

★ Roll Call Number

08-1146

Agenda Item Number

48

June 23, 2008

Date

RECEIVE AND FILE COMMUNICATIONS ON IOWA SMOKEFREE AIR ACT AND
AUTHORIZE CITY MANAGER TO DESIGNATE GROUNDS OF ENCLOSED CITY
BUILDINGS

WHEREAS, the Iowa Smokefree Air Act ("the Act") goes into effect on July 1, 2008; and

WHEREAS, the Act regulates smoking in public places, enclosed places of employment and certain outdoor areas, and has requirements relating to signage, enforcement, information, and removal of ashtrays; and

WHEREAS, the Iowa Department of Public Health ("IDPH") is charged with developing administrative rules for the Act to provide guidance on enforcement, including designation of a toll free IDPH telephone number and website to be included on all signage; and

WHEREAS, IDPH emergency administrative rules ("IDPH rules") became available on May 29 and the IDPH telephone number needed for signage was published on June 16; and

WHEREAS, the Act prohibits smoking on the grounds of public buildings, which are broadly defined in the emergency administrative rules as an outdoor area of a public building used in connection with the building, including walkways, patios, courtyards, swimming pools and beaches, and any other areas designated areas; and

WHEREAS, the IDPH rules provide that certain outdoor areas may be excluded from the grounds of a public building, such as parking lots, golf course areas of play, and hiking trails; and

WHEREAS, in order to clarify what outdoor areas adjacent to public buildings will be the "grounds of a public building" in which smoking is prohibited, the Legal Department recommends that the City take action to designate the area of the "grounds" adjacent to all enclosed City buildings; and

WHEREAS, City departments have provided specific questions relating to implementation of the Act in connection with their facilities and operations and the Legal Department has developed written responses.

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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the "Questions Submitted By Des Moines Department Directors" and the letter to Council from the City Attorney regarding the Iowa Smokefree Act, on file in the City Clerk's Office, be and is hereby filed and received.

BE IT FURTHER RESOLVED that City Manager be and is hereby authorized to designate the extent of the "grounds" adjacent to enclosed City buildings so that the City may be in compliance with the terms of the Act.

MOVED by Vlassis to approve.

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

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.

Diane Rauh City Clerk

MOTION CARRIED

APPROVED

T. M. Franklin
Mayor