

# Agenda Report

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July 1, 2013 City Council Meeting

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Item No. 10

**ISSUE: American Lung Association Tobacco Free Policy**

A resolution approving a tobacco free policy in all Windsor Heights' parks and trails

**BACKGROUND:**

As you recall the American Lung Association is working with cities across the metro region to initiate tobacco free or smoke free policies in municipal parks, open spaces, trails and other venues. The program is grant funded and all costs associated are paid for by grant funds. The proposed policy provides that any type of tobacco use in a Windsor Heights Park, trail or recreational facility is prohibited. The one exception to this is the Community and Events Center. This decision is based on council feedback from the previous presentation by the American Lung Association. The policy is a volunteer policy and not changes to City code will be required. A representative from the American Lung Association will be on hand to answer your questions.

**RECOMMENDATION:**

Staff recommends the City Council approve the resolution establishing the tobacco free policy.

**STAFF CONTACTS:**

Jeffrey A. Fiegenschuh, City Administrator

Tracy Levine, Community Center & Events Coordinator

**CITY OF WINDSOR HEIGHTS, IOWA**

**RESOLUON 13-0744**

**A RESOLUTION ESTABLISHING A TOBACCO-FREE PARKS, AND TRAILS  
POLICY FOR THE CITY OF WINDSOR HEIGHTS, IOWA**

**WHEREAS**, Section 142D.3 of the Code of Iowa (the Smokefree Air Act) prohibits smoking in public places, including the following out-door areas: (a) the seating areas of outdoor sports arenas and (b) the grounds of any public buildings owned or under the control of a city; and

**WHEREAS**, Section 142D.4 of the Code of Iowa 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; and

**WHEREAS**, Section 142D.5 of the Code of Iowa permits anyone having custody or control of an area otherwise exempt from the smoking prohibitions to declare the entire area as a tobacco-free place; and

**WHEREAS**, the City of Windsor Heights, 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 presence of and in proximity to those utilizing the parks and trails, particularly the children, serves to diminish the enjoyment derived from the use of our public parks and trails; and

**WHEREAS**, the use of tobacco products in public parks and trails presents various health risks to persons using the parks and trails, including the dangers of secondary smoke and the discarded material which can be handled and ingested by children; and

**WHEREAS**, cigarettes, once consumed in public spaces, are often discarded on the ground requiring additional maintenance expenses, diminish the beauty of the City of Windsor Heights parks and recreational facilities, and pose a risk to children due to ingestions; and

**WHEREAS**, for the purpose of this Policy tobacco is defined as any smoking or spit tobacco product, including any lit or unlit cigarette, cigar, blunt, bidi, clove cigarette, e-cigarette, pipe, chewing tobacco, dissolvable tobacco, dip, snuff or snus. This includes any other product or item containing or reasonable resembling tobacco or tobacco products.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WINDSOR HEIGHTS, IOWA**, that pursuant to the authority granted by Section 142D.5 of the Code of Iowa, tobacco use is prohibited in all City of Windsor Heights parks, trails, and outdoor recreational facilities at all times with the exclusion of the Windsor Heights Community & Events Center. No person shall use any form of tobacco at or on any City-owned or operated outdoor park, trail, or facility including any park, playground, athletic field and complex, skate park, aquatic areas, shelters (excluding the Community & Events Center), restrooms, and parking lot areas. Tobacco-Free signs shall be posted in all parks, trails, and facilities that conform to the requirements of Section 142D.6 of the Code of Iowa.

**IT IS FURTHER RESOLVED** that this Policy will be enforced in the following ways: (a) Appropriate signs shall be posted in the above specified areas; (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 enforcing the compliance to this Policy by bringing the Policy to the attention of the persons violating the Policy; and (d) Any person found violating this Policy at an organized event, especially a youth event, will be asked to cease use of tobacco or leave the city park or facility premises.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Windsor Heights, Iowa, on this 1st day of July, 2013.

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David J. Sullivan, Mayor

ATTEST:

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Jeffrey A. Fiegenschuh, City Administrator/Clerk