

CONEMAUGH TOWNSHIP DRUG, ALCOHOL, AND TOBACCO
ORDINANCE

ORDINANCE NO. 602

AN ORDINANCE PROHIBITING THE POSSESSION AND/OR USE OF DRUGS, ALCOHOL AND TOBACCO IN CERTAIN PUBLIC PLACES OR PLACES OF PUBLIC ASSEMBLAGE LOCATED WITHIN CONEMAUGH TOWNSHIP; REQUIRING ENFORCEMENT BY PERSONS HAVING CONTROL OF THE PREMISES; PRESCRIBING PENALTIES FOR VIOLATION OF ITS PROVISIONS..

WHEREAS, the Conemaugh Township Supervisors are elected and charged with responsibility to protect the public health and welfare and maintains a police department to provide enforcement of the laws of the Commonwealth and Township for the benefit of the residents; and WHEREAS, the Conemaugh Township Supervisors have determined that use of alcohol, tobacco, controlled substances, (hereinafter referred to as "drugs") in public facilities constitutes a danger and harm to the public which should be prevented.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township of Conemaugh, County of Somerset, and Commonwealth of Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the Supervisors of the Township on behalf of said Township :

SECTION 1. SHORT TITLE:

This Ordinance may commonly be referred to as the Conemaugh Township "Drug, Alcohol and Tobacco Ordinance."

SECTION 2. DEFINITIONS:

For purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings given therein. When not consistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

1. "Township" is the Township of Conemaugh, located in Somerset County, Pennsylvania.
2. "Supervisors" are the elected members of the Board of Supervisors acting on behalf of said Township.
- 3 . "Person" is any person, firm, partnership, association,corporation, company or organization of any kind.
- 4 . "Public Building, Grounds and Places of Public Assemblage "are as enumerated and specified.
- 5 . " Smoking" includes the possession of a lighted cigarette, cigar, pipe or other lighted smoking equipment.
- 6 . "Use of Drugs, Alcohol and Tobacco" includes use and/or possession of controlled substances, alcohol and tobacco.

SECTION 3. PUBLIC BUILDINGS, GROUNDS AND PLACES OF PUBLIC ASSEMBLY

1. Conemaugh Township Municipal Building.
2. Public schools located in the Township, including the structure and any real property owned by the Conemaugh Township School District.

3. Public conveyances operating within the Township including, but not limited to school buses.

SECTION 4. VIOLATION BY PERSONS HAVING CONTROL:

It shall be unlawful for any person, or his agent, having control or being responsible for, or having authority as to any public building, grounds or place of public assemblage, to knowingly permit a violation of this Ordinance.

SECTION 5. PLACARDING REQUIRED:

Every person or his agent, having control of public buildings, grounds and places of public assemblage as hereinbefore specified, shall conspicuously display upon the premises a sign reading "THE USE AND/OR POSSESSION OF DRUGS, ALCOHOL AND TOBACCO ON THE PREMISES IS PROHIBITED BY LAW". Such sign shall be at least 144 square inches in area.

SECTION 6. VIOLATION BY OTHERS:

No person shall use and/or possess drugs, alcohol or tobacco in any public building, grounds or place of public assemblage (as hereinbefore defined as such), or shall any person remove any placard required to be erected by or under the authority of this Ordinance.

SECTION 7. PLACING LIGHTED OBJECTS CLOSE TO COMBUSTIBLE MATTER:

No person shall throw or place hot or burning substances, or objects such as cigars, cigarettes, or the contents of a burning pipe, upon or in close proximity to any public or private premises, object, or structure, or in any public street or place.

SECTION 8. PENALTIES:

Any person who shall violate any of the provisions of this Ordinance hereby adopted or fails to comply therewith, shall be guilty of a summary offense, and upon conviction thereof before an appropriate District Magistrate, shall be sentenced to pay the costs, plus a fine of up to ONE HUNDRED AND 00/100 (\$100.00) DOLLARS for the first offense; up to ONE HUNDRED FIFTY AND 00/100 (\$150.00) DOLLARS for a second offense; and at least ONE HUNDRED FIFTY AND 00/100 (\$150.00) DOLLARS but no more than FIVE HUNDRED AND 00/100 (\$500.00) DOLLARS for a third or subsequent offense. Upon the failure to pay costs and fines as determined herein, a person shall be subject to incarceration for a period of no less than sixty (60) days.

SECTION 9. SEVERABILITY AND REPEAL:

If any section, portion or provision of this Ordinance is held by a Court of appropriate jurisdiction to be illegal, unconstitutional or unenforceable, such decision shall not affect the remainder hereof. It is hereby declared to be the specific intent of the Township of Conemaugh that this Ordinance would have been adopted even if such illegal, unconstitutional and unenforceable provision had not been included herein. Further, any and all Ordinances or any parts thereof which conflict with the provisions of this Ordinance are hereby repealed.

SECTION IO. EFFECTIVE DATE:

This Ordinance shall be effective immediately upon adoption. ORDAINED AND ENACTED

this 14th day of SEPTEMBER , 1995.

**BOARD OF SUPERVISORS, CONEMAUGH TOWNSHIP SOMERSET COUNTY
ATTEST**

*(Seal) Larry D. Zimmerman, Chairman
Albert E. Zuccolotto Robert M. Rouser, Secretary-Treasurer, Vice-Chairman
Albert E. Zuccolotto, Secretary-Treasurer*