



**Background Paper for Proposed Ordinance**

**COUNCIL MEETING DATE:** May 13, 2024

**TO:** President Mark Aliff and Members of City Council

**CC:** Mayor Heather Graham

**VIA:** Marisa Stoller, City Clerk

**FROM:** Roger Gomez, Councilor

**SUBJECT:** AN ORDINANCE OF THE CITY OF PUEBLO AMENDING TITLE XI, CHAPTER 1, SECTION 405 OF THE PUEBLO MUNICIPAL CODE PROHIBITING THE ESTABLISHMENT, OPERATION, USE, OR PARTICIPATION IN SYRINGE EXCHANGE OR DISTRIBUTION PROGRAMS WITHIN THE CITY OF PUEBLO AND PROVIDING PENALTIES THEREFOR

**SUMMARY:**

Proposed Ordinance to prohibit syringe exchange programs within the City.

**PREVIOUS COUNCIL ACTION:**

None.

**BACKGROUND:**

Syringe exchange programs within the City are contributing to the improper disposal of used hypodermic needles and syringes. The City is experiencing an increase in the number of dirty hypodermic needles, syringes, and other drug paraphernalia being discarded in the City's public places, such as the City Park, Mineral Palace Park, and the Pueblo River Trail System, presenting a threat to the health, property, safety, and welfare of the public in the City of Pueblo.

**FINANCIAL IMPLICATIONS:**

Not applicable.

**BOARD/COMMISSION RECOMMENDATION:**

Not applicable.

**STAKEHOLDER PROCESS:**

None.

**ALTERNATIVES:**

City Council could continue to allow the operation of syringe exchange programs within the City.

**RECOMMENDATION:**

Pass the Ordinance.

**ATTACHMENTS:**

None

ORDINANCE NO. 10698

AN ORDINANCE OF THE CITY OF PUEBLO AMENDING TITLE XI, CHAPTER 1, SECTION 405 OF THE PUEBLO MUNICIPAL CODE PROHIBITING THE ESTABLISHMENT, OPERATION, USE, OR PARTICIPATION IN SYRINGE EXCHANGE OR DISTRIBUTION PROGRAMS WITHIN THE CITY OF PUEBLO AND PROVIDING PENALTIES THEREFOR

WHEREAS, Title 25, Article 1, Section 520, C.R.S., allows a county board of health to approve a hypodermic needle or syringe exchange program ("Needle Exchange") proposed by a county public health agency to provide intravenous drug users hypodermic needles or syringes, collect used hypodermic needles or syringes, and develop education programs to encourage the disclosure of the possession of hypodermic needles or syringes to first responders; and

WHEREAS, Title 25, Article 1, Section 520, C.R.S., allows any nonprofit organization with experience operating a Needle Exchange or health facilities certified by the state to operate a Needle Exchange without local approval; and

WHEREAS, the improper exchange and disposal of used hypodermic needles and syringes results in dirty hypodermic needles being discarded in the public rights of way and facilities, presenting a threat to the health, property, safety, and welfare of the public in the City of Pueblo; and

WHEREAS, Needle Exchanges near public facilities, schools, parks, and playgrounds have an especially negative effect due to the resulting improper disposal of dirty hypodermic needles and syringes as well as the congregation of intravenous drug users near public facilities, schools, parks, and playgrounds; and

WHEREAS, the operation of Needle Exchanges increases the risk of overdose and death by facilitating the use of deadly and dangerous synthetic opioids which are difficult to detect by drug users leading to the unknowing use of drugs containing fentanyl; and

WHEREAS, the City of Pueblo is experiencing an increase in the number of syringes and other drug paraphernalia found in its public places, specifically in the City Park, Mineral Palace Park, and the Pueblo River Trail System, all of which are located within the City of Pueblo; and

WHEREAS, pursuant to the City of Pueblo's Home Rule power, as granted broadly under Article XX, Section 6 of the Colorado Constitution, the City is authorized to impose, enforce, and collect fines and penalties for the violation of any of the provisions of the charter, or of any ordinance adopted in pursuance of the charter; and

WHEREAS, the City of Pueblo's Home Rule Charter authorizes City Council to adopt ordinances, resolutions, or other legislation conducive to the welfare of the people of the City and not inconsistent with the City of Pueblo's Charter; and

WHEREAS, Pueblo Municipal Code, Title VII, Chapter 1, Section 1 authorizes the City, through its legislative body, to declare actions and activities that constitute a public nuisance; and

WHEREAS, the Pueblo Municipal Code sets forth regulatory, penal, and administrative ordinances to promote and protect the public health, safety, peace, comfort, and general welfare of the City; and

WHEREAS, Needle Exchanges are not an enumerated use under the Zoning Code nor does the Pueblo Municipal Code or Charter authorize Needle Exchanges within the City; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that:

SECTION 1.

Pueblo Municipal Code Title XI, Chapter 1, Section 405 - Nuisances is amended as follows:

(a) Definitions. As used in this Section:

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(3) "Syringe services program" means any and all needle and syringe exchange or distribution programs or projects whereby hypodermic needles and/or syringes are exchanged or dispensed such that persons participating in and/or operating such programs are exempted from criminal prosecution for acts related to the possession of needles and/or syringes. "Syringe services program" does not include any facility, place, or building providing diagnosis, care, prevention, and treatment of human illness, physical or mental, including convalescence and rehabilitation.

(b) Specific nuisances. The following substances, activities or conditions are hereby expressly deemed to be detrimental to the health or safety of the inhabitants of this City and are nuisances:

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.....

(7) The creation, establishment, operation, or participation in a syringe services program within the City of Pueblo.

SECTION 2.

The officers and staff of the City are authorized and directed to perform any and all acts consistent with the intent of this Ordinance to effectuate the policies and procedures described herein.

**SECTION 3.**

This Ordinance shall become effective on the date of final action by the Mayor and City Council.

**Action by City Council:**

Introduced and initial adoption of Ordinance by City Council on April 22, 2024.

Final adoption of Ordinance by City Council on May 13, 2024.

DocuSigned by:  
*Mark Cliff*  
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\_\_\_\_\_  
President of City Council

**Action by the Mayor:**

Approved on 5/16/2024 | 8:42 AM MDT.

Disapproved on \_\_\_\_\_ based on the following objections:

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\_\_\_\_\_  
\_\_\_\_\_

DocuSigned by:  
*[Signature]*  
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\_\_\_\_\_  
Mayor

**Action by City Council After Disapproval by the Mayor:**

Council did not act to override the Mayor's veto.

Ordinance re-adopted on a vote of \_\_\_\_\_, on \_\_\_\_\_

Council action on \_\_\_\_\_ failed to override the Mayor's veto.

\_\_\_\_\_  
President of City Council

ATTEST

DocuSigned by:  
*[Signature]*  
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\_\_\_\_\_  
City Clerk