

RESOLUTION NO. 2009-26

A RESOLUTION ESTABLISHING A SMOKEFREE AIR POLICY FOR CALHOUN COUNTY, IOWA

WHEREAS, the General Assembly of the State of Iowa enacted and the Governor signed House File 2212, entitled, "An Act Creating a Smokefree Air Act and Providing Penalties" during the 2008 session; and

WHEREAS, the Iowa Department of Public Health (IDPH) has prepared administrative rules intended to implement House File 2212; and

WHEREAS, Calhoun County is required to comply with this law as it applies to political subdivisions of the State of Iowa; and

WHEREAS, the Calhoun County Board of Supervisors has deemed it necessary to adopt uniform policies for all buildings and grounds under the control of the County to comply with the Act.

NOW, THEREFORE, BE IT RESOLVED by the Calhoun County Board of Supervisors to adopt the following policy to comply with the Smokefree Air Act:

- I. **Purpose.** The purpose of this policy is to ensure County compliance with House File 2212 and the administrative rules developed by the Iowa Department of Public Health.
- II. **Prohibition.** Smoking is prohibited by any person in any of the following:
 - A. **Public Places** – Including all public buildings and any polling place.
 - B. **Vehicles** – Including those owned, leased, or operated by or under the control of the County, and all equipment including, but not limited to motor graders, loaders, backhoes, mowers, pickup trucks and other county equipment.
 - C. **Grounds of any Public Building** – Including the outdoor area of a public building that is used in connection with the building, including but not limited to a sidewalk immediately adjacent to the building; a sitting or standing area immediately adjacent to the building; and doorway approaches to the building.
 - D. **Shelters** – Including but not limited to picnic shelters or rest shelters under the control of the Calhoun County Conservation Board.
 - E. **Entertainment Events** – Including the designated seating areas of outdoor festivals or other outdoor entertainment venues where the public gathers to witness entertainment events. Parties using County property to sponsor such events shall post required signs and enforce the Smokefree Air Act.

III. **Areas where Smoking is not Regulated.** The following areas are exempt from the prohibitions of Section II unless deemed contrary to the provisions of House File 2212 or associated administrative rules:

A. Parking Lots – Including parking lots of public places or in private passenger vehicles in a parking lot.

B. Public Rights-of-Way – Including streets, alleys, and public sidewalks in a platted right-of-way, not in violation of Section II(C).

C. Outdoor Areas of Employment that are not within the “Grounds of any Public Building” – Except those areas where smoking is prohibited in Section II.

D. Certain Conservation Facilities – Including hiking trails, the location of an individual campsite or campfire, and a lake, river or other body of water.

IV. Duties and Responsibilities. The Act and associated administrative rules require that the county undertake the following actions:

A. Posting of Signs – The County is required to post “no smoking” signs meeting the minimum requirements of the Iowa Department of Public Health at every entrance to an indoor or outdoor nonsmoking area on public owned properties. An entrance is defined as any doorway to an enclosed area used by the public or employees for ingress or egress and includes the commonly understood points of entry and exit to and from an outdoor area such as a driveway, sidewalk, pathway, access road, gate, or dedicated point of entry.

B. Vehicle Signs – The County is required to post “no smoking” signs in all vehicles and equipment owned, leased, or operated by or under the control of the County. The signs must be visible from the vehicle’s exterior.

C. Acquisition of Signs – The Calhoun County Public Health will be responsible for acquiring the necessary signs for doors to all Public Buildings and providing them to the appropriate Elected Official or Department Head to affix to entrances. Each department will be responsible for acquiring “no smoking” signs for vehicles under their control.

D. Ashtrays – The Act requires that the County remove all ashtrays from public places and the grounds of public buildings where smoking is prohibited. Each department will be responsible for removing ashtrays from Public Places under their control. However, ashtrays may be placed outdoors and on the perimeter of any public place or the perimeter of the grounds of any public building in a location determined by the Elected Official or Department Head responsible for the grounds of the public building.

E. Employee Notification – The Act requires the County to inform all existing and prospective employees of the provisions of the Smokefree Air Act. Each Department Head is responsible for providing a copy of the policy to existing employees and is responsible for informing prospective employees. The policy will be placed in the employee handbook.

F. County Leases – Calhoun County shall take steps to ensure that leases entered into after the effective date of the Smokefree Air Act comply with the Act’s requirements.

V. Non-retaliation. The County shall not discharge, refuse to employ, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded under this chapter, registers a complaint, or attempts to prosecute a violation of the Act.

VI. Procedures. The following procedures are to be followed in the event an employee, customer, or client is smoking in a place where smoking is prohibited:

A. A County employee shall inform any person smoking in a place where smoking is prohibited that the individual is violating the Smokefree Air Act and shall request that the individual stop smoking immediately.

B. If a customer or client refuses to stop smoking, service should be discontinued to that individual.

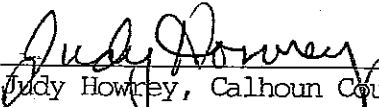
C. If the individual refuses to stop smoking, the County employee may request that the individual leave the area where smoking is prohibited.

D. If the individual refuses to leave the area where smoking is prohibited, the County employee may notify local law enforcement.

VII. Complaints. Complaints concerning violations of this policy should be brought to the attention of Calhoun County Public Health. Employees found to have violated this policy may be subject to discipline up to and including termination of employment. In addition, any person may register a complaint with the Iowa Department of Public Health by calling 1-888-944-2247 or accessing the Department's website at www.IowaSmokefreeAir.gov.

VIII. Effective Date. This Resolution shall be effective upon adoption.

Passed and approved by the Calhoun County Board of Supervisors
on Tuesday, October 20, 2009.



Judy Howrey, Calhoun County Auditor