

★ Roll Call Number

Agenda Item Number

44

February 26, 2007

Date

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 a new Section 70-125 thereof, relating to smoking prohibitions in City-owned parking garages or ramps excepted in designated smoking areas marked by signs",

(Council Communication No. 07-086)

presented.

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

FORM APPROVED:

(First of three required readings)



Douglas P. Philip
Assistant City Attorney

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

MOTION CARRIED

APPROVED

Mayor

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

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 a new Section 70-125 thereof, relating to smoking prohibitions in City-owned parking garages or ramps excepted in designated smoking areas marked by signs.

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 a new Section 70-125 relating to smoking prohibitions in City-owned parking garages and ramps except in designated smoking areas marked by signs, as follows:

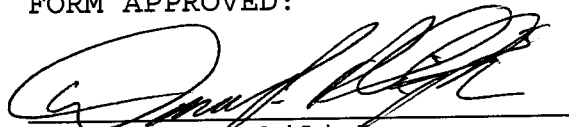
Sec. 70-125. Smoking Prohibited.

(a) Prohibition. A person shall not smoke in a parking garage or ramp owned by the City of Des Moines except in designated smoking areas clearly marked by signs.

(b) Smoking defined. 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 on May 1, 2007.

FORM APPROVED:



Douglas P. Philip
Assistant City Attorney

January 26, 2007

RE: Proposed Smoking Ban in City-Owned Parking Garages

To Whom It May Concern:

At their regular meeting on February 26, 2007, the Des Moines City Council will give first consideration to a city ordinance to prohibit smoking in all city-owned parking garages. If adopted, this change will impact our eight downtown parking garages as well as the parking facilities at the Des Moines International Airport. The proposed ordinance would become effective on May 1, 2007.

Last November the City's Parking Advisory Committee, comprised of City and downtown business representatives, voted to recommend that Council ban smoking in city garages. Smoking is already prohibited in the skywalk system and in many privately owned business facilities. In some cases, city parking garages provide the most convenient location for downtown workers to enjoy their breaks if they choose to smoke. Unfortunately, this makes it difficult for non-smokers to enter and exit the garages without being impacted by smoking.

If approved, the ordinance will not go into effect until May 1, 2007. This is to provide a transition period for educating downtown patrons about the change and installing appropriate signage. We also want to use this time to work with the business community to anticipate and resolve any issues that might arise. Specifically, I encourage you to revisit your company's smoking policies. If you do not already, you may want to provide a designated space in a low-traffic area for your employees to smoke.

If you have any questions or concerns about the proposed ordinance, I encourage you to contact my office to share your ideas. You are also welcome to attend the Council meeting on February 26, 2007, to voice your thoughts on this proposal.

Yours truly,



Richard A. Clark
City Manager

RAC/lep

Cc: The Honorable Mayor and City Council



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ALL AMERICAN CITY
1949, 1976, 1981
2003

Resolution Number

A07-29

Agenda Item Number

16

Date FEB 06 2007

WHEREAS, The Parking Advisory Committee voted on November 15, 2006, to recommend that the City Council proceed to prohibit smoking in City garages; and

WHEREAS, the Airport Parking Ramps are recommended to be subject to the proposed ordinance; NOW THEREFORE, BE IT RESOLVED BY THE AIRPORT BOARD OF THE CITY OF DES MOINES, IOWA

That the Airport Board fully supports the actions of the City Council with regards to the no smoking ordinance and recommends that the City Council consider excluding the Airport Parking Ramps from the ordinance for the following reasons:

1. The circumstances at the Airport are different from the downtown parking facilities and the problems created by smoking in the downtown garages are not occurring at the Airport Garages;
2. The Garages at the Airport are not gathering points for the public or employees that smoke;
3. No smoking signs have been posted in the skywalk connecting the Airport Garages to the Terminal and in the stair towers of the Garages leading to the skywalk, and the Airport has not encountered any problems with smokers in those areas;
4. It may require the Des Moines police assigned to the Airport to move from their other important duties at the Airport to enforce such an ordinance in the Airport Garages.

(Board Communication No. 07-20)

Moved by Hansell to adopt.

APPROVED AS TO FORM:

David A. Ferree

Assistant City Attorney

Board Action	Yeas	Nays	Pass	Absent
Ashman	✓			
Brooks				✓
Erickson	✓			
Fitzgibbon	✓			
Hansell	✓			
Kalainov	✓			
Ross	✓			
TOTAL	6			1

MOTION CARRIED

APPROVED

John A. Fitzgibbon

Chairperson

Certificate

I, VICKI N. DICKINSON, Board Clerk of said Des Moines International Airport Board, hereby certify that at a meeting of the Board, 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.

Vicki N. Dickinson

Board Clerk