

**TOWN OF BUENA VISTA, COLORADO
ORDINANCE NO. 3
(SERIES OF 2015)**

**AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO,
ADDING A NEW SECTION 10-185 TO ARTICLE VIII OF CHAPTER 10
OF THE BUENA VISTA MUNICIPAL CODE RELATING TO THE
PROHIBITION OF SMOKING AND THE USE OF ELECTRONIC
SMOKING DEVICES IN CERTAIN OUTDOOR PUBLIC LOCATIONS**

WHEREAS, secondhand smoke has been classified as a Class A carcinogen like asbestos by the Environmental Protection Agency;

WHEREAS, health hazards induced by breathing secondhand smoke include lung cancer, heart disease, respiratory infection and decreased respiratory function, including bronchoconstriction and broncho-spasm;

WHEREAS, vapor emitted from electronic smoking devices contain toxins known to cause cancer;

WHEREAS, electronic smoking devices emit vapor containing ultrafine particles which may exacerbate respiratory ailments of individuals involuntarily exposed to such activity;

WHEREAS, the use of electronic smoking devices has increased significantly in recent years; and

WHEREAS, the Board of Trustees desires to amend the Buena Vista Municipal Code to prohibit smoking and the use of electronic smoking devices at locations that affect the health and enjoyment of persons involuntarily exposed to such activity.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF
THE TOWN OF BUENA VISTA, COLORADO:**

Section 1. A new Section 10-185 is hereby added to Article **VIII** of Chapter 10 of the Buena Vista Municipal Code to read as follows:

Section 10-185 Prohibition of smoking and use of electronic smoking devices in public parks and recreation areas.

(a) Definitions. As used in this Section:

- (1) *Electronic smoking device* means any portable electronically actuated device which in operation causes the user to exhale any smoke, vapor, or other substance resulting in chemically altered human exhalation. *Electronic smoking device* includes any device manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or under any similar product name or descriptor. The term *electronic smoking device* does not include

any asthma inhaler or other device that has been specifically approved by the United States Food and Drug Administration.


- (2) *Public Property* means any real property owned or controlled by the Town of Buena Vista, including without limitation, parks, trails, open space, playgrounds, and recreation facilities, but excluding streets, sidewalks, and alleys.
- (3) *Smoke* or *smoking* means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, or other device containing tobacco.

(b) Prohibition. Smoking and the use of electronic smoking devices on public property is prohibited.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 12th day of May, 2015.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY DAYS FROM PUBLICATION.

TOWN OF BUENA VISTA, COLORADO

By: 

Mayor, Joel Benson

ATTEST:


Town Clerk, Mary Jo Bennetts

