

CITY COUNCIL MEETING

AGENDA ITEM V



CITY OF FRANKLIN
COUNCIL AGENDA REPORT
City Council Meeting of April 2014

From: Elizabeth Dragon, City Manager

Subject: City Council to consider adoption of Ordinance #06-14, a proposed deletion of Chapter 309-6 Smoking in designated areas of the Franklin City Code.

City Manager Recommendation: Schedule a public hearing with the following motion:

April Motion:

1. Mayor reads proposed Ordinance #06-14
2. Councilor moves:
“I move that the Franklin City Council schedule a public hearing on Ordinance #06-14 for Monday, May 5, 2014 at 6:07 p.m. in the Council Chambers, Franklin City Hall.”
3. Mayor calls for a second, discussion, and the vote.

May 2014 Recommended Motion: “I move the Franklin City Council approves ordinance #06-14 which deletes Chapter 309-6 of the Franklin City Code by a roll call vote”

Mayor calls for a second, discussion, and the vote.

Background: In 2010, The Franklin City Council approved ordinance #11-10 which prohibits the use of tobacco products in the following City Recreation areas or facilities as more fully described below:

- A. Griffin and Legace Beach, including the beach and restrooms.
- B. Proulx Community Center, including all buildings and entry ways.
- C. Odell Park, including the playground, basketball courts, tennis courts, ball fields, gazebo, walking trail, restrooms, Cottage and concession stands.
- D. Daniel Park, including all fields, playgrounds and restrooms.
- E. Stone Park, including playgrounds and basketball court.
- F. Forest Hills, including basketball court and tennis court.
- G. Scott Marceau Park, including information booth.
- H. Rivers Edge Park, including fenced in skate area.

In 2010 the ordinance had gone before the Recreation Committee twice. The initial ordinance was very restrictive and after discussion it was amended to take out a couple areas such as parking lots. The areas that are not specifically mentioned in the ordinance (parking lots) will not be advertised as a place to smoke but should a citizen want to smoke, they would not be in violation if they were in the parking area.

When this ordinance was adopted, Chapter 309-6 was mistakenly missed. This chapter states “Smoking the community center is allowed in the designated areas only unless otherwise approved by the Franklin Fire Dept, and, where allowed, suitable ashtrays or receptacles must be provided by the user”.

Proposed ordinance #06-14 deletes Chapter 309-6 as a housekeeping item that should have been completed in 2010 with the adoption of ordinance #11-10.

Attachments/Exhibits:

Copy of the proposed Ordinance, # 06-14

Copy of Ordinance #11-10 (adopted in 2010)

ORDINANCE #11-10

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Ten;

Be it ordained by the City Council of the City of Franklin that the Franklin Municipal Code, Chapter 222, Parks and Beaches, add 222-7. Use of Tobacco, which will read as follows:

222-7. Use of Tobacco

- 1. Purpose – The purpose of this ordinance is to protect the safety, health and welfare of the general public and to regulate the behavior in and protect the property interests of and the facilities owned and/or operated by the City of Franklin.**
- 2. City Recreation Areas or Facilities – The use of tobacco products is prohibited in the following City Recreation areas or Facilities as more fully described below:**
 - A. Griffin and Legace Beach, including the beach and restrooms.**
 - B. Proulx Community Center, including all buildings and entry ways.**
 - C. Odell Park, including the playground, basketball courts, tennis courts, ball fields, gazebo, walking trail, restrooms, cottage and concession stands.**
 - D. Daniel Park, including all fields, playgrounds and restrooms.**
 - E. Stone Park, including playgrounds and basketball court.**
 - F. Forest Hills, including basketball court and tennis court.**
 - G. Scott Marceau Park, including information booth.**
 - H. Rivers Edge Park, including fenced in skate area.**
- 3. Signage – Signs shall be installed and maintained to alert the public of tobacco prohibition in the City recreation areas. Signs alerting all park patrons that “No Smoking or Use of Other Tobacco Products” shall be placed prominently at every entrance to all City recreation areas.**
- 4. Violations and Penalties – Any person who violates the provisions of this chapter shall be subject to a civil penalty in the amount of \$50 for each offense. In addition, violators may be removed from the recreation area or facility. In addition to these penalties, persons under the age of 18 years old shall be subject to the provisions of New Hampshire Revised Statutes Annotated 126-KI.**
- 5. Enforcement – The Franklin Police Department is authorized to enforce the provisions of this chapter.**

Ordinance #11-10
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Use of Tobacco

Roll Call Vote:

Councilor Clarenbach _____

Councilor Boyd _____

Councilor Starkweather _____

Councilor Feener _____

Councilor Sharon _____

Councilor LeBlanc _____

Councilor Bowers _____

Councilor Andreozzi _____

Councilor Audet _____

A True Copy Attested _____
City Clerk

Passed: _____
Date

Approved: _____



CITY OF FRANKLIN, NEW HAMPSHIRE

"The Three Rivers City"

316 Central Street
Franklin, NH 03235

(603) 934-3900
fax (603) 934-7413
cityhall@franklinnh.org

Ordinance 06-14

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Thirteen

Be it ordained by the City Council of the City of Franklin that the following changes shall be initiated to Chapter 309, Community Center of the City Code:

~~309-6 Smoking in Designed Areas~~

~~Smoking in the Community Center is allowed in the designated areas only unless otherwise approved by the Franklin Fire Department, and, where allowed, suitable ashtrays or receptacles must be provided by the user.~~

Roll Call Vote:

Councilor Clarenbach	_____	Councilor Dzujna	_____
Councilor Giunta	_____	Councilor Cournoyer	_____
Councilor Boyd	_____	Councilor Feener	_____
Councilor Desrochers	_____	Councilor Barton	_____
Councilor Starkweather	_____		

A True Copy Attested _____
City Clerk

Passed: _____
Date

Approved: _____
Mayor



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CITY OF FRANKLIN NOTICE OF PUBLIC HEARING & MEETING

In accordance with the provision of Chapter 31, Division 2 of the Franklin Municipal Code, notice is hereby given that the City of Franklin will hold a Public Hearings on Monday, May 5, 2014 at 6:07 p.m. in the Council Chambers, Franklin City Hall concerning Ordinance #06-14 which makes changes to Chapter 309, eliminating 309-6 Smoking in designated areas of the Municipal Code.