

Nineteen

Relating to Smoking, Tobacco Products and Equipment

That the Ordinances of the City of Keene, as amended, are hereby further amended by inserting the following Division 4, in Article III, Chapter 6, Alcoholic Beverages and Tobacco:

DIVISION 4. SMOKING, TOBACCO PRODUCTS AND EQUIPMENT

Sec. 6-109. Findings and Purpose.

The City of Keene finds that, based on determinations and studies by various official agencies, smoking and the use of tobacco products is a significant public health hazard, including secondhand exposure. The purpose of this chapter is to protect the health and well-being of members of the public who have occasion to access the Keene Public Library, including the Library Connector, Library Annex, and surrounding grounds (collectively “Keene Public Library”), by restricting smoking and the use of tobacco products as outlined herein. Disposal of cigarette butts and other tobacco products is restricted under New Hampshire RSA 163-B to provide for uniform prohibition throughout the state of any and all littering on public or private property and to curb thereby the desecration of the beauty of the state and harm to the health, welfare and safety of its citizens caused by individuals who litter.

Sec. 6-110. Definitions.

The following words, terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cigarette or Cigar

Any roll used for smoking made wholly or in part of tobacco and wrapped in any material, including wrapped tobacco.

e-cigarette

Any electronic device composed of a mouthpiece, a heating element, a battery, and electronic circuits that provides any type of vapor, including pure nicotine mixed with propylene glycol or other substance or flavoring, intended to simulate smoking.

Smoking or Use of Tobacco Products or Equipment

The act of smoking, or the use of tobacco products or equipment to produce the effect of smoking or for the intended purpose of the use of the particular tobacco product or equipment.

Tobacco Equipment

Any products or devices that are intended to deliver or facilitate delivery of tobacco products or nicotine for use by one or more persons. Such equipment includes but is not limited to bowls, pipes, chimneys, e-cigarettes, rolling cigarette paper, or other assistive devices.

Tobacco Products

Any product made fully or in part of tobacco, nicotine, or natural or synthetic material intended to simulate tobacco or nicotine, the intended use of which is smoking, chewing or inhaling. Such products include, but are not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, smokeless tobacco, liquid nicotine, or any other tobacco product that simulates tobacco or nicotine.

Sec. 6-111. Use Prohibited.

The act of smoking, and the use of all tobacco products and equipment, is prohibited within the Keene Public Library and all of the grounds surrounding the Keene Public Library, including but not limited to walkways leading from the public sidewalk and building entrances, except as designated below.

Sec. 6-112. Designated areas.

Smoking, or the use of tobacco products, shall be permitted in such designated areas as determined by the City Manager, as outlined below.

- a) Such area be not less than five feet on any side and shall contain a receptacle designed for the safe disposal of Tobacco Products.
- b) Such area is not located within 20 feet of any entrance or exit, or walkway to such entrance or exit, or other area open to the public where smoking or use of Tobacco Products is otherwise prohibited.
- c) Such area is posted with one or more conspicuously displayed sign(s) that identify the area as a designated area for smoking or Tobacco Product use.
- d) The City Manager may require, in their sole discretion, that any such area be modified or removed if it creates a nuisance or public health hazard.

Sec. 6-113. Signs required.

Signs shall be prominently placed and maintained at all sidewalks and entrances to the Keene Public Library notifying the public of the prohibition against the use of Tobacco Products and Equipment. Such signs shall state: "Smoking or the use of tobacco products and equipment within this area is strictly prohibited. Please only use the designated permitted use area. Per City Ordinance O-2019-15."

Sec. 6-114. Violations and penalties.

Any person who is found to have violated the provision of this chapter shall be subject to a civil penalty in the amount of \$25 for the first offense, \$50 for the second offense, and \$100 for the third and subsequent offenses. Additionally, violators may be removed from the Keene Public Library.

Kendall W. Lane, Mayor