

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, BY AMENDING TITLE 7, “PUBLIC WAYS AND PROPERTY”, CHAPTER 11, “PARK REGULATIONS”, SECTION 2, “RULES AND REGULATIONS”, AND SECTION 3, “PENALTY”

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

SECTION 1: Title 7, Chapter 11, Section 2, “Rules and Regulations”, and Section 3, “Penalty”, are hereby amended by deleting ~~strike through~~ text and adding underline text.

7-11-2: RULES AND REGULATIONS:

I. ~~Language~~ Use of Tobacco: No person, at any time, shall use tobacco of any kind while present on any City park property. Tobacco includes any product made or derived from tobacco that is intended for human use, including any component, part, or accessory of a tobacco product. This includes, but is not limited to, cigarettes, electronic smoking devices, cigarette tobacco, roll-your-own tobacco, smokeless tobacco, and dissolvable tobacco. Electronic smoking devices mean 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. Nicotine products approved by the United States Food and Drug Administration for tobacco cessation shall be allowed within City parks.

7-11-3: PENALTY:

Violations of this Chapter are declared to be municipal infractions and may be punished as provided in Title 1, Chapter 4 of this Code. For violations of subsections 7-11-2(I) “Use of Tobacco”, (S), "Consumption in Public Parks", and (X), "Swimming/Beach Use", of this Chapter, 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. For violations of subsection 7-11-2(C), "Parking", of this Chapter, police officers or designees shall be authorized to issue parking tickets as specified in Title 6, "Motor Vehicles and Traffic", of this Code.

SECTION 2. REPEALER. All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 3. SAVINGS CLAUSE. If any section, provision, sentence, clause, phrase, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause,

phrase, or part hereof not adjudged invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, adoption, and publication as required by law.

PASSED AND APPROVED this _____ day of _____, 2016.

Steven K. Gaer, Mayor

ATTEST:

Ryan T. Jacobson, City Clerk