

RESOLUTION NO. _____

**A RESOLUTION ESTABLISHING A NICOTINE-FREE PARKS AND TRAILS
POLICY FOR THE CITY OF OELWEIN, IOWA**

WHEREAS, Section 142D.3 of the Code of Iowa (the Smoke free Air Act) prohibits smoking in public places, including the following outdoor areas: (a) the seating areas of outdoor sports arenas and (b) the grounds of any public buildings owned or under control of a city. Section 142D.4 establishes certain areas where smoking is not regulated, such as outdoor areas that are places of employment, except where smoking is prohibited by Section 142D.3. Section 142D.5 permits anyone having custody or control of an area otherwise exempt from the smoking prohibitions to declare the entire area as a nicotine-free place; and

WHEREAS, The City of Oelwein, Iowa, maintains public parks and trails for the use and enjoyment of its citizens, their families and people who visit our community; and

WHEREAS, the use of tobacco products in the proximity of children and adults utilizing the parks and trails is detrimental to their health and can be dangerous to those using the grounds; and

WHEREAS, tobacco products, once consumed in public spaces, are often discarded on the ground requiring additional maintenance expenses, diminish the beauty of outdoor grounds, and pose a risk to toddlers, pets, and wildlife due to ingestion; and

WHEREAS, for the purpose of this policy tobacco use extends to all types of tobacco, nicotine and electronic smoking products including but not limited to cigarettes, cigars, chewing tobacco, electronic smoking devices and nicotine products that are not Food and Drug Administration approved to tobacco cessation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OELWEIN, IOWA, that pursuant to the authority granted by Section 142D.5 of the Code of Iowa, tobacco use is prohibited in all City of Oelwein parks, trails and outdoor recreational facilities at all times. No person shall use any form of tobacco at or on any City-owned or operated park, trail or facility, which includes, but is not limited to, any park, playground, athletic field, skate park, pool area, shelters, restrooms, trails and parking lot areas. Areas that are excluded are the City Park campground and fishing areas.

IT IS FURTHER RESOLVED that this policy will be enforced in the following ways: (a) Appropriate signs shall be posted; (b) The community, especially park and facility users and staff, will be notified about this policy; (c) City officials, city employees, parents, coaches and park users are asked to help enforce compliance with this policy; and (d) Any person found violating this policy will be asked to refrain from tobacco use or leave the grounds.

Passed and Approved this _____ day of February, 2020.

Brett DeVore, Mayor

Attest:

Dylan Mulfinger, City Administrator

Recorded _____, 2020.

Dylan Mulfinger, City Administrator

It was moved by _____ and seconded by _____ that the Resolution as read be adopted, and upon roll call there were:
AYES NAYS ABSENT ABSTAIN

M Weber
Stewart
Cantrell
Gerdts
Fisk
Seeders