

Date July 23, 2007

An Ordinance entitled, "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",

presented.

Moved by _____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

Ann DiDonato
Ann DiDonato
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ City Clerk

MOTION CARRIED

APPROVED

.....
Mayor

ORDINANCE NO. _____

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
 Ann DiDonato
 Assistant City Attorney