

**TITLE 12**

**PARKS AND RECREATION**

**Chapters:**

- 12.04 Parks Commission
- 12.08 Animals in Thomas G. Morris City Park
- 12.12 Smoking in Thomas G. Morris City Park

**CHAPTER 12.04**

**PARKS COMMISSION**

**Sections:**

- 12.04.01 Ordinances repealed
- 12.04.02 Money transferred

12.04.01 Ordinances repealed The city of Pottsville hereby repeals Ord. 97-6 and 97-9 which established and set out criteria for members of the Parks and Recreation Commission for the city of Pottsville. (Ord. No. 99-8, Sec. 1.)

12.04.02 Money transferred All money currently held by the Parks and Recreation Commission shall be transferred to the General Fund of the city of Pottsville. (Ord. No. 99-8, Sec. 2.)

**CHAPTER 12.08**

**ANIMALS IN THOMAS G. MORRIS CITY PARK**

**Sections:**

- 12.08.01 Animals in park
- 12.08.02 Exceptions
- 12.08.03 Fine

12.08.01 Animals in park It shall be illegal for any type of animal, either domesticated or not domesticated, as well as fowl, to be brought into the Thomas G. Morris City Park, hereinafter referred to as "the park." The only exceptions to this prohibition are included in 12.08.02. Further, this prohibition shall also include the track area. (Ord. No. 05-3, Sec. 1.)

12.08.02 Exceptions Exceptions to this ordinance as it relates to animals are people who have been assigned service dogs such as, but not limited to, seeing-eye dogs, specially trained and certified per state or national regulations, or animals who assist law enforcement and who are at the time they appear at the park assisting law enforcement. (Ord. No. 05-3, Sec. 2.)

12.08.03 Fine Any person who violates any provision of the previous section shall be deemed guilty of a misdemeanor and subject to the following penalties:

- A. A fine of One Hundred Dollars (\$100.00) plus the court costs for the first offense;
- B. A fine of Two Hundred Fifty Dollars (\$250.00) plus the court costs for the second offense;
- C. A fine of Five Hundred Dollars (\$500.00) plus the court costs for the third and each subsequent offense.

Persons who violate this ordinance may be required to leave the premises, and shall be subject to prosecution for criminal trespass if they do not leave when asked. (Ord. No. 05-3, Sec. 3.)

## **CHAPTER 12.12**

### **SMOKING IN THOMAS G. MORRIS CITY PARK**

Sections:

12.12.01	Title
12.12.02	Purpose
12.12.03	Definitions
12.12.04	Prohibitions
12.12.05	Interpretation
12.12.06	Penalties
12.12.07	Affirmative defense

12.12.01 Title This ordinance shall be titled referred to as the "No Smoking and Tobacco Products Use Ordinance." (Ord. No. 05-1, Sec. 1.)

12.12.02 Purpose The City Council of the city of Pottsville hereby finds and declares that:

- A. Smoking and use of tobacco products are hazardous to health.
- B. Numerous studies have shown that second-hand smoke is a significant public health hazard. (Ord. No. 05-1, Sec. 2.)

12.12.03 Definitions

**Tobacco products** For purposes of this ordinance, "tobacco products" means a cigarette, stogie, cigar, snuff, chew, dip or other preparations of pulverized tobacco; smoking tobacco, including but not limited to granulated, plug-cut, ready-rubbed, and any form of tobacco suitable for smoking in a pipe or as a cigarette, chewing tobacco, including Twist, plug, and any kind of tobacco suitable for chewing; and any article product made of tobacco or a tobacco substitute.

**Smoking** For purposes of this ordinance "smoking" means inhaling, exhaling, burning or carrying any lighted cigarette, cigar, pipe, weed, plant, or other combustible substance in any manner in any form.

**Thomas G. Morris City Park and Ball Complex** For the purpose of this ordinance, the "Thomas G. Morris City Park and Ball Complex" consists of all of the property including the walking track, baseball fields and concession stands and any other athletic field or area. (Ord. No. 05-1, Sec. 3.)

12.12.04 Prohibitions Smoking and use of tobacco products shall be prohibited in any and all present and future areas within the limits of the Thomas G. Morris City Park and Ball Complex with the exception of the parking lot of said area. (Ord. No. 05-1, Sec. 4.)

12.12.05 Interpretation

- A. This ordinance shall not be interpreted or construed to permit smoking where it is otherwise restricted by any other applicable law or regulation.
- B. Punishment under this ordinance shall not preclude any other law proscribing the act of littering. Nothing in this ordinance shall preclude the city of Pottsville from seeking any other remedies, penalties or procedures provided by law. (Ord. No. 05-1, Sec. 5.)

12.12.06 Penalties

- A. Any person who violates any provision of the previous section shall be deemed guilty of a misdemeanor and subject to the following penalties:
1. A fine of One Hundred Dollars (\$100.00) plus the court costs for the first offense;
  2. A fine of Two Hundred Fifty Dollars (\$250.00) plus the court costs for the second offense;
  3. A fine of Five Hundred Dollars (\$500.00) plus the court costs for the third and each subsequent offense.
- B. Persons who smoke in an area where smoking or use of tobacco products is prohibited and who refuse to extinguish their smoking material when asked, may be required to leave the premises, and shall be subject to prosecution for criminal trespass if they do not leave when asked.
- C. Each calendar day during which the violation occurs shall constitute a separate and distinct offense. (Ord. No. 05-1, Sec. 6.)

12.12.07 Affirmative defense It shall be an affirmative defense to the prosecution under this section if the person smoking or using tobacco products was doing so on the parking lot of the Thomas G. Morris City Park and Ball Complex. (Ord. No. 05-1, Sec. 7.)

