

ORDINANCE 95- 9

AN ORDINANCE OF AND BY THE BOARD OF TOWNSHIP SUPERVISORS OF SILVER SPRING TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING THE "BOCA NATIONAL FIRE PREVENTION CODE/1990" AS HERETOFORE ADOPTED AND ENACTED BY ORDINANCE NO. 95-6 ENACTED ON APRIL 26, 1995, BY (1) ADDING A DEFINITION OF "SCHOOL" TO SECTION F-201.0, (2) DESIGNATING CERTAIN SCHOOL OFFICIALS OF THE CUMBERLAND VALLEY SCHOOL DISTRICT AS CODE OFFICIALS FOR IMPLEMENTING AND ENFORCING SMOKING PROHIBITION IN SCHOOL FACILITIES BY NEW SUBSECTION F-105.9, AND (3) ADDING SPECIFIC PENALTIES IN NEW SUBSECTION F-111.5 FOR VIOLATION OF SMOKING PROHIBITION IN SCHOOL FACILITIES.

PREAMBLE:

WHEREAS, by Ordinance No. 95-6 enacted on April 26, 1995, the Board of Township Supervisors ("Board") in and for the Township of Silver Spring ("Township"), Cumberland County, Pennsylvania, adopted the "BOCA National Fire Prevention Code/1990" ("Code"); and

WHEREAS, Section F-312.2 prohibits smoking in schools; and

WHEREAS, the Cumberland Valley school District ("District") a public school district, owns and operates various school facilities within the Township, and has requested the Board to expand upon the smoking prohibition and to provide the means to enforce the Code with respect to school facilities; and

WHEREAS, the Board believes and finds the District's request to be in the best interest of all citizens of Township;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Township Supervisors in and for the Township of Silver Spring, Cumberland County, Pennsylvania ("Board"), and it is hereby enacted and ordained by the authority of the same:

SECTION 1: The foregoing preamble is hereby adopted as a statement of legislative intention and purpose for this Ordinance.

SECTION 2: Ordinance No. 95-6 enacted on April 26, 1995, which adopted the "BOCA National Fire Prevention Code/1990" (hereinafter called "Code") is hereby amended as follows [all references are to sections of the Code]:

a. Section F-201.0 entitled "General Definitions" is hereby amended by adding thereto the following new definition:

School: any facility situated in Silver Spring Township used for the education of students of any age, including, but not limited to, all the buildings owned by Cumberland Valley School District ("District") whether or not routinely occupied by students, and all vehicles (buses, vans, etc.) owned or leased by said District or contracted by the District for the transportation of students. See Section F-312.0, Smoking Conditions.

b. Section F-104.0, entitled "Enforcement Authority" is hereby amended by adding thereto the following new subsection:

F-104.9 Code Official/School: The Superintendent and all building Principals and their respective assistants as appointed from time to time by the Board of School Directors of the Cumberland Valley School District are hereby appointed Code Officials for the administration of the Code within the School facilities of said School District, said Officials to have all the powers, authority, rights, privileges, duties and responsibilities of the Code Official as otherwise provided in said Code for the purposes of implementing Section F-312.0 of the Code and enforcing the smoking prohibitions of said Code in and on said School facilities.

c. Section F-111.0 entitled "Violations" is hereby amended by adding thereto the following new subsection:

F-111.5 Penalty for Violation of Section F-312.0. Any person violating the prohibited smoking provisions of Section F-312.0 shall be guilty of a summary offense, and

upon conviction thereof before a District Court shall be punished by a fine of not less than \$300.00 or more than Three Hundred Dollars (\$300.00) upon failure to pay the fine of sentence, imprisonment in the Cumberland County Prison, not to exceed ten (10) days.

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SECTION 3: It is the intention of the Board that if a court of competent jurisdiction shall declare any provision of this Ordinance to be invalid or ineffective, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other parts and provisions of this ordinance shall continue to be separately and fully effective.

SECTION 4: Parts of other prior ordinances in conflict herewith are hereby repealed.

SECTION 5: This Ordinance shall become effective in accordance with prevailing law.

ENACTED AND ORDAINED by said Board of Township Supervisors this 27th day of September, 1995, in lawful public session duly assembled.

TOWNSHIP OF SILVER SPRING

ATTEST:

By Karen H. Best
Chairman, Board of Township Supervisors

Karen S. Dunleavy
Township Secretary

(Township Seal)