

**ORDINANCE NO. 2016 – 1400**

**AN ORDINANCE AMENDING CHAPTER 47 PARK REGULATIONS  
BY ADDING SECTION 47.25 TOBACCO FREE POLICY**

**BE IT ORDAINED** by the City Council of the City of Polk City, Iowa:

**Section 1.** Chapter 47, of the Polk City Code of Ordinances; Park Regulations, is hereby amended by adding Section 47.25:

**47.25 TOBACCO FREE POLICY.**

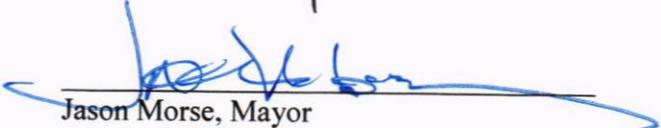
1. **TOBACCO USE PROHIBITED.** Tobacco and nicotine use is prohibited in all City of Polk City outdoor recreational facilities at all times. No person shall use any form of tobacco at or on any City-owned or operated outdoor recreational facility, which includes, but is not limited to, any park, playground, athletic field and complex, skate park, aquatic areas, shelter, restrooms, trails and parking lot areas. The term "tobacco" means any product made or derived from tobacco, such as nicotine, that is intended for human consumption, including any component, part, or accessory of a tobacco product. This includes, among other products, cigarettes, electronic smoking devices, cigarette tobacco, roll-your-own tobacco, smokeless, and dissolvable tobacco. 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 product does not include nicotine products approved by the U.S. Food and Drug Administration (FDA) for tobacco cessation. Tobacco-Free signs shall be posted in all outdoor recreational facilities that conform to the requirement of Section 142D.6 of the Code of Iowa.

2. **ENFORCEMENT.** Any person found violating this Ordinance will be asked to cease use of tobacco or leave the City park or facility premises. Any person found to continually violate this Ordinance may be cited with a municipal infraction. Violations of this Chapter are declared to be municipal infractions and may be punished as provided in Chapter 3 of this Code. For violations of Subsection 47.25 of this Ordinance, police officers or designees shall enforce and be authorized to issue citation-complaints. Before issuing a citation-complaint, the police officer or designee shall verify that the offender has previously received a warning against engaging in such conduct, or the offender has refused to discontinue engaging in such conduct after the police officer or designee has advised the offender that such conduct must cease. A one hundred dollar (\$100.00) civil penalty shall be imposed for each violation where a citation-complaint has been issued.

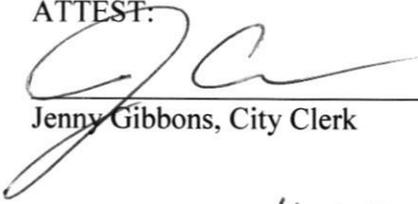
**Section 2.** All Ordinances or parts of any Ordinance in conflict with the provisions of this Ordinance are hereby repealed to the extent of the conflict.

**Section 3.** This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

**PASSED AND APPROVED** this 9 day of May, 2016.

  
Jason Morse, Mayor

ATTEST:

  
\_\_\_\_\_  
Jenny Gibbons, City Clerk

First Reading: 4-11-14  
Second Reading: 4-25-14  
Third Reading: 5-9-16  
Date Adopted: 5-9-16  
Date of Publication: 5-13-16