

ORDINANCE NO. 14,684

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, by adding and enacting new Section 34-209 of Chapter 34, Cemeteries and a new Section 74-116 of Chapter 74, Parks and Recreation thereof, relating to smoking prohibition.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, is hereby amended by adding and enacting new Section 34-209 of Chapter 34, Cemeteries and a new Section 74-116 of Chapter 74, Parks and Recreation thereof, relating to smoking prohibition, as follows:

Sec. 34-209. Smoking Prohibited.

- (a) No person shall smoke in the cemetery offices.
- (b) For purposes of this section "smoke" or "smoking" means to carry or exercise control over a lighted cigar, cigarette, pipe, or other lighted smoking equipment.

Sec. 74-116. Smoking Prohibited.

- (a) A person shall not smoke in or on the following facilities or in or on city owned real estate which is within 25 feet of such facilities' entrances:
 - (1) The park between 10th and 15th Streets and Grand Avenue and Locust Street a/k/a "Western Gateway Park";
 - (2) Aquatic Centers and swimming pools;
 - (3) Gray's Lake Beach;
 - (4) Wading pools;
 - (5) Playgrounds;
 - (6) Enclosed shelters;

- (7) Golf course clubhouses;
 - (8) Park restrooms;
 - (9) James W. Cownie Baseball Park;
 - (10) James W. Cownie Soccer Park;
 - (11) Community centers;
 - (12) Long Look Garden; and
 - (13) Westchester Park.
- (b) A person shall not smoke in the area in a facility where the following programs for youth under the age of 18 are in progress or on or in city owned real estate which is within 25 feet of such programs:
- (1) Park and recreation department sponsored activities;
 - (2) Athletic games and athletic practices; and
 - (3) Summer programs.
- (c) A person shall not smoke in any facility during concerts sponsored by the park and recreation department.
- (d) Exceptions, suspensions or modifications to the smoking prohibitions in this section may be made for special events by permit from the park and recreation director.
- (e) For purposes of this section "smoke" or "smoking" means to carry or exercise control over a lighted cigar, cigarette, pipe, or other lighted smoking equipment.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Ann DiDonato, Assistant City Attorney

T.M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 07-1628), passed by the City Council of said City at a meeting held August 20, 2007 signed by the Mayor on August 20, 2007 and published as provided by law in the Business Record on September 3, 2007, Authorized by Publication Order No. 5743.

Diane Rauh, City Clerk