

**TOWN OF PARACHUTE  
ORDINANCE NO. 807-2023**

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**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PARACHUTE,  
COLORADO, AMENDING CHAPTER 11.14 POSSESSION OF TOBACCO PRODUCTS  
BY MINORS OF THE MUNICIPAL CODE**

**WHEREAS**, the Town of Parachute (“Parachute” or the “Town”) is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Parachute Home Rule Charter

**WHEREAS**, On July 14, 2020, the State of Colorado signed into law HB 20-1001 amending C.R.S. § 18-13-121 to read “A person shall not give, sell, distribute, dispense, or offer for sale a cigarette, tobacco product, or nicotine product to any person who is under twenty-one years of age”; and

**WHEREAS**, C.R.S. § 18-13-121 also states “A statutory or home rule municipality, county, or city and county shall not enact an ordinance or resolution that establishes a minimum age to purchase cigarettes, tobacco products, or nicotine products that is under twenty-one years of age”; and

**WHEREAS**, the Town Council wishes to amend Chapter 11.14 of the Parachute Municipal Code (the “Code”) to address the State of Colorado’s change in legal age to purchase tobacco products; and

**WHEREAS**, the Town Council of the Town of Parachute finds and declares that it is in the interest of the public health, safety, and welfare to amend the Code as set forth in this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO THAT:**

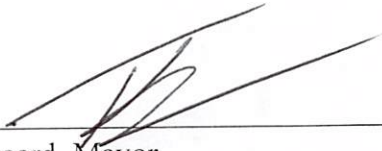
**Section 1.**     **Recitals.** The foregoing recitals are incorporated herein as if set forth in full.

**Section 2.**     **Amendment.** Chapter 11.14 “Possession of Tobacco Products By Minors” of the Parachute Municipal Code is hereby amended as set forth in **Exhibit A**, with double underlined text added and ~~strike through language~~ deleted.

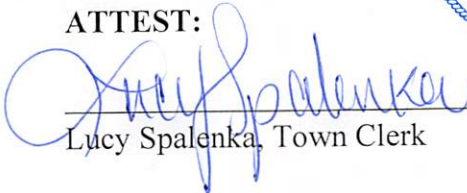
**INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY** by a vote of 4 to 0 of the Town Council of the Town of Parachute, Colorado at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 20<sup>th</sup> day of April 2023 and approved by the Mayor on the 20<sup>th</sup> day of April 2023

**TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO**



  
\_\_\_\_\_  
Tom, Rugaard, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Lucy Spalenka, Town Clerk

**PUBLIC NOTICE**

Public notice is hereby given that an Ordinance entitled:

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PARACHUTE,  
COLORADO, AMENDING CHAPTER 11.14 OF THE MUNICIPAL CODE**

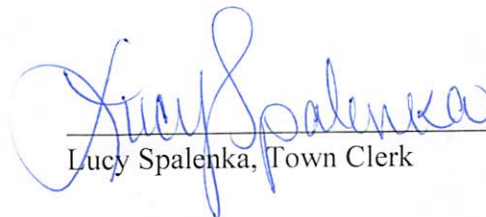
was introduced before the Town Council on April 20, 2023; that a copy of said Ordinance is posted at Town Hall; and that the Ordinance was approved at a regular meeting of the Town Council held on April 20, 2023, and approved by the Mayor on April 20, 2023.

Copies of the adopted ordinance are available for inspection at the Town Hall, Parachute, Colorado, and available on the internet at <http://www.parachutecolorado.com>.

Dated this 20<sup>th</sup> day of April 2023.



**TOWN OF PARACHUTE**

  
\_\_\_\_\_  
Lucy Spalenka, Town Clerk

#### 11.14.010 Definitions.

For the purposes of this chapter, the term “tobacco products” means cigars, cheroots, stogies, perique, granulated, plug cut, crimp cut, ready-rubbed, and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine cut and other tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such a manner as to be suitable for chewing or for smoking in a pipe or otherwise, or both for chewing or smoking. (Ord. 375 §1, 1996; Amended Ord. 472 §14, 2003)

#### 11.14.020 Furnishing tobacco products to minors unlawful.

Any person who knowingly furnishes to any person who is under ~~eighteen (18)~~ twenty-one (21) years of age, by gift, sale, or any other means, any cigarettes or tobacco products commits a Class B municipal offense. It shall be an affirmative defense to a prosecution under this section that the person furnishing the tobacco products was presented with and reasonably relied upon a document which identified the person receiving the tobacco product as being ~~eighteen (18)~~ twenty-one (21) years of age or older. (Ord. 375 §2, 1996; Amended Ord. 472 §14, 2003)

#### 11.14.030 Purchase or possession of tobacco products by minors unlawful.

Any person who is under eighteen (18) years of age and who possesses, purchases or acquires any cigarettes or tobacco products commits a noncriminal municipal offense. (Ord. 375 §3, 1996; Amended Ord. 472 §14, 2003; Amended Ord. 713 §4, 2017)

#### 11.14.040 Restrictions on vending machines which sell tobacco products.

A. Any person who sells or offers to sell any cigarettes or tobacco products, as defined in PMC 11.14.010, in a vending machine or other coin operated machine commits a Class B municipal offense, except that cigarettes may be sold at retail through vending machines in the following places:

1. Factories, businesses, offices, or other places not opened to the general public;
2. Places to which persons under the age of ~~eighteen (18)~~ twenty-one (21) years of age are not permitted access; and

3. Places where the vending machine is under the direct supervision of the owner of the establishment or an adult employee of the owner, including but not limited to establishments holding a valid liquor license issued pursuant to Article 3 of Title 44, C.R.S.

B. As used in this section, "under direct supervision" means the vending machine shall be in plain view of the business owner or an employee at all times when the vending machine is accessible by the public. (Ord. 375 §4, 1996; Amended Ord. 472 §14, 2003)

#### 11.14.050 Warning sign required.

Any person who sells or offers to sell any cigarettes or tobacco products shall display a warning sign, as specified in this section. Any person who fails to display said warning sign commits a Class B municipal offense. Said warning sign shall be displayed in a prominent place in the store or building, or near the vending machine, and shall have a minimum height of three inches (3") and a width of six inches (6"), 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 FINE MAY BE IMPOSED.

This sign shall be posted in lieu of the sign required by § 18-13-121(4), C.R.S. (Ord. 375 §5, 1996; Amended Ord. 472 §14, 2003)