

**ORDINANCE NO. O-015-001**

**THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF DOUGLAS, COLORADO**

**AN ORDINANCE PROHIBITING THE POSSESSION OF  
CIGARETTES AND TOBACCO PRODUCTS BY MINORS AND REPEALING  
ORDINANCE NO. O-001-003**

*WHEREAS*, the Board of County Commissioners of the County of Douglas (“Board”), Colorado is authorized to enact this Ordinance pursuant to Section 30-15-401(1.5), C.R.S., prohibiting the possession of cigarettes and tobacco products by minors; and

*WHEREAS*, in 2001, the Board passed Ordinance O-001-003, prohibiting the possession of cigarettes and tobacco products by minors; and

*WHEREAS*, in 2011, 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; and

*WHEREAS*, the Board desires similarly to update the definition of tobacco products contained in this Ordinance; now therefore,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE  
COUNTY OF DOUGLAS as follows:**

**Section I. Scope of Ordinance and Authority:**

This Ordinance applies within the unincorporated territory of Douglas County, Colorado, and prohibits the possession of cigarettes and tobacco products by minors.

**Section II. Definitions:**

The following definitions apply to the interpretation and enforcement of this Ordinance:

- a. “Cigarette, tobacco product, or nicotine product” means:
  - (I) A product that contains nicotine or tobacco or is derived from tobacco and is intended to be ingested or inhaled by or applied to the skin of an individual; or
  - (II) Any device that can be used to deliver tobacco or nicotine to the person inhaling from the device, including an electronic cigarette, cigar, cigarillo, or pipe.
- b. “Minor” means a person under the age 18 years.

**Section III. Prohibitions. Minors Prohibited From Possessing Cigarettes or Tobacco Products or Nicotine Products:**

No minor shall possess any cigarettes or tobacco products or nicotine products.

**Section IV. Penalties and Enforcement:**

Violations of any provision of this Ordinance shall be a Class 2 Petty offense, and the penalty for a violation of any provision of this Ordinance shall be a fine of \$100.00. All fines shall be paid into the treasury of Douglas County.

It is the duty of the Douglas County Sheriff's Office to enforce the provisions of this Ordinance. The penalty assessment procedure provided in section 16-2-201, C.R.S., shall be followed by the Douglas County Sheriff's Office in enforcing the provisions of this Ordinance, except where a violation of law not subject to the penalty assessment provisions of section 16-2-201, C.R.S. is also charged.

In addition to the penalty prescribed in this Ordinance, the fine is subject to a surcharge of ten dollars. This surcharge shall be paid to the clerk of the court by the defendant. Each clerk shall transmit the moneys to the court administrator of the 18<sup>th</sup> Judicial District for credit to the victims and witnesses assistance and law enforcement fund established in that judicial district pursuant to section 24-4.2-103, C.R.S.

When imposing a fine under this statute, the court shall separately state as a part of the total fine, the surcharge levied in accordance with section 24-4.2-104 (1), C.R.S. The surcharge and fine shall not exceed the maximum allowed by Section IV of this Ordinance. The defendant shall also pay court costs and any applicable docket fees.

**Section V. Procedure:**

All prosecutions for all offenses under this Ordinance shall be by the District Attorney according to the applicable Colorado Rules of Criminal Procedure.

**Section VI. Severability:**

Should any section, clause, sentence, or part of this Ordinance be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair or invalidate the ordinance as a whole or any part thereof other than the part so declared to be invalid.

**Section VII. Safety Clause:**

The Board of County Commissioners hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public welfare, health and safety.



**Section VIII. Effective Date.**


In order to preserve the immediate health and safety of Douglas County and its residents, this Ordinance shall take effect immediately upon its adoption on Second and Final Reading as provided in § 30-15-405, C.R.S.

**Section IX. Repeal.**

All ordinances and/or resolutions, including Ordinance No. O-001-003, or parts or ordinances and/or resolutions, which are inconsistent with the provisions of this ordinance, are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

**INTRODUCED, READ AND ADOPTED ON FIRST READING** on August 11<sup>th</sup>, 2015, and ordered published in the DOUGLAS COUNTY NEWS-PRESS.

**THE BOARD OF COMMISSIONERS  
OF THE COUNTY OF DOUGLAS, COLORADO**

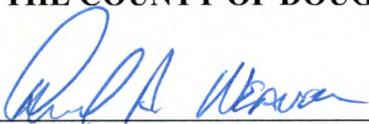
By:   
David A. Weaver, Vice Chair

ATTEST:  
  
Deputy Clerk



**ADOPTED ON SECOND AND FINAL READING** on September 8<sup>th</sup>, 2015, and ordered published by reference to title only in the DOUGLAS COUNTY NEWS-PRESS.

**THE BOARD OF COMMISSIONERS  
OF THE COUNTY OF DOUGLAS, COLORADO**

By:   
David A. Weaver, Vice Chair

ATTEST:  
  
Deputy Clerk



**CERTIFICATE**

I hereby certify that the foregoing Ordinance No. O-015-001 was introduced, read and adopted on first reading at the regular meeting of the Board of County Commissions of the County of Douglas on August 11, 2015, and the same was published in full in the Douglas County News-Press, a newspaper of general circulation published in Douglas County, on August 20, 2015, and thereafter was adopted on second and final reading at a regular public hearing of the Board of County Commissioners of the County of Douglas on September 8, 2015. Said ordinance was published by reference to title only on September 17, 2015. Said ordinance shall become effective as of September 8, 2015.



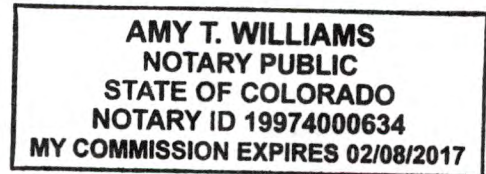
Codie Brenner  
Deputy Clerk

State of Colorado     )  
                                  )ss.  
County of Douglas    )

Subscribed and sworn to before me this 9th day of September, 2015, by Codie Brenner, Deputy Clerk.

Amy Williams  
Notary Public

My commission expires: n/a



**CERTIFICATION**

I, Codie Brenner, Douglas County Deputy Clerk, do hereby certify that the foregoing Ordinance No. O-015-001, entitled: **AN ORDINANCE PROHIBITING THE POSSESSION OF CIGARETTES AND TOBACCO PRODUCTS BY MINORS AND REPEALING ORDINANCE NO. O-001-003**, is a true, correct and complete copy of the records in my office, that said ordinance was duly adopted by the Board of County Commissioners of Douglas County and is in full force and effect.



Codie Brenner  
Deputy Clerk