

ORDINANCE NO. 2018-02

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ADDING SECTION 94-349 TO THE CITY CODE RELATED TO PROHIBITING SMOKING IN A MOTOR VEHICLE WHEN JUVENILES ARE PRESENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. That section 94-349 of the City Code of the City of Aurora, Colorado, is hereby added to read as follows:

94-249. - Smoking in Cars with Juveniles Present.

(A). It shall be unlawful for any person to smoke in a motor vehicle, whether the motor vehicle is in motion or at rest, when a juvenile is present in the motor vehicle.

(B). For the purpose of this section,

1. *Smoke or smoking* means to inhale or exhale tobacco, nicotine, or marijuana; or to burn or possess a lighted cigarette, cigar, pipe or operating smoking equipment, including an electronic smoking device, that contains tobacco, nicotine, or marijuana.

2. *Juvenile* means any such individual who is under 18 years of age.

(C). No person shall be issued a summons for a violation of this section unless such person was stopped and detained by a law enforcement officer for a separate alleged traffic violation or other offense.

(D). A violation of this section is punishable by no less than a fine of \$150 and no more than the maximum penalty provisions may be subject to the penalties as provided in section 1-13 of the City Code. The Municipal Court shall offer the opportunity to perform community service in lieu of any other penalty that may be imposed for a violation of this section. A violation of this section is not a moving violation as defined in Article 1 of Chapter 134 of the City Code.

(E). The City Council will evaluate the effectiveness of this ordinance and formally act to extend it, or on February 28, 2020, the provisions of this Section shall expire.

Section 2. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 3. Repealer. All acts, orders, resolutions, ordinances, or parts thereof, in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

Section 4. Publication. Pursuant to Section 5-5 of the City Charter, the second publication of this ordinance shall be by reference, utilizing the ordinance title. Copies of this ordinance are available at the office of the City Clerk.

INTRODUCED, READ AND ORDERED PUBLISHED this 22 day of
January, 2018.


PASSED AND ORDERED PUBLISHED BY REFERENCE this _____ day of
_____, 2018.

STEPHEN D. HOGAN, Mayor

ATTEST:

LINDA S. BLACKSTON, City Clerk

APPROVED AS TO FORM



NANCY RODGERS, Sr. Assistant City Attorney