

ORDINANCE NO. 17-\_\_\_\_\_

AN ORDINANCE AMENDING PART 2 (NO SMOKING IN PUBLIC PLACES OR ON PARK PROPERTY) OF ARTICLE 6 (PUBLIC HEALTH AND SANITATION - NO SMOKING IN PUBLIC PLACES) OF CHAPTER 6 (NEIGHBORHOOD VITALITY/COMMUNITY HEALTH) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO SMOKING

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Part 2 (No Smoking in Public Places or Workplaces Except in Those Areas Designated for Smoking) of Article 6 (Public Health and Sanitation - No Smoking in Public Places) of Chapter 6 (Neighborhood Vitality/Community Health) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

PART 2 NO SMOKING IN PUBLIC PLACES: **PARK PROPERTY, TRANSIT FACILITIES** ~~OR ON PARK PROPERTY~~

6.6.201: LEGISLATIVE INTENT:

6.6.202: DEFINITIONS:

6.6.203: SMOKING PROHIBITED **ON PARK PROPERTY:**

**6.6.204: SMOKING PROHIBITED IN TRANSIT FACILITIES:**

6.6.2045: DESIGNATION OF SMOKING AREAS:

6.6.201: LEGISLATIVE INTENT:

Because the smoking of tobacco, ~~or any~~ **other** weed or plant, **and the use of electronic smoking devices** is a danger to health, is a cause of material annoyance, discomfort and litter, and due to the current and chronic severely dry state and inundation of combustible materials in or on park property, City Council hereby finds, determines and declares it is necessary and conducive to the protection of the public health, safety and welfare of the citizens to prohibit smoking in or on all park property **and in transit facilities** unless an area is designated as a smoking area pursuant to this part.

6.6.202: DEFINITIONS:

**ELECTRONIC SMOKING DEVICE:** An electric or battery-operated device, the use of which resembles conventional smoking, which can be used to deliver substances, including, but not limited to, nicotine, tobacco or marijuana, to the person using such device. Electronic smoking device shall include, without limitation, an electronic cigarette, cigar, cigarillo, pipe or hookah. Electronic smoking device shall not include any product approved by the Food and Drug Administration as a drug or medical device that is used in accordance with its purpose.

\* \* \*

**TRANSIT FACILITY:** City transit buses, vans, rideshares or carpools, paratransit transportation, and the interior and any enclosed exterior areas of the downtown transit center, which includes the areas covered by the overhang except for the portion of the sidewalk constituting a public right of way.

6.6.203: SMOKING PROHIBITED ON PARK PROPERTY:

Except as provided in section 6.6.2045 of this part, it shall be unlawful for any person to smoke, light, or carry any lighted smoking instrument in or on any park property.

**6.6.204: SMOKING PROHIBITED IN TRANSIT FACILITIES:**

**A.** Except as provided in section 6.6.205 of this part, it shall be unlawful for any person to smoke, light, or carry any lighted smoking instrument in or on any transit facility.

**B.** No person shall utilize any electronic smoking device or allow vapor from an electronic smoking device to diffuse into the air in transit facilities.

6.6.2045: DESIGNATION OF SMOKING AREAS:

All park property **and transit facilities are** ~~is~~ hereby declared to be a nonsmoking area unless ~~the Manager of the Parks, Recreation and Cultural Services Department designates~~ **an areas is designated** ~~on or in park property~~ where smoking is not prohibited. Any designated smoking areas shall be clearly identified and receptacles for the disposal of used smoking materials shall be provided.

Section 2. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 3. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this \_\_\_\_ day of \_\_\_\_\_, 2017.

**Finally passed:** \_\_\_\_\_

\_\_\_\_\_  
Council President

**Mayor's Action:**

- Approved on \_\_\_\_\_.
- Disapproved on \_\_\_\_\_, based on the following objections:

---

---

---

---

\_\_\_\_\_  
Mayor

**Council Action After Disapproval:**

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of \_\_\_\_\_, on \_\_\_\_\_.
- Council action on \_\_\_\_\_ failed to override the Mayor's veto.

\_\_\_\_\_  
Council President

ATTEST:

\_\_\_\_\_  
Sarah B. Johnson, City Clerk