

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: CB2

ORDINANCE NUMBER: 2021-2

**TITLE: AN ORDINANCE AMENDING SECTIONS 7-154 AND 10-203 OF THE
BLACK HAWK MUNICIPAL CODE RELATING TO TOBACCO AGE
LIMITS**

WHEREAS, the Colorado General Assembly enacted House Bill 20-1001 ("HB 20-1001");

WHEREAS, HB 20-1001 requires municipalities to increase the age to purchase, possess, use, or consume tobacco products to twenty-one (21) years of age;

WHEREAS, HB 20-1001 requires municipalities to increase the age to enter cigar-tobacco bars to twenty-one years of age; and

WHEREAS, the Board of Aldermen wish to comply with state law.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK,
GILPIN COUNTY:

Section 1. Section 7-154 of the Black Hawk Municipal Code is amended to read as follows:

Sec. 7-154. Exceptions to Smoking Regulations.

* * *

(5) A cigar-tobacco bar, provided that the cigar-tobacco bar shall not expand its size or change its location from the size and location in which it existed as of December 31, 2005, and provided that the cigar-tobacco bar displays signage in at least one (1) conspicuous place and at least four (4) inches by six (6) inches in size, stating: ~~"Smoking allowed. Children under eighteen years of age must be accompanied by a parent or guardian."~~ **"Smoking allowed. Persons under twenty-one years of age may not enter."**

* * *

Section 2. Section 10-203 of the Black Hawk Municipal Code is amended to read as follows:

Sec. 10-203. Distribution of Cigarettes and Tobacco Products to Minors.

(a) It is unlawful for any person eighteen (18) years of age or older to furnish to any person who is under ~~eighteen (18)~~ **twenty-one (21)** years of age, by gift, sale or other means any cigarettes or tobacco products as defined by Section 39-28.5-101(5), C.R.S.

(b) It shall be unlawful for any person under the age of ~~eighteen (18)~~ **twenty-one** years to attempt to purchase or obtain, either directly or through an intermediary, any cigarette or tobacco products as defined by Section 39-28.5-101(5), C.R.S.

* * *

(d) It is unlawful for any person to sell or offer to sell any cigarette or tobacco products as defined by Section 39-28.5-101(5) C.R.S., other than a smokeless tobacco product as defined by Section 18-13-121(4)(a), C.R.S., by use of a vending machine or any coin-operated machine, that does not display a warning sign placed in a prominent place on such machine. The warning sign shall have a minimum height of three (3) inches and a width of six (6) inches, and shall read as follows:

WARNING

IT IS ILLEGAL FOR TO SELL CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS TO ANY PERSON UNDER EIGHTEEN (18)-TWENTY-ONE (21) YEARS OF AGE. TO PURCHASE CIGARETTES AND TOBACCO PRODUCTS AND, UPON CONVICTION, A FIFTY DOLLAR (\$50.00) FINE MAY BE IMPOSED. STATE LAW REQUIRES THAT, TO PURCHASE CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS AT THIS RETAIL LOCATION, A PERSON MUST PRESENT A VALID GOVERNMENT-ISSUED PHOTOGRAPHIC IDENTIFICATION AT THE TIME OF PURCHASE IF THE PERSON APPEARS TO BE UNDER FIFTY YEARS OF AGE.

Section 3. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, 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 City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.


Section 4. 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 application to other persons or circumstances.

Section 5. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED AND ORDERED POSTED this 13th day of January, 2021.


David D. Spellman, Mayor

ATTEST:


Melissa A. Greiner, CMC, City Clerk

