



**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 it's 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, cemeteries 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, cemeteries, 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, an park, playground, athletic field, athletic field and complex, skate park, aquatic area, shelters, restrooms, trails and parking lot 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.

This tobacco free park and trail policy shall be effective immediately upon passage on this _____ day of _____, 2020.