

ORDINANCE NO. 2018-27

**AN ORDINANCE OF THE CITY OF FRUITA, COLORADO AMENDING
CHAPTER 9.03 OF THE FRUITA MUNICIPAL CODE CONCERNING PARKS AND
PUBLIC GROUNDS**

WHEREAS, the Fruita City Council finds it necessary to amend park regulations to expand the prohibition of smoking and the use of electronic delivery devices to include all city-owned and maintained parks, trails, open space areas and recreation facilities to protect public health; and

WHEREAS, parks, trails open space areas and recreational facilities are provided to the community to promote physical, mental and social health; and

WHEREAS, the City of Fruita is committed to providing safe and healthy environments which enhances the overall community's quality of life; and

WHEREAS, exposure to second hand smoke has negative health impacts and the U.S. Surgeon General has determined there is no risk-free level of exposure to secondhand smoke; and

WHEREAS, cigarettes can pose a fire risk; and

WHEREAS, the City of Fruita wishes to promote the healthy lifestyles of our community;
and

WHEREAS, the Fruita Parks and Recreation Advisory Board recommends that City Council pass this Ordinance; and

WHEREAS, it is the intent of this ordinance to prohibit the smoking and the use of electronic delivery devices in all city-owned and maintained parks, trails, open space areas and recreation facilities.

**NOW, THEREFORE BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF
THE CITY OF FRUITA, COLORADO:**

Section 1. That Section 9.03.005 (D) of the Fruita Municipal Code and Ordinance 2010-09 are hereby amended to read as follows:

D. It is unlawful for any person to smoke ~~within the swimming pool area~~ OR ENGAGE IN SMOKING IN ANY CITY OWNED OR MAINTAINED PARK, TRAIL CORRIDOR, OPEN SPACE AREA OR RECREATION SITE; TO INCLUDE ENCLOSED OR OPEN BUILDINGS OR STRUCTURES WITHIN A CITY OWNED AND MAINTAINED PARK, TRAIL CORRIDOR, OPEN SPACE AREA AND RECREATION SITE, INCLUDING THE FRUITA COMMUNITY CENTER SITE AND FACILITY.

1. DEFINITIONS. FOR THIS SECTION THE FOLLOWING WORDS AND PHRASES, WHENEVER USED SHALL HAVE THE FOLLOWING MEANING

- A. *SMOKE* MEANS THE GASES, PARTICLES, OR VAPORS RELEASED INTO THE AIR AS A RESULT OF COMBUSTION, ELECTRICAL IGNITION, VAPORIZATION OR HEATING, WHEN THE APPARENT OR USUAL PURPOSE OF THE COMBUSTION, ELECTRICAL IGNITION, VAPORIZATION OR HEATING IS HUMAN INHALATION OF THE BYPRODUCTS. THE TERM "SMOKE" INCLUDES, BUT IS NOT LIMITED TO, TOBACCO SMOKE, HOOKAH SMOKE, OR ELECTRONIC CIGARETTE VAPORS.
- B. *SMOKING* MEANS ENGAGING IN AN ACT THAT GENERATES SMOKE SUCH AS INHALING, EXHALING, BURNING, HEATING OR CARRYING ANY LIGHTED CIGAR, CIGARETTE, WATER PIPE, ELECTRONIC DELIVERY DEVICE, OR PIPE CONTAINING TOBACCO OR OTHER ORGANIC BURNING MATERIAL, WEED, PLANT OR OTHER COMBUSTIBLE SUBSTANCE REGARDLESS OF ITS COMPOSITION.
2. THE NO SMOKING REGULATION SHALL BE POSTED AT A MINIMUM OF ONE PRIMARY LOCATION IN THE PARK, TRAIL CORRIDOR, OPEN SPACE AREA OR RECREATION SITE. THE PRIMARY LOCATION SHALL BE THE SAME LOCATION WHERE A SIGN IDENTIFYING REGULATIONS SUCH AS HOURS OF OPERATIONS AND OTHER RULES AND REGULATIONS, IS POSTED

**PASSES AND ADOPTED BY THE Fruita City Council
THIS 4th DAY OF DECEMBER 2018**

CITY OF FRUITA

Joel Kincaid, Mayor

ATTEST:

City Clerk