TOWN OF LOCHBUIE
COUNTIES OF WELD AND ADAMS, COLORADO

ORDINANCE NO. 2019- 647

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE, COLORADO, AMENDING SECTIONS 10-14-30, 10-14-40 AND 10-14-50 OF THE MUNICIPAL CODE CONCERNING MINORS SMOKING TO INCLUDE ELECTRONIC SMOKING DEVICES WITHIN SUCH PROHIBITIONS

WHEREAS, the Town of Lochbuie is a statutory municipality, governed by its elected Mayor and Board of Trustees; and

WHEREAS, the Town Board of Trustees has heard evidence of the burgeoning problems of vaping among youth, especially in Colorado, with attendant health concerns and long-term addiction repercussions; and

WHEREAS, the Town Board of Trustees desires to extend prohibitions on smoking and the furnishing of, or possession of, tobacco products by minors to electronic smoking devices.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE, WELD AND ADAMS COUNTIES, COLORADO, AS FOLLOWS:

Section 1. Amendments to Sections 10-14-30, 10-14-40 and 10-14-50 of the Lochbuie Municipal Code. Sections 10-14-30, 10-14-40 and 10-14-50 of the Lochbuie Municipal Code are hereby amended as follows with additions in ALL CAPS and deletions shown as strike throughs:

Sec. 10-14-30. - Furnishing cigarettes, ELECTRONIC SMOKING DEVICES or tobacco products to minors.

It is unlawful for any person to knowingly furnish to any person who is under eighteen (18) years of age, by gift, sale or any other means, any ELECTRONIC SMOKING DEVICE OR TOBACCO, AS SUCH TERMS ARE DEFINED IN SECTION 25-14-203, C.R.S., AND WHICH INCLUDES, BY EXAMPLE ONLY, CIGARETTES, CIGARS, STOGIES, SNUFF AND CHEWING TOBACCO -cigarettes or tobacco products, as defined in Section 39-28.5-101(5), C.R.S. It shall be an affirmative defense to a prosecution under this Section that the person furnishing the tobacco product was presented with and reasonably relied upon a document which identified the person receiving the tobacco product as being eighteen (18) years of age or older.
Sec. 10-14-40. - Purchasing or attempting to purchase CIGARETTES, OTHER SMOKING DEVICES OR tobacco products by minors.

It is unlawful for any person under the age of eighteen (18) years of age to purchase or attempt to purchase ELECTRONIC SMOKING DEVICE OR TOBACCO, AS SUCH TERMS ARE DEFINED IN SECTION 25-14-203, C.R.S., AND WHICH INCLUDES, BY EXAMPLE ONLY, CIGARETTES, CIGARS, STOGIES, SNUFF AND CHEWING TOBACCO, cigarettes or tobacco products, as defined in Section 39-28.5-101(5), C.R.S.

Sec. 10-14-50. - Possession or use of cigarettes, ELECTRONIC SMOKING DEVICES or tobacco products by minors.

It is unlawful for any person under the age of eighteen (18) years to possess or use ELECTRONIC SMOKING DEVICE OR TOBACCO, AS SUCH TERMS ARE DEFINED IN SECTION 25-14-203, C.R.S., AND WHICH INCLUDES, BY EXAMPLE ONLY, CIGARETTES, CIGARS, STOGIES, SNUFF AND CHEWING TOBACCO, cigarettes or tobacco products, as defined in Section 39-28.5-101(5), C.R.S.

It shall not be an offense under this Section if the person under eighteen (18) years of age was acting at the direction of an employee of a governmental agency authorized to enforce or ensure compliance with laws relating to the prohibition of the sale of cigarettes and tobacco products to persons under the age of eighteen (18) years.

Section 2. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term "provision" means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term "application" means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 3. Safety Clause. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Lochbuie, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relationship to the proper legislative object sought to be obtained.
Section 4. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 4. Effective Date. This Ordinance shall take effect thirty (30) days after publication, as provided by C.R.S. § 31-16-105 and Sections 1-3-60 and 2-2-110 of the Lochbuie Municipal Code.

ADOPTED by a vote of 5 in favor, 0 against and 0 abstaining, AND ORDERED PUBLISHED by title only following public hearing, this 3rd day of December, 2019.

TOWN OF LOCHBUIE, COLORADO

Jacob Ludgren, Mayor

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Lochbuie at its meeting of December 3, 2019, and ordered published by title only one time by The Brighton Blade newspaper on December 11, 2019.

[SEAL]

Linda Blackston, Town Clerk

TOWN OF LOCHBUIE

SEAL

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