

**ORDINANCE NO. 2018-02**

**AN ORDINANCE AMENDING CHAPTER 10 OF THE KEENESBURG MUNICIPAL CODE TO PROHIBIT THE POSSESSION, CONSUMPTION AND PURCHASE OF TOBACCO PRODUCTS BY MINORS, AND TO PROHIBIT THE SALE OF TOBACCO PRODUCTS TO MINORS**

WHEREAS, the Board of Trustees desires amend the Keenesburg Municipal Code prohibit the possession, consumption and purchase of tobacco products by minors, and to prohibit the sale of tobacco products to minors.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF KEENESBURG, COLORADO:

**Section 1.** Section 10-6-10 of the Keenesburg Municipal Code is hereby amended to add the following definitions to be inserted in alphabetical order:

*Possession of tobacco products* means that a person has or holds any amount of tobacco products anywhere on his or her person, or that a person owns or has control of tobacco products, or has tobacco products within his or her immediate presence and control and such products are not simultaneously within the immediate presence and control of a person that may by law have possession of the tobacco products.

*Tobacco products* means cigarettes, cigars, cheroots, stogies, parquets, granulated, plug-cut, crimp-cut, ready-rubbed and other smoking tobacco, snuff, snuff flour, Cavendish, plug-and-twist tobacco, fine-cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds of forms of tobacco.

**Section 2.** The Keenesburg Municipal Code is hereby amended to add a new Section 10-6-90, to read as follows:

**10-6-90      Illegal possession or consumption of tobacco products.**

(a) Any person under eighteen years of age who possesses or consumes cigarettes or tobacco products commits illegal possession or consumption of tobacco by an underage person. Illegal possession or consumption of tobacco by an underage person is a strict liability offense and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) per violation or count, except that the court may sentence a person convicted under this subsection to participate in a tobacco education program or to perform community service and be granted credit for same against the fine.

(b) It is unlawful for any person who is under the age of eighteen to purchase or attempt to purchase any cigarettes or tobacco products. Violation of

this subsection shall be a petty offense and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00), except that the court may sentence a person convicted under this subsection to participate in a tobacco education program or to perform community service and be granted credit for same against the fine.

(c) It is unlawful for any person to knowingly furnish to any person who is under the age of eighteen years by gift, sale or any other means, cigarettes or tobacco products. Violation of this section shall be a petty offense and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00), except that the court may sentence a person convicted under this subsection to participate in a tobacco education program or to perform community service and be granted credit for same against the fine. It shall be an affirmative defense to a prosecution under this subsection that the person furnishing the cigarettes or tobacco product was presented with and reasonably relied upon a document which identified the person receiving the cigarettes and/or tobacco product as being eighteen years of age or older.

**Section 3.** If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Board hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**Section 4.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL this 5th day of March 2018.

TOWN OF KEENESBURG, COLORADO

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Kenneth L. Gfeller, Mayor

ATTEST:

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Toni Pearl, Town Clerk