

REGULATIONS: SMOKING BAN AT TOWN BEACH:

SECTION I : AUTHORITY:

These Regulations have been enacted pursuant to the authority granted the Board of Selectmen of the Town of Windham by NH RSA 41:11-a (Town Property), which allows the Board of Selectmen of the Town to adopt regulations to regulate the use of Town owned property.

SECTION II : PURPOSE:

The purpose of this document is to provide for regulations pertaining to the prohibition of smoking at the Town Beach, including its parking area.

SECTION III : DEFINITIONS:

Smoke or smoking. The carrying or holding of a lighted pipe, cigar, cigarette, or any other lighted smoking product or equipment used to burn any tobacco products. Smoking includes emitting or exhaling the fumes of any pipe, cigar, cigarette, or any other lighted smoking equipment used for burning any tobacco product.

SECTION IV : PROHIBITIONS:

- A) No person shall smoke on any portion of the Town Beach property (Tax Map 21-H-1A), including the parking area:
- B) No person shall dispose of any cigarette, cigar or tobacco, or any part of a cigarette or cigar, on any portion of the Town beach property, except in a designated waste disposal container if provided.

SECTION V : ENFORCEMENT:

These Regulations are enforceable by the Windham Police Department.

SECTION VI : PENALTIES:

Any person who violates the provisions of these Regulations shall be guilty of a violation as provided in RSA 41:11-b, and may be subject to the penalties as provided under New Hampshire law, including, but not limited to a fine not exceeding \$1,000. *See, RSA 651:2.*

SECTION VII : WAIVERS:

The Windham Board of Selectmen reserves the right, for cause shown, to make special exceptions and/or waive any portion of the Regulations.

SECTION VIII : SEVERABILITY:

If any provision of these Regulations is held to be invalid, other provisions and sections shall not be affected, and to this end, the provisions and sections hereof are declared to be severable.

SECTION IX - AMENDMENTS:

These Regulations shall be adopted, and subsequent amendments shall be adopted from time to time by the Board of Selectmen, following the conduct of a public hearing, notice of which shall be posted in two (2) or more public places, or published in a newspaper of general circulation not less than ten (10) days prior to the public hearing.

SECTION X - ADOPTION:

These Regulations shall take effect immediately upon adoption of the Board of Selectmen.

Approved by the Board of Selectmen this 21st day of May, 2007.

Alan Carpenter
Dennis Senibaldi
Roger Hohenberger
Margaret Crisler
Bruce Breton
Board of Selectmen