

ORDINANCE NO. 2018-025

AN ORDINANCE REPEALING AND REENACTING CHAPTER 9.22 OF THE CASTLE ROCK MUNICIPAL CODE CONCERNING CIGARETTE, TOBACCO AND NICOTINE PRODUCTS

WHEREAS, the Town of Castle Rock, Colorado ("Town") is authorized to enact this Ordinance pursuant to C.R.S. §25-14-301, prohibiting the possession of cigarettes, tobacco products, or nicotine products by minors; and

WHEREAS, the State of Colorado has, in C.R.S. §25-14-301, banned the sale or giving to a minor any tobacco product, including any device that can be used to deliver nicotine by inhalation, such as an electronic smoking device; and

WHEREAS, in 1999, the Town passed Ordinance 99-07, prohibiting the possession of cigarettes and tobacco products by minors; and

WHEREAS, the State legislature amended section 18-13-121 (5), C.R.S., in order to update the definition of tobacco products to include emerging alternate means of ingesting nicotine, including any device that can be used to deliver nicotine by inhalation, such as an electronic smoking device; and

WHEREAS, the Town desires similarly to update the definition of tobacco products contained in this Ordinance;

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

Section 1. Repeal and Reenactment. Chapter 9.22 of the Castle Rock Municipal Code is repealed in its entirety and reenacted to read as follows:

9.22.010 - Definitions.

Cigarette, tobacco product, or nicotine product means:

- A. A product that contains nicotine, tobacco, synthetic tobacco, cloves, marijuana, tobacco derivatives, or other plant matter and is intended to be ingested, absorbed, inhaled, chewed, or applied to the skin of an individual; or
- B. Any device that can be used to deliver nicotine, tobacco, synthetic tobacco, cloves, marijuana, tobacco derivatives, or any other plant matter to the person ingesting, absorbing, or inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, vaporizer, vape pen, or pipe.

Minor means a person under the age of eighteen (18) years of age.

9.22.020 - Prohibition.

- A. It is unlawful for any person eighteen (18) years of age or older to furnish to any minor by gift, sale or other means any cigarettes, tobacco products, or nicotine products.
- B. It is unlawful for any minor to consume, possess, or to purchase or attempt to purchase, either directly or through an intermediary, or in any other manner obtain any cigarette, tobacco product, or nicotine product.

9.22.030 - Penalty.

Any person who is convicted of, or pleads guilty or no contest to a violation of this Chapter shall be punished by a fine of not more than three hundred dollars (\$300.00) per violation or count.

Section 2. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

Section 3. Safety Clause. The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 17th day of July, 2018 by a vote of 5 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 21st day of August, 2018, by the Town Council of the Town of Castle Rock by a vote of__ for and __ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jennifer Green, Mayor

Approved as to form:

Robert J. Slentz, Town Attorney