



Legislation Details (With Text)

File #: 16-710 **Version:** 3 **Name:**
Type: Ordinance **Status:** Mayor's Office
File created: 11/9/2016 **In control:** City Council
On agenda: 2/14/2017 **Final action:** 2/14/2017
Title: Ordinance No. 17-7 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.

Presenter:
Craig Blewitt- Transit Services Manager

Sponsors:

Indexes:

Code sections:

Attachments: 1. 010916 Transit-SmokingORD-slides, 2. Transit-SmokingORD-2017FINAL, 3. Ordinance 17-7

Date	Ver.	Action By	Action	Result
2/14/2017	3	City Council	finally passed	Pass
1/24/2017	2	City Council	approved on first reading	Pass
1/9/2017	2	Council Work Session	referred	
12/13/2016	1	Council Work Session	postpone to a date certain	

Ordinance No. 17-7 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.

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Summary:
The proposed ordinance would prohibit smoking and vaping at certain specified transit facilities including the enclosed areas of the downtown transit center and on transit vehicles.

Previous Council Action:
In 1985, City Council referred an ordinance to a vote of the people at a Special Municipal Election scheduled for August 6, 1985, entitled "No Smoking in Public Places Except for Those Areas Designated for Smoking." The referred measure was adopted by a vote of the electorate. In 1987, City Council referred an amendment to include work places to those provisions to a vote of the people which was held at the April General Municipal Election entitled "No Smoking in Public Places And Work Places Except In Those Areas Designated For Smoking." The 1987 referred measure

including workplaces was also adopted by a vote of the people. These actions resulted in the current prohibitions found in the City Code which include prohibitions on smoking on City buses and in bus stations.

Background:

City Transit is seeking to clarify the current prohibitions on smoking in City bus stations to assure that the downtown transit center is included in that prohibition. Also, based on customer complaints and concerns about use of electronic cigarettes, City Transit also seeks to add a prohibition on the use of electronic cigarettes (commonly known as vaping) on City buses, in other transit vehicles and in certain specified City Transit facilities.

Currently smoking is prohibited in indoor transit facilities, including on buses, and in bus stations. However, due to the configuration of the Downtown Transit Center, clarification is needed concerning that prohibition. This is due to the layout of the facility which has a small indoor area and a large passenger waiting and boarding area that is enclosed on two sides. It features a roof and an overhang area where the public can wait to use transit services. The Downtown Transit Center is adjacent to a sidewalk which is a public right of way. City Transit is not proposing restrictions for the sidewalk area. However, City Transit does seek a clarification with regard to prohibitions on smoking and on the use of electronic cigarettes in the customer waiting and boarding area under the roof where the seating faces inward to the bus pull in portion of the Transit Center.

Separate from traditional smoking, which is already prohibited, this proposed ordinance also seeks to prohibit the use of electronic cigarettes on City buses, in other transit vehicles and at the Downtown Transit Center. Although regarded as less objectionable than traditional smoking, the use of electronic cigarettes is bothersome to some riders, especially those who are confined to relatively small spaces with the users of the electronic cigarettes. In August of this year, the United States Food and Drug Administration released regulations which treat electronic cigarettes as tobacco products and regulate the manufacture and sale of electronic cigarettes amid concerns surrounding the primary and secondary health effects of using these devices. In recognition of customer complaints and the FDA's recent action in that regard, City Transit desires to make its City facilities welcoming and healthy for all riders by prohibiting the use of these devices while on Mountain Metropolitan Transit buses, while using other transit vehicles provided for the public and at the Downtown Transit Center.

The use of electronic cigarettes is not currently addressed in the City Code. This proposed change would result in prohibitions on the use of electronic cigarettes only for the City's public transit buses, for other transit vehicles provided for the public and at the Downtown Transit Center.

This amended ordinance supports the Strategic Plan objective of addressing public safety issues that affect our quality of life.

Financial Implications:

N/A

Board/Commission Recommendation:

N/A

Stakeholder Process:

N/A

Alternatives:

Do not adopt the proposed changes regarding smoking and the use of electronic cigarettes for certain specified Transit facilities.

Proposed Motion:

Approve an ordinance amending Part 2 (no smoking in public places or on park property) 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.

An ordinance amending City Code pertaining to prohibiting smoking and the use of electronic cigarettes for certain specified Transit facilities, including the enclosed areas of the downtown transit center and on transit vehicles.