

2016-151

**A RESOLUTION ESTABLISHING A TOBACCO-FREE PARKS, TRAILS
LIBRARY AND LIBRARY GROUNDS POLICY FOR THE CITY OF
MARSHALLTOWN, IOWA**

Defined:

Electronic Smoking Devices. The term “electronic smoking device” means any device that can be used to deliver an aerosolized solution that may or may not contain nicotine to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, e-hookah or other simulated smoking device.

Tobacco. The term "tobacco" means any product made or derived from tobacco that is intended for human consumption, such as nicotine, including any component, part, or accessory of a tobacco product. This includes, among other products, cigarettes, electronic cigarettes, cigarette tobacco, roll-your-own tobacco, smokeless, and dissolvable tobacco. Tobacco product does not include nicotine products approved by the U.S. Food and Drug Administration (FDA) for tobacco cessation.

Rationale:

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 Marshalltown, Iowa, maintains public parks, trails, library and library grounds for the use and enjoyment of its citizens, their families and people who visit our community. The City has a unique opportunity to create and sustain an environment that supports a non-tobacco norm through a tobacco-free policy; and

WHEREAS, tobacco use in the presence of and in proximity to those engaging in or observing outdoor recreational activities serves to diminish the enjoyment derived from the use of our public outdoor recreational facilities; and

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WHEREAS, tobacco use in public recreational facilities is detrimental to individuals health and can be dangerous to those using such grounds, including the dangers of secondhand smoke and the discarded material which can be handled and ingested by children; and

THEREFORE, be it resolved that pursuant to the authority granted by Section 142D.5 of the Code of Iowa, tobacco use is prohibited in outdoor recreational facilities at all times. No person shall use any form of tobacco at or on any City-owned or operated outdoor recreation facilities, including, but is not limited to, any park, library, library grounds, playground, athletic field and complex, skate park, aquatic areas, shelters, restrooms, trails and parking lot areas.

Enforcement:

- (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, library and park users are asked to help enforcing the compliance of this policy.
- (d) Any person found violating this policy will be asked to cease use of tobacco or leave the city park, trail or facility premises.

Effective Date:

This tobacco free park, trail, library and library grounds policy shall be effective immediately upon passage on
Passed this 8th day of August, 2016 and signed this 10th day of August, 2016.

CITY OF MARSHALLTOWN, IOWA


James L. Lowrance, Mayor

ATTEST:


Shari L. Coughenour, CMC, City Clerk

City Council
Leon Lamer, Mike Gowdy, Joel Greer, Al Hoop
Bill Martin, Robert Schubert, Bethany Wirin





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CITY CLERK'S OFFICE

August 8, 2016

**To: Mayor James L. Lowrance
Members of the City Council**

From: Anne Selness
Parks and Recreation Director

Re: Marshalltown - Tobacco Free Parks, Trails, Library and Library Grounds

Policy Issue: For Council to consider adoption of a resolution establishing tobacco free parks, trails, library and library grounds for Marshalltown.

Recommendation: We are fortunate to have beautiful parks, trails and recreational facilities in our community as well as an excellent library system. Our parks and trails are utilized by children and adults for a variety of exercise and recreational activities and our library is used by almost everyone in the community. Allowing tobacco use at these venues negatively impacts the user experience for people engaged in these activities. Allowing tobacco use also contradicts our community commitment to health and wellness.

Background: Tobacco free parks, trails and library grounds creates a cleaner recreational areas, promotes health and wellness, reduces youth exposure to harmful nicotine and tobacco, enhances park and trail user's experience, and aligns parks and trails and library grounds with the school system.

Budget Impact: Minimal - staff time will be needed to install signs in our parks, library grounds and at trail intersections. Signs will be provided by the American Lung Association.

Attachment: Yes

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