

**ARAPAHOE COUNTY, COLORADO
ORDINANCE NO. 2008-01**

AN ORDINANCE SETTING FORTH ARAPAHOE COUNTY POLICIES AND PROCEDURES REGULATING THE POSSESSION OF TOBACCO PRODUCTS BY MINORS; AND PROVIDING PENALTY PROVISIONS FOR VIOLATIONS AND ENFORCEMENT PERTAINING THERETO.

WHEREAS, pursuant to Section 30-15-401, C.R.S., the Board of County Commissioners of Arapahoe County has the power to adopt ordinances for control of those matters of local concern; and

WHEREAS, pursuant to Section 30-15-401 (1.5), C.R.S., the Board of County Commissioners has the power to adopt an ordinance prohibiting minors from possessing cigarettes or tobacco products, as defined by Section 39-28.5-101(5), C.R.S.; and

WHEREAS, the Board of County Commissioners of Arapahoe County finds that in order to promote the health, safety, morals and welfare of the citizens of unincorporated Arapahoe County, it should take the following action

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Arapahoe County, the following:

SECTION I - LEGISLATIVE DECLARATION

It is hereby declared that the public health and welfare and the good order of the community is of the highest importance; that the citizens of unincorporated Arapahoe County should be protected from activities such as minors that possess tobacco products.

SECTION II - DEFINITIONS

Except as otherwise indicated by the context, the following words and phrases shall have the following meanings for purposes of this division:

Minor means a person under eighteen (18) years of age.

Possess means that a person has or holds any amount of tobacco product, or has a tobacco product within his or her immediate presence and control, including presence and control within a motor vehicle which is being driven by

such person and includes the consumption, smoking, ingesting, absorbing, inhaling or chewing of any tobacco product.

Educational Institution means any organization or entity that provides education, instruction or training to persons.

Tobacco or tobacco products means cigarettes, cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed, other smoking tobacco, snuff, snuff flour, Cavendish, plug, and twist tobacco, fine cut, other chewing tobacco, shorts, refuse scraps, clippings, sweepings of tobacco, other kinds and forms of tobacco prepared in such a manner as to be suitable for chewing or for smoking.

SECTION III - UNLAWFUL ACTS

It is unlawful for any minor to possess any tobacco or tobacco products on the grounds of any educational institution and within 2000 feet from the property boundary of any educational institution within unincorporated Arapahoe County, Colorado.

SECTION IV - APPLICABILITY

This ordinance shall apply to all portions of unincorporated Arapahoe County.

SECTION V - PENALTY FOR VIOLATION

Any person convicted of violating the provisions of this ordinance commits a minor offense, and shall be fined seventy-five dollars (\$75.00) for the first offense. For a second offense and all subsequent offenses, the Court shall impose a fine of not less than one-hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00). A mandatory court appearance is required any time a person is charged with violating this provision. All minors charged with violating this provision must appear in court accompanied by a parent or legal guardian. For the first offense, upon petition of the defendant, the Court may in its discretion consider a deferred sentence. In such cases, the Court shall impose the minor to attend and successfully complete an approved tobacco education course.

SECTION VI - ENFORCEMENT

The Arapahoe County Sheriff's Office shall enforce the provisions of this ordinance.

SECTION VII - DISPOSITION OF FINES

All fines for violations of this ordinance shall be paid into the General Fund of Arapahoe County.

SECTION VIII - SEVERABILITY

If any one or more of the provisions of this ordinance is determined by a court of law to be invalid, such determination shall not affect the validity of the remaining provisions of this ordinance.

SECTION IX - EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after the final publication following adoption.

BOARD OF COUNTY COMMISSIONERS
ARAPAHOE COUNTY, COLORADO

Susan Beckman, Chair

I, Nancy A. Doty, Clerk and Recorder of Arapahoe County and Clerk to the Board of County Commissioners, do hereby attest and certify that the Ordinance was introduced and read at a regular meeting of the Board of County Commissioners on the 11th day of March, 2008. At a public hearing held on the 18th day of March, 2008, the Ordinance was adopted, approved and ordered published as adopted on March 18, 2008.

ATTEST:

NANCY A. DOTY
CLERK TO THE BOARD

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS
ARAPAHOE COUNTY, COLORADO

INTRODUCED AND READ ON THE 11th day of March, 2008 at a regular meeting of the Board of County Commissioners.

Date of initial publication: March 6, 2008.

TAKEN UNDER ADVISEMENT AFTER PUBLIC COMMENT, EVIDENCE AND TESTIMONY AT A PUBLIC HEARING HELD ON THE 18th day of March, 2008.

ADOPTED, APPROVED AND ORDERED PUBLISHED AS ADOPTED ON THE 18th day of March, 2008.

Date of publication after adoption: March 27, 2008.

NANCY A. DOTY, CLERK TO THE BOARD
