

**ORDINANCE OF THE
CITY OF LONE TREE**

Series of 2021

Ordinance No. 21-04

**AN ORDINANCE AMENDING CHAPTER 6 OF THE LONE TREE MUNICIPAL
CODE BY ADDING A NEW ARTICLE V CONCERNING TOBACCO RETAILER
LICENSING**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONE TREE,
COLORADO:**

ARTICLE 1 – AUTHORITY

The City of Lone Tree (the “City”) is a home rule municipality operating under the Lone Tree Home Rule Charter (the “Charter”) adopted on May 5, 1998 and a Municipal Code (the “Code”), codified and adopted on December 7, 2004. Pursuant to the Charter, the Code and the authority given home rule cities, the City may adopt and amend Ordinances and adopt codes by reference.

ARTICLE 2 – DECLARATIONS OF POLICY

- A. The City does not currently require retailers who sell tobacco and nicotine products to obtain a license for the sale of such products within the City.
- B. Although smoking rates have declined in the United States, in Colorado, like most other states, smoking is the number one cause of preventable deaths.
- C. According to information from the Tri-County Health Department, most tobacco users begin using tobacco before they are legally old enough to purchase these products. National data shows that about ninety-five percent (95%) of adult smokers begin smoking before they turn twenty-one (21), but less than half of adult smokers become regular smokers before the age of eighteen (18).
- D. Therefore, the eighteen (18) to twenty-one (21) age range is a time when many smokers transition to regular use of cigarettes, and one national survey shows that the prevalence of smoking among 18- to 20-year-olds is more than double that of 16- to 17-year-olds.
- E. The Centers for Disease Control (“CDC”) recommendations for best practices to effectively limit youth access to tobacco and prevent future regular use of cigarettes include stronger local laws directed at retailers, active enforcement of retailer sales laws, and retailer education with reinforcement.
- F. Furthermore, on December 20, 2019, the Federal Food, Drug, and Cosmetic Act was amended in order to raise the federal minimum purchase age for tobacco products from

18 to 21 years. It is now illegal for a retailer to sell any tobacco product, including cigarettes, cigars, and e-cigarettes to anyone under 21.

- G. In addition, the Colorado legislature passed House Bill 20-1001, signed by Governor Polis on July 14, 2020, which raises the minimum legal sales age for all nicotine and tobacco products to 21 in the state.
- H. The City of Lone Tree has a substantial interest in promoting compliance with federal, state and local laws intended to regulate tobacco sales and use, discouraging the illegal sales of tobacco and nicotine products to underage persons, and promoting compliance with laws prohibiting the sale of tobacco products to underage persons.
- I. The City Council therefore desires to implement tobacco retailer licensing regulations that promote compliance with state and federal law and reflect the best practices set forth by the CDC and the Tri-County Health Department to reduce youth access to tobacco and prevent underage persons from becoming smokers.

ARTICLE 3 – SAFETY CLAUSE

The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City, 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.

ARTICLE 4 – ADDITION OF NEW ARTICLE V

A new Article V, titled “Tobacco Retailer Licensing,” is hereby added to Chapter 6 of the Lone Tree Municipal Code to read in full as follows:

CHAPTER 6 - Business Licenses and Regulations

ARTICLE V –Tobacco Retailer Licensing

Sec. 6-5-10. Title and Scope.

This Article shall be known and cited as the *Tobacco Retailer Licensing Ordinance*. This Article shall apply to all persons and businesses who sell cigarettes and tobacco products at retail within the City. Tobacco retailers shall be required to obtain a business license in accordance with Article III of Chapter 6 of the Lone Tree Municipal Code in addition to a tobacco retailer license under this Article V.

Sec. 6-5-20. Definitions.

The following definitions shall apply throughout this Article:

Accessory means any product that is intended or reasonably expected to be used with or for the human consumption of a tobacco product; does not contain tobacco and is not made or derived

from tobacco; and meets either of the following: (1) is not intended or reasonably expected to affect or alter the performance, composition, constituents, or characteristics of a tobacco product; or (2) is intended or reasonably expected to affect or maintain the performance, composition, constituents, or characteristics of a tobacco product but (a) solely controls moisture and/or temperature of a stored tobacco product; or (b) solely provides an external heat source to initiate but not maintain combustion of a tobacco product. Accessory includes, but is not limited to, carrying cases, lanyards and holsters.

Cigarette means any product that contains tobacco or nicotine, that is intended to be burned or heated under ordinary conditions of use, and consists of or contains:

- (a) Any roll of tobacco wrapped in paper or in any substance not containing tobacco; or
- (b) Tobacco in any form that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging or labeling, is likely to be offered to, or purchased by consumers as a cigarette; or
- (c) Roll of tobacco wrapped in any substance containing tobacco that, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subparagraph (a) above.
- (d) The term includes all "roll-your-own," i.e., any tobacco that, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes.

Component or part means any software or assembly of materials intended or reasonably expected: (1) to alter or affect the tobacco product's performance, composition, constituents, or characteristics; or (2) to be used with or for the human consumption of a tobacco product or electronic smoking device. Component or part excludes anything that is an accessory, and includes, but is not limited to e-liquids, cartridges, certain batteries, heating coils, programmable software and flavorings for electronic smoking device.

Electronic smoking device means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance, even if marketed as nicotine-free, through inhalation of vapor from the product. Electronic smoking device includes any refill, cartridge or component part of a product, whether or not marketed or sold separately. Electronic smoking device does not include any product that has been approved or certified by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is marketed and sold for such an approved purpose.

Legal sales age means twenty-one (21) years old.

Licensee means the owner or holder of a tobacco retailer license.

License means the tobacco retailer license.

License officer means the City Manager or his or her designee.

Licensed premises means any location where tobacco products and/or tobacco paraphernalia are authorized to be sold or distributed to a consumer including, but not limited to, the grounds occupied by a licensee, and any store, outlet, location, vending machine or structure where tobacco products and/or tobacco paraphernalia are sold, as designated in the approved license application.

Mobile retailer means any tobacco retailer who sells tobacco products and/or tobacco paraphernalia at a mobile or non-fixed location. A mobile retailer includes but is not limited to any person or business who engages in tobacco product retailing on foot or from a vehicle.

School means a public, parochial, or nonpublic school that provides a basic academic education, as defined in and in compliance with school attendance laws, for students in grades one through twelve.

Self-service display means the open display or storage of tobacco products or tobacco paraphernalia in a manner that is physically accessible in any way to the general public without assistance from the licensee or an employee of the licensee through a direct, person-to-person transfer between the recipient and the licensee or an employee of the licensee. A vending machine is a form of self-service display.

Tobacco paraphernalia means any item designed for the consumption, use, or preparation of tobacco products.

Tobacco product means and includes any product that is made or derived from tobacco or that contains nicotine or synthetic nicotine that is intended for human consumption or is likely to be consumed whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means including, but not limited to a cigarette, cigar, pipe tobacco, chewing tobacco, snuff or snus. Tobacco product also means any electronic smoking device, tobacco paraphernalia, and any component or part used in the consumption of a tobacco product(s) such as filters, rolling papers, pipes and liquids used in electronic smoking devices whether or not said product contains nicotine. Tobacco product does not include drugs, devices or combination products authorized for sale as a tobacco cessation product by the United States Food and Drug Administration as the terms are defined in the Federal Food, Drug and Cosmetic Act.

Tobacco retail location or *retail location* means any premises where tobacco products or tobacco paraphernalia are sold or distributed to a consumer including, but not limited to, a hookah bar, lounge or cafe, any grounds occupied by a tobacco retailer, including a mobile retailer, any store, outlet, location, vending machine or structure where tobacco products are sold.

Tobacco retailer means any person who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco or nicotine products, or tobacco paraphernalia. "Tobacco retailing"

shall mean the doing of any of these things. This definition is without regard to the quantity of tobacco products or tobacco paraphernalia sold, offered for sale, exchanged, or offered for exchange.

Tobacco product retailing means the selling, offering for sale, or exchanging for any form of consideration a tobacco product.

Vending machine shall mean any mechanical, electrical, or electronic self-service device which, upon insertion of money, tokens, or any other form of payment, dispenses a product.

Sec. 6-5-30. License requirements and prohibitions.

- (a) It shall be unlawful for any tobacco retailer to sell tobacco products or engage in tobacco product retailing without a valid license obtained from the City pursuant to this Article.
- (b) Except as otherwise provided in this Article V, the requirements and prohibitions of Article 7 of Title 44 of the Colorado Revised Statutes apply to tobacco retailers licensed by the City and are enforceable by the City.
- (c) No license shall be issued to any person who is under the legal sales age.
- (d) No license shall be issued to a mobile retailer. Only tobacco retailers with a fixed business location are eligible for a license.
- (e) Each license shall be prominently displayed in a publicly visible location at the licensed premises.
- (f) No tobacco retailer may sell tobacco products to any person who is under the legal sales age. The legal sales age for purchasing tobacco products shall be displayed in a clearly visible location at the licensed premises.
- (g) Each license is separate and distinct and specific to a designated location. A tobacco retail location may have only one (1) active license at a time. All tobacco retailers must obtain a license for each location where tobacco products are offered for sale and must prominently display the license in a publicly visible location at the license premises.
- (h) No license shall be issued to a location that is within five hundred (500) feet of a school, as determined by the license officer. This restriction shall not apply to a retail location within five hundred (500) feet of a school that existed as of the effective date of this Article. Notwithstanding the foregoing, the distance restriction set forth in this paragraph shall not apply to any public elementary school (grades kindergarten through sixth grade), but it shall apply to any school with students in grades seven (7) and above even if such school also includes elementary age students. The distance between the location of a tobacco retailer and a school is measured from the nearest property line of land used for school purposes to the nearest portion of the tobacco retailer's building

where tobacco or nicotine products will be sold using a route of direct pedestrian access.

Sec. 6-5-40. Operational requirements for licensed premises.

- (a) No employee of the tobacco retailer who is under the age of 18 shall sell, stock, retrieve, or otherwise handle tobacco products or tobacco paraphernalia.
- (b) Licensees are prohibited from making tobacco products available through self-service displays, including vending machines, at the licensed premises. Licensees shall stock and display all tobacco products in a manner so as to make all such products inaccessible to customers without the assistance of a retail clerk, thereby requiring a direct face-to-face exchange of the tobacco products from an employee of the business to the customer and requiring all tobacco products to be in the control of the licensee or licensee's employees who are 18 or older until the customer's age has been verified and the customer has purchased the tobacco products.
- (c) No licensee or employee of the licensee shall sell tobacco products without first examining the purchaser's government-issued identification to confirm the purchaser is not under the legal sales age.

Sec. 6-5-50. License application requirements.

- (a) All applicants for a license shall file a completed application for such license with the City Clerk on forms provided and approved by the City. The City Clerk may allow an applicant seeking to license multiple locations to use one application form.
- (b) The completed application shall be accompanied by payment in full of all applicable fees and shall contain the following information:
 - (1) If the applicant is:
 - (A) An individual, the individual shall state his or her legal name and any aliases and submit satisfactory proof that he or she is the legal sales age or older.
 - (B) A business entity, the applicant shall:
 - 1. State the entity's complete name; and
 - 2. State the names of all its partners, managers, or officers and directors, as applicable;
 - 3. Whether the business entity is in good standing under the statutes of Colorado or is authorized to do business in Colorado;

4. Submit satisfactory proof that each partner, manager, officer or director, as applicable, is the legal sales age or older; and
 5. Submit the name of any registered agent and the agent's address for service of process.
- (2) State whether the applicant or any other individual listed pursuant to Subsection (1) above has had a previous license under this Article or from another jurisdiction denied, suspended, revoked or declared a public nuisance, including the name and location of the tobacco retailer for which the license was denied, suspended, revoked or declared a public nuisance, as well as the date of the denial, suspension, revocation or declaration as a public nuisance.
 - (3) Additionally, state whether the applicant or any other individual listed pursuant to Subsection (1) above has been a partner in a partnership, officer or director of a corporation or manager of a limited liability company of a tobacco retailer whose license has previously been denied, suspended, revoked or declared a public nuisance, including the name and location of the tobacco retailer for which the license was denied, suspended, revoked or declared a public nuisance, as well as the date of the denial, suspension, revocation or declaration as a public nuisance.
 - (4) State whether the applicant or any other individual listed pursuant to Subsection (1) above holds any other licenses under this Article or other similar tobacco retailer regulation from another jurisdiction and, if so, the names and locations of such other permitted businesses.
 - (5) State the location of the proposed tobacco retailer, including a legal description of the property, street address and telephone number, if any.
 - (6) Provide proof of the applicant's right to possession of the premises wherein the tobacco retailer will be located.
 - (7) State the applicant's mailing address, e-mail address if available, and residential address.
 - (8) State the applicant's social security number or federally issued tax identification number.
 - (9) Provide a verified affidavit of the applicant that the proposed tobacco retailer and its location comply with and conform to all requirements of this Article.

Sec. 6-5-60. License issuance.

- (a) Upon receipt of a completed application that meets all requirements of Section 6-5-50 of this Article, the license officer shall review and begin processing a license

application within thirty (30) days. Such review period may be extended for good cause, including but not limited to a request by the license officer for more information from the applicant. The license officer may approve an application only if it meets all of the following criteria:

- (1) The information presented is complete, accurate and true;
 - (2) The applicant seeks authorization for a license at a location authorized by this Article;
 - (3) The applicant seeks a license for a location that is appropriately zoned for the proposed use;
 - (4) The applicant did not have a license, issued pursuant to this Article or a similar license issued in another jurisdiction, revoked in the last year;
 - (5) The applicant is qualified to hold a license issued pursuant to the requirements of this Article;
 - (6) The applicant or location proposed to be licensed is in compliance with all applicable local, state, or federal laws;
 - (7) The applicant is not indebted to or obligated in any manner to the City for unpaid taxes, liens or other monies; and
 - (8) The applicant has paid all applicable fees in full.
- (b) The license officer shall deny an application that fails to meet any one or more of the criteria set forth in this Section. The license officer or his or her designee may attempt to work with the applicant to ensure that all of the above criteria are met before issuing a denial.
- (c) If the license officer denies an application for a license, the license officer shall notify the applicant in writing either by mail or, if an e-mail address is provided by applicant, electronic mail to the appropriate address listed on the application. The written notice shall set forth the reason for denial. Notice shall be deemed to have been given upon mailing.
- (d) When issuing a license, the license officer may impose reasonable conditions upon issuance of the license to ensure that the requirements of this Article are met.
- (e) It is the responsibility of each applicant or licensee to be informed regarding all laws applicable to tobacco product retailing, including those laws affecting the issuance of said license. No applicant or licensee may rely on the issuance of a license as a determination by the City that the applicant or licensee has complied with all applicable tobacco product retailing laws.

Sec. 6-5-70. License fee, term, renewal, expiration and transferability.

- (a) The application fee, renewal fee, and any other fees for the issuance of a license or license renewal pursuant to this Article shall be set and may be changed from time to time by resolution of the City Council and shall be included in the City's fee schedule. The fees shall be calculated to recover the direct and indirect costs of administration and enforcement of this Article, including but not limited to license issuance, retailer education and training, inspections, compliance checks, community outreach and education, and prosecution of violations. Such fees shall be separately accounted for and used to defray the costs of the local licensing program. Fees are nonrefundable except as may be required by law.
- (b) All licenses issued pursuant to this Article shall be valid for no longer than one (1) year. The term of each license shall be from the date of issuance until December 31st of the year issued.
- (c) A licensee may renew a license by submitting a renewal application on forms issued and approved by the City and paying the renewal fee by the December 1st prior to the expiration date of the license. If December 1st falls on a weekend or other non-business day of the City, renewals may be timely submitted the following business day.
- (d) The license officer shall not renew a license if the licensee does not meet the requirements of this Article or any other applicable law, ordinance or regulation at the time of renewal.
- (e) A license that is not timely renewed shall expire at the end of its term. If a licensee submits an application for renewal after December 1 and no later than December 31, then the City will process the renewal application upon the payment of a late fee. Such late fee shall be set by resolution of the City Council and included in the City's fee schedule. The failure to submit a complete renewal application by December 31 requires licensee to submit a new application for a license. No licensee shall sell any tobacco products or tobacco paraphernalia after the license expiration date unless and until a new license is issued pursuant to the requirements of this Article. Notwithstanding the foregoing, if a licensee submits a renewal application on or before December 31, the City shall extend the expiration date of licensee's current license until the City approves or denies the licensee's renewal application.
- (f) Licenses are non-transferable and cannot be transferred from one person, entity or location to another. When a license has been issued to a husband and wife or to general or limited partners, the death of a spouse or partner shall not require the surviving spouse or partner to obtain a new license for the remainder of the term of that license. All rights and privileges granted under the original license shall continue in full force and effect as to such survivors for the balance of the term of the license.

Sec. 6-5-80. Compliance monitoring

- (a) The City shall monitor compliance with this Article through the Lone Tree Police Department or other authorized enforcement officer, and may inspect any tobacco retailer for compliance with this Article and any other applicable laws.
- (b) The City shall have discretion to consider previous compliance check history and prior violations of a licensee in determining how frequently to conduct compliance checks of the licensee.

Sec. 6-5-90. Suspension or revocation of license.

- (a) The City shall commence any suspension or revocation proceeding by setting a public hearing on the issue before the license officer.
- (b) In addition to any grounds for suspension or revocation of a license set forth in Article III of this Chapter, the following shall be grounds for suspension or revocation of a license under this Article:
 - (1) A violation by licensee or licensee's officers, agents or employees of any provisions of this Article or any local, state, or federal laws relating to the sale of tobacco products;
 - (2) Violations of any conditions imposed by the license officer or City Council in connection with the issuance or renewal of a license;
 - (3) Failure to pay any state or local taxes related to the operation of the business associated with the license;
 - (4) Licensee's loss of the right to possession of the licensed premises; or
 - (5) The City discovers that any statement contained in the original or renewal application for the license was fraudulent, false, or a misrepresentation of a material fact.
- (c) Any licensee whose license is suspended or revoked shall not be entitled to any refund of license fees paid by the licensee.
- (d) A tobacco retailer whose license has been suspended or revoked shall not display:
 - (1) Tobacco products or tobacco paraphernalia in public view during the timeframe in which the license is suspended or revoked; and
 - (2) Advertisements relating to tobacco products or tobacco paraphernalia that promote the sale or distribution of such products from the location that could lead a reasonable person to believe that such products can be obtained from that location.

Sec. 6-5-100. Appeals.

- (a) An applicant or licensee may appeal a denial of his or her license application or renewal application or a suspension or revocation of a license to the Hearing Officer, established and appointed by resolution of City Council under Article I of Chapter 6 of the Lone Tree Municipal Code, and shall be entitled to a hearing before the Hearing Officer. The appeal shall be made in writing, stating the grounds for appeal, within five (5) working days of the date of the decision to deny.
- (b) The Hearing Officer shall have the power to administer oaths, issue subpoenas and, when necessary, grant continuances. Subpoenas may be issued to require the presence of persons and production of papers, books and records necessary for the determination of any hearing that the license officer conducts. It is unlawful for any person to fail to comply with any subpoena issued by the Hearing Officer. A subpoena shall be served in the same manner as a subpoena issued by the Municipal Court.
- (c) All hearings held before the Hearing Officer regarding denial of a license shall be recorded by electronic recording device. Any person requesting a transcript of such record shall post a deposit in the amount required by the City and shall pay all costs of preparing such record.
- (d) At the hearing, the Hearing Officer shall hear such statements and consider such evidence as is offered that is relevant to the grounds alleged for denial, suspension or revocation. The Hearing Officer shall make findings of fact from the statements and evidence offered as to whether such grounds exist. If the Hearing Officer determines by a preponderance of the evidence that cause for denial, suspension or revocation exists, the Hearing Officer shall issue a written order affirming the denial, suspension or revocation of the license within ten (10) days after the hearing is concluded, based on the findings of fact. If the Hearing Officer determines that cause for a denial, suspension or revocation does not exist, the Hearing Officer shall issue a written order within ten (10) business days of the hearing date directing the denial, suspension or revocation to be reversed and the license issued or reinstated. A copy of the order shall be mailed or, if an appellant's e-mail address has been provided to the City, sent by electronic mail to the applicant or licensee at the applicable address on the license or application.
- (e) The order of the Hearing Officer made pursuant to subsection (d) of this Section affirming the denial of an application or suspension or revocation of a license above shall be a final decision and may be appealed to the District Court in accordance with Rule 106(a)(4) of the Colorado Rules of Civil Procedure. Failure to appeal said order within ten (10) business days of the date of the order constitutes a waiver by the applicant or licensee of any right he or she may otherwise have to contest the denial of the license.

Sec. 6-5-110. Violations, penalties, and fines.

- (a) In addition to any other penalty authorized by law, and if the license officer determines based on a preponderance of the evidence presented at a properly noticed public hearing for the suspension or revocation of a license, that the licensee, or any of the licensee's agents or employees, has violated any of the requirements, conditions, or prohibitions of this Article, or has pleaded guilty, "no contest" or its equivalent, or admitted to a violation of any law relating to the sale of tobacco to underage persons including but not limited to C.R.S. §§ 18-13-121 and 44-7-103, the City Council may consider the following non-binding guidelines in determining the sanctions to be imposed upon a licensee as follows:
- (1) One violation within thirty-six (36) months: a fine of five hundred dollars (\$500) or the suspension of the license for up to seven (7) days or both.
 - (2) Two violations within thirty-six (36) months: a fine of one thousand dollars (\$1000) or the suspension of the license for up to thirty (30) days or both.
 - (3) Three (3) violations within thirty-six (36) months: a fine of one thousand five hundred dollars (\$1500) or the revocation of the license for up to one (1) year or both.
- (b) The actual sanction imposed upon a licensee for any violation may vary from the above-stated guidelines when warranted by the specific facts and circumstances of the case.
- (c) It shall be unlawful for any tobacco retailer to sell a tobacco product or tobacco paraphernalia with a suspended or revoked license.
- (d) Causing, permitting, aiding, abetting, or concealing a violation of any provision of this Article shall cause the offender to be subject to the penalties set forth in this Article or in the general penalties section of this Code, as appropriate.
- (e) A licensee found to be in violation of this Article by a court of competent jurisdiction shall pay the City's attorney fees in bringing any legal action to enforce this Article.
- (f) Any violation of this Article shall constitute a nuisance subject to the abatement provisions of Chapter 7 of the Lone Tree Municipal Code.
- (g) The remedies provided by this Article are cumulative and in addition to any other remedies available at law or in equity. In addition to the remedies provided by this Article or by other law, any violation of this Article may be remedied by a civil action brought by the City Attorney, including but not limited to an action for injunctive relief, in a court of competent jurisdiction.

Sec. 6-5-120. No rights in license.

Every license issued under this Article confers only a limited and conditional privilege subject to the requirements, conditions, limitations and qualifications of this Article. The license does not confer a property right of any kind. The license and privilege created by the license may

be further regulated, limited or completely extinguished at the discretion of City Council or the electorate of the City without any compensation to the licensee. Nothing contained in this Article grants to any licensee any vested right to continue operating under the provisions of this Article as they existed at the time the license was approved or issued, and every license shall be subject to any ordinance or prohibition adopted after the license was approved or issued.

Sec. 6-5-130. Effective date.

This Article shall become effective as of June 1, 2021 and shall be subject to enforcement on and after that date.

ARTICLE 5 – SEVERABILITY

If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance which can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

ARTICLE 6 – CAUSES OF ACTION RETAINED

Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

ARTICLE 7 – DIRECTION TO STAFF

City Council hereby determines that all tobacco retailer licenses issued pursuant to this *Tobacco Retailer Licensing Ordinance* in 2021 shall expire on December 31, 2022. Thereafter, licenses shall conform to the annual term and renewal schedule set forth in this Ordinance. City Council further directs staff to take the actions necessary to implement and administer tobacco retailer licenses consistently with this determination.

ARTICLE 8 - EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days following publication after the first reading if no changes are made on second reading, or twenty (20) days after publication following second reading if changes are made upon second reading.

INTRODUCED, READ AND ORDERED PUBLISHED ON MARCH 2, 2021.

**PUBLISHED IN THE DOUGLAS COUNTY NEWS PRESS ON MARCH 11, 2021
(LEGAL NOTICE NO. 938877); AND MARCH 25, 2021; LEGAL NOTICE NO.938921.**

**APPROVED AND ADOPTED ON SECOND READING ON MARCH 16, 2021, TO
BECOME EFFECTIVE ON APRIL 14, 2021.**

CITY OF LONE TREE:

By: 
Jacqueline A. Millet, Mayor



ATTEST:


Jay Robb, City Clerk