

## **ORDINANCE O-2018-21**

### **AN ORDINANCE AMENDING AND REPEALING CERTAIN SECTIONS OF ARTICLE VII OF CHAPTER 21 OF THE CODE OF ORDINANCES OF THE CITY OF DURANGO CONCERNING SMOKING IN PUBLIC PLACES AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, during the 416 Fire, the City adopted an Emergency Ordinance giving the City Manager full authority to enter a Temporary Order to restrict smoking on City owned property; and

**WHEREAS**, the Temporary Smoking Order has expired and it is the desire of City Council to amend the Code to permanently amend the smoking restrictions on all City owned, operated or managed property to reduce the levels of exposure to environmental smoke and to reduce the risks of wildfires; and

**WHEREAS**, it is the intent of the City Council that the act of smoking will be consistent with the regulations provided in the Colorado Clean Indoor Air Act; and

**WHEREAS**, a public hearing has been held before the City Council of the City of Durango, and the Council has determined, subsequent to said public hearing, that adoption of amendments to the Code provisions regarding smoking in public places as set herein is in the best interest of the citizens of the City of Durango; and

**WHEREAS**, public health, safety and welfare of the public will be enhanced by the adoption of the provisions of this Ordinance;

**NOW THEREFORE, THE CITY OF DURANGO HEREBY  
ORDAINS:**

**Section 1:** That Section 21-112 (a) of Chapter 21 of the Code of Ordinances of the City of Durango should be and the same is hereby amended to read in its entirety as follows:

#### **Sec. 21-112. General Smoking Restrictions.**

(a) In order to reduce the risks of fire danger and the levels of exposure to environmental tobacco smoke and secondhand tobacco smoke, smoking shall not be permitted and no person shall smoke in any outdoor public area described below, including, but not limited to:

- (1) Bus stops or waiting areas to board public transportation;

- (2) All seating areas in City-owned parks, playgrounds and picnic areas, including but not limited to, picnic pavilions or fixed covered seating areas located in a city owned park;
- (3) City-owned recreational facilities and ball fields, excluding Hillcrest Golf Course;
- (4) The Animas River Trail and adjacent Greenway along the Animas River Trail, including all Animas River access points;
- (5) All open space, parking areas and trails within the City owned space or natural lands;
- (6) All reservoirs including the area within Lake Nighthorse recreation area;
- (7) All City owned buildings and all parking lots, grounds and landscaped areas adjacent to or around those buildings, including sidewalks that are outside of public street rights-of-ways;
- (8) All City owned parking lots, including the Transit Center.

**Section 2:** That Section 21-213 Exceptions to Smoking Restrictions, of Chapter 21 of the Code of Ordinances is hereby repealed in its entirety.

**Section 3.** This ordinance shall become effective ten (10) days after its passage and final publication as provided by law.

CITY COUNCIL OF THE CITY OF  
DURANGO

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

STATE OF COLORADO )  
 ) ss.  
COUNTY OF LA PLATA )

I, Amy Phillips, City Clerk of the City of Durango, La Plata County, Colorado, do hereby certify that Ordinance No. O-2018-21 was regularly introduced and read at a regular meeting of the City Council of the City of Durango, Colorado on the 4th day of September, 2018, and was ordered published in accordance with the terms and conditions of the statutes in such cases made and provided, in the Durango Herald, a newspaper of general circulation, on the 8<sup>th</sup> day of September, 2018, prior to its final consideration by the City Council.

\_\_\_\_\_  
City Clerk

I further certify that said Ordinance No. O-2018-21 was duly adopted by the Durango City Council on the 18th day of September, 2018, and that in accordance with instructions received from the Durango City Council, said ordinance was published by title only in the Durango Herald on the 22<sup>nd</sup> day of September, 2018.

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City Clerk