

ORDINANCE

AN ORDINANCE AMENDING TITLE 12, CHAPTER 12.24 OF THE MANITOU SPRINGS MUNICIPAL CODE BY THE ADDITION OF A NEW SECTION 12.24.060 PROHIBITING SMOKING IN CITY PARKS

WHEREAS, the City Council finds, determines and declares that the smoking of tobacco or of any other plant or weed in City Parks is a form of air pollution that threatens the health, safety and welfare of the public;

WHEREAS, the City Council finds, determines and declares that the smoking in City Parks creates a fire hazard;

WHEREAS, the City Council finds, determines and declares that the smoking in City Parks leads to excessive litter and threatens the aesthetics of City property; and

WHEREAS, the City Council deems it necessary to prohibit smoking in all City Parks.

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

Section 1: Title 12, Chapter 12.24 of the Manitou Springs Municipal Code is hereby amended by the addition of a new Section 12.24.060, to read as follows:

Sec. 12.24.060. Smoking prohibited in City parks.

(a) When used in this section, *smoke* or *smoking* are defined to mean the possession of a lighted cigarette, cigar or pipe containing tobacco or other organic burning matter, regardless of its composition, or the lighting of such cigarette, cigar or pipe by any person.

(b) No person shall smoke in the public parks within the limits of the City.

(c) To advise the public that smoking is prohibited in City parks, signs with letters no less than one (1) inch high or symbols of no less than three (3) inches high shall be posted at the entrances of all City Parks. The sign shall use the words "No Smoking" or the international no-smoking symbol.

(d) Any individual guilty of a violation of this section shall be subject to the penalties set forth in Section 1.01.100 of the Manitou Springs Municipal Code.

Section 2: If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The

City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3: The repeal or modification of any provision of Manitou Springs Municipal Code by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 4: This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 5: This ordinance shall take effect five (5) days after final approval and adoption on second reading.

Passed on First Reading and Ordered Published this 25th day of June 2013.

/s/ Donna Kast
City Clerk

A Public Hearing will be held at the July 2, 2013 City Council meeting. The Council Meeting will be held at 7:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published June 25, 2013 (in full)
City's Official Website and City Hall

Passed on Second Reading and Ordered Published this 2nd day of July 2013.

Approved: /s/ Marc A. Snyder
Mayor and City Council

Attest: /s/ Donna Kast
City Clerk

Published July 5, 2013 (in full)
City's Official Website and City Hall