrase shall be held by a court of competent jurisdiction to be illegal, invalid, and/or unconstitutional, the remaining portions of this Ordinance shall not be affected or impaired.

ORDAINED AND ENACTED this 17<sup>th</sup> day of MAY, 2006.

ATTEST:

  
Borough Manager, Harry Dilmore

  
President of Council, Edward Klicker

EXAMINED AND APPROVED THIS 17<sup>th</sup> day of MAY, 2006.

  
Mayor, David Haslett