



City of Keene  
*New Hampshire*

**MUNICIPAL SERVICES,  
FACILITIES AND INFRASTRUCTURE  
COMMITTEE  
AGENDA  
Council Chambers B  
July 24, 2019  
6:00 PM**

Janis O. Manwaring  
Randy L. Filiault  
Stephen L. Hooper  
Gary P. Lamoureux  
Robert B. Sutherland

- 
1. James Griffin - Request to Prohibit the Use of Engine Brakes
  2. Relating to Smoking, Tobacco Products and Equipment  
Ordinance O-2019-15

**MORE TIME ITEMS:**

- A. Ashuelot Court Homeowners – Request to Partner in the Installation of Water and Sewer Lines on Ashuelot Court, a Designated Private Road

Non Public Session  
Adjournment



*Transmittal Form*

June 19, 2019

**TO:** Mayor and Keene City Council

**FROM:** James Griffin

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** 1.

**SUBJECT:** James Griffin - Request to Prohibit the Use of Engine Brakes

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**COUNCIL ACTION:**

In City Council July 18, 2019.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

**ATTACHMENTS:**

Description

Communication\_Griffin

**BACKGROUND:**

James Griffin is suggesting an Ordinance that would prohibit the use of Engine Brakes on or within the bypass system.

In City Council July 18, 2019.  
Referred to the Municipal Services,  
Facilities and Infrastructure Committee.



Deputy City Clerk

RECEIVED  
CITY OF KEENE

JUN 19 2019

OFFICE OF  
CITY CLERK

195 Key Road, #18

Keene, NH 03431

June 17, 2019

Mayor Kendall Lane

Keene City Council

3 Washington Street

Keene, NH 03431

Dear Mayor and City Councilors,

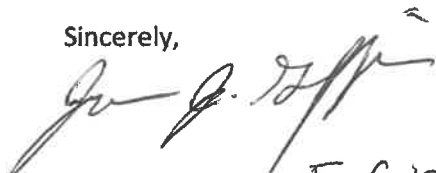
All year round, the residents of Keene within or near the bypass system, and downtown, are subjected to the constant loud racket created by semi-truck drivers using their engine brakes, which are often louder than a racing motorcycle, to slow their trucks, rather than their conventonal brakes. This becomes far worse in the spring and summer, when people have their windows open. You can literally follow a truck's progress around Keene by the popping and backfiring of its exhaust, with the engine brake on.

I am requesting a city ordinance be passed, prohibiting the use of engine brakes on or within the bypass system. Engine brakes are meant to slow the descent of a truck down steep hills, such as Chesterfield Hill, NOT to allow a driver to avoid using his or her conventional brakes. I have many years experience in the transportation industry, so I am not speaking from lack of knowledge. Many small towns all over the country have banned the use of engine brakes, including, recently, Winchester. There is absolutely no reason for a truck driver to use his or her engine brake just to slow down when approaching a red light.

Most of the truck drivers who use the bypass system do not use their engine brakse. However, the minority that do are mostly trash and wood chip haulers, who travel around Keene several times a day, creating an almost constant racket. Some of them also use their engine brakes in the middle of the night, when people are trying to sleep. This means such an ordinance would not affect most truck drivers, but would greatly approve the quality of life in the city of Keene.

I thank you for your attention to this matter, and look forward to seeing it on a Council agenda. If you have any questions, please call me at 338-0068 or 358-0869. Also, if necessary, I woul db e willing to record the sound of a truck using its engine brake on thr bypass.

Sincerely,



James J. Griffin



*Transmittal Form*

July 10, 2019

**TO:** Mayor and Keene City Council

**FROM:** Charles Redfern, Library Board of Trustees

**THROUGH:** Eizabeth A. Dragon, City Manager

**ITEM:** 2.

**SUBJECT:** Relating to Smoking, Tobacco Products and Equipment

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**COUNCIL ACTION:**

In City Council July 18, 2019.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

**RECOMMENDATION:**

That Ordinance 0-2019-15 be referred to the Municipal Services, Facilities and Infrastructure Committee for its review and recommendation.

**ATTACHMENTS:**

Description

Ordinance O-2019-15

**BACKGROUND:**

The Keene Public Library Board of Trustees submitted a letter to MSFI at the committee's June 12, 2019 meeting requesting that smoking - to include vaping and e-cigarettes - be prohibited on the entire Keene Public Library campus, which includes the buildings and grounds of the Pond Mansion as well as the new extension and the annex, formerly known as the Masonic Hall.

MSFI put the matter on more time in order to give City staff time to discuss the options in putting an effective prohibition in place. City Attorney Thomas Mullins met with Andy Bohannon, Parks, Recreation and Facilities Director, Mark Howard, Fire Chief, Steve Russo, Police Chief, and Nancy Vincent, Library Director. The group agreed that an Ordinance would be the best vehicle to enforce the prohibition.

Accordingly, the City Attorney has drafted the attached Ordinance. This Ordinance would cover the part of the property currently owned by Heberton Advancement LLC which is controlled by Monadnock Economic Development Corporation (MEDC). Permission has been granted by MEDC President Jack Dugan to include its property in the same prohibition as stated in the Ordinance.

The Ordinance also includes the establishment of a designated smoking area which was part of the MSFI meeting discussion.



# CITY OF KEENE

O-2019-15

Nineteen

In the Year of Our Lord Two Thousand and .....

Relating to Smoking, Tobacco Products and Equipment

AN ORDINANCE .....

*Be it ordained by the City Council of the City of Keene, as follows:*

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.

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Kendall W. Lane, Mayor

In City Council July 18, 2019.  
Referred to the Municipal Services,  
Facilities and Infrastructure Committee.



Deputy City Clerk