

ORDINANCE NO. 5.06.43, Series of 2020

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTIONS 8.08.040 AND 8.11.040 OF THE PARKER MUNICIPAL CODE CONCERNING LEGAL AGE FOR TOBACCO OR VAPOR PRODUCTS

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. Section 8.08.040 of the Parker Municipal Code is amended to read as follows:

8.08.040 Toxic vapors.

(1) It shall be unlawful for any person to sell, give, deliver or furnish any substance releasing toxic vapors to any minor without the personal or written consent of a parent, guardian or other person having legal care or custody of such minor, except when the sale of one (1) tube of glue is made simultaneously with the sale, purchase and delivery of a hobby or model kit. As used in this Section, a *minor* is any person under the age of ~~eighteen (18)~~ **twenty-one (21)** years.

Section 2. Subsections 8.11.040(b), (c) and (d) of the Parker Municipal Code are amended to read as follows:

8.11.040 Distribution of cigarettes and tobacco products to minors.

* * *

(b) It is unlawful for any person ~~eighteen (18)~~ **twenty-one (21)** years of age or older to furnish to any person who is under ~~eighteen (18)~~ **twenty-one (21)** years of age, by gift, sale, offer for sale or other means any cigarettes or tobacco products as defined herein.

(c) It is unlawful for any person under the age of ~~eighteen (18)~~ **twenty-one (21)** years of age to consume, possess or to purchase or attempt to purchase, either directly or through an intermediary, or in any other manner obtain any cigarette or tobacco product as defined herein.

(d) No person shall sell or offer to sell any cigarettes or tobacco products by use of a vending machine or other coin-operated machine; except that cigarettes may be sold at retail through vending machines only in:

* * *

Any person who sells or offers to sell any cigarettes or tobacco products shall display a warning sign as specified herein. The warning sign shall be displayed in a prominent place in the building and on any vending or coin-operated machine at all times, 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 Any Person
Under ~~Eighteen (18)~~ Twenty-One (21) Years Of Age
To Purchase Cigarettes And Tobacco Products
And, Upon Conviction, A Three Hundred
Dollar (\$300.00) Fine May Be Imposed.

Section 3. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, 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 Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

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. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____,
2020.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2020.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney