



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.A.2.

Ordinance Number: **O – 2013.01.09 – 2**
Ordinance Title: Offenses
Chapter: 131-18 Use of Tobacco Products in Henry Law Skate Park, School Grounds, and Athletic Fields

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 131 Entitled “Offenses,” of the Code of the City of Dover.

The intent of this ordinance is to promote fire safety, litter mitigation and provide an overall environment that is appropriate for a recreational area heavily used by kids.

2. AMENDMENT

Chapter 131 entitled “Offenses” of the Code of the City of Dover, is hereby amended by revising the language of section 131-18, subsections A and B.

131-18. Use of Tobacco Products in Henry Law Skate Park, School Grounds, and Athletic Fields [Added 02-18-04 by Ord. No. 01-2004]

- A) No person shall smoke or use a tobacco product within Henry Law Skate Park, the Henry Law Rotary Pavilion or playground areas of Henry Law Park, on the grounds of all recreational facilities, areas or athletic fields associated with the Woodman Park, Horne Street or Garrison elementary schools, or within two hundred (200) feet of the playing surfaces at Shaw’s Lane athletic field. A designated smoking area may or may not be provided at the discretion of city or school staff.
- B) The Henry Law Skate Park shall be defined as the improved recreational area on the East side of River Street; to include: the rink, designed ramps and jumps, all contiguous paved areas, and shall include a twenty five (25) foot buffer zone immediately surrounding the recreational area and rink.

The Henry Law Park Rotary Pavilion area shall be defined as the area that is bordered by: the black fence that runs along Washington Street from the corner of the current New Hampshire Children’s Museum building to the intersection of Henry Law Avenue; and the fence that runs along Henry Law Avenue from the intersection with Washington Street to the end of the fence opposite the Rotary Pavilion; and the front of the stage area and the front of the building currently occupied by the New Hampshire Children’s Museum. The restricted area includes the interior of the band shell, the adjacent stairs and stairwell, and any steps and frontage of the NH Children’s Museum. The sidewalks running parallel to and immediately adjacent to Washington Street and Henry Law Avenue are not restricted.

The playground area of Henry Law Park shall be defined as the area within the line starting at the sidewalk emerging from the stairwell connecting the Henry Law Park Pavilion and the playground areas, and continuing on the inside edge of the sidewalk adjacent to the parking lot of the Dover Indoor Pool to where it connects with the sidewalk at Henry Law Avenue, and continues along the inside edge of the sidewalk adjacent to Henry Law



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Avenue where it shall connect with the black fence which defines the Henry Law Park Rotary Pavilion area. The Dover Indoor Pool parking lot and the sidewalks immediately adjacent to the parking lot and parallel to Henry Law Avenue are not restricted.

- C) Any person violating the provisions of the City Ordinance shall be subject to a fine of up to \$50.00 for a 1st offense and up to \$100.00 for a 2nd or subsequent offense.

3. TAKES EFFECT

This Ordinance shall take effect upon passage and publication of notice as required by RSA 47:18.

TO BE REFERRED TO A PUBLIC HEARING

AUTHORIZATION

Approved as to Funding:	Daniel R. Lynch Finance Director	Sponsored by:	Mayor Dean Trefethen By request
Approved for Legal Compliance:	Allan B. Krans, Sr. General Legal Counsel		
Recorded by:	Karen Lavertu City Clerk		



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DOCUMENT HISTORY:

First Reading Date:	01/09/2013	Public Hearing Date:	01/23/2013
Approved Date:	01/23/2013	Effective Date:	01/30/2013

DOCUMENT ACTIONS:

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Crago.
Councilor Weeden moved to amend the ordinance to ban smoking from the entire park.
Mayor Trefethen asked if the Council could make this change without another public hearing.
General Legal Counselor Krans said the Council was allowed to make a minor change, and it was up to them if this was a minor change.
Mayor Trefethen asked if there was a second to the motion.
There was no second to the motion.
Roll Call Vote: 9/0.

VOTING RECORD		
Date of Vote: 01/23/2013	YES	NO
Mayor Dean Trefethen	X	
Deputy Mayor Robert Carrier, At Large	X	
Councilor Edward Spuler, Ward 1	X	
Councilor William Garrison III, Ward 2	X	
Councilor Michael Crago, Ward 3	X	
Councilor Dorothea Hooper, Ward 4	X	
Councilor Catherine Cheney, Ward 5	X	
Councilor Michael Weeden, Ward 6	X	
Councilor Karen Weston, At Large	X	
Total Votes:	9	0
Resolution does pass.		