



ORDINANCE

PROHIBITING THE USE OF TOBACCO PRODUCTS NEAR CITY OWNED BUILDINGS AND IN CITY PARKS

CITY OF NASHUA

In the Year Two Thousand and Nineteen

The City of Nashua ordains that Part II “General Legislation” of the Nashua Revised Ordinances as amended, is hereby further amended by adding the following new underlined Chapter 304 entitled “Tobacco Products and E-Cigarettes”:

“Chapter 304 **TOBACCO PRODUCTS AND E-CIGARETTES**

Article I **Use of Tobacco Products and E-Cigarettes Prohibited in Certain Locations**

§ 304-1. Findings and purpose.

The City finds that, based on determinations and studies by various official agencies, the use of tobacco products and e-cigarettes is a significant public health hazard, including secondhand use. The purpose of this article is to protect the health and well-being of all members of the public who have occasion to attend public places and facilities and City parks by restricting the use of tobacco products and e-cigarettes as outlined herein. The City also has a significant interest in reducing incidents of littering.

§ 304-1. Definitions.

The following words and phrases, when used in this Article, shall have the following meanings:

E-CIGARETTE – Any electronic smoking device composed of a mouthpiece, a heating element, a battery, and electronic circuits that provides a vapor of nicotine mixed with propylene glycol or other substances to the user. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, or e-pipes, or under any other product name.

TOBACCO PRODUCT – Any item containing tobacco including, but not limited to, cigarettes, smoking tobacco, cigars, chewing tobacco, snuff, pipe tobacco, smokeless tobacco, and smokeless cigarettes.

§ 160-3. Use prohibited in certain locations near City-owned buildings.

- A. Use of all tobacco products and e-cigarettes is prohibited within 30 feet of any main entrance or exit, and any window, of all City-owned buildings. This shall include sidewalks and walkways within the 30 feet, except when actively using the sidewalk or walkway to get to another destination.
- B. This section shall not apply to City-owned land and buildings under the control of the board of education, the library board of trustees, the board of police commissioners, the board of fire commissioners, the board of public works, and the cemetery board of trustees, unless said board votes to adopt the use prohibition found in subsection A.

§ 160-4. Use prohibited in City-owned parks.

Use of all tobacco products and e-cigarettes is prohibited in City-owned parks.

§ 160-5. Signs required.

Signs shall be prominently placed and maintained at all applicable City parks and public places, notifying the public of the prohibition against the use of tobacco products and e-cigarettes. Such signs shall state: “The use of tobacco products and e-cigarettes in this public area is strictly prohibited.”

§ 160-6. Violations and penalties.

Any person who is found to have violated the provision of this article 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 offense and subsequent offenses. Additionally, violators may be removed from the City park or public place. In addition to these penalties, persons under the age of 18 shall be subject to the provisions of RSA Chapter 126-K (“Youth Access to and use of Tobacco Products”).”

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

This legislation shall take effect 90 days after passage.

LEGISLATIVE YEAR 2019

ORDINANCE: O-19-062

PURPOSE: Prohibiting the use of tobacco products near City-owned buildings and in City parks

ENDORSERS: Alderman Jan Schmidt
Alderman Patricia Klee

**COMMITTEE
ASSIGNMENT:**

FISCAL NOTE: There will be a cost for the required signage.

ANALYSIS

This legislation prohibits the use of tobacco products and e-cigarettes near the entrances, exits, and windows of city buildings and in City parks. Signage is required, and there is a provision for escalating monetary penalties.

The Board of Aldermen has the authority to manage all real property owned by the city and to regulate its use, unless such management and regulation is delegated to other public officers by the charter or governed by other statutes. See RSA 41:11-a.

Approved as to form: Office of Corporation Counsel

By: Donny Clarke

Date: 16 October 2019