

Town of New Castle, Colorado  
Ordinance No. TC 2021-5

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL  
AMENDING CHAPTER 5.32 OF THE MUNICIPAL CODE  
CONCERNING TOBACCO RETAILER LICENSES

**WHEREAS**, the Town of New Castle (“Town”) is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

**WHEREAS**, the Town Council (“Council”) has exercised these powers by the adoption of Chapter 5.32 of the New Castle Municipal Code concerning tobacco retailer licenses; and

**WHEREAS**, pursuant to that chapter and the provisions in CRS 44-7-101 *et seq.*, the Town may issue tobacco retailer licenses; and

**WHEREAS**, pursuant to CRS 44-7-104.7(1)(a), no new tobacco retail location may be located within five hundred feet of a school; and

**WHEREAS**, pursuant to CRS 44-7-104.7(1)(d)(II), Council is authorized to adopt shorter distance restrictions for tobacco retailers; and

**WHEREAS**, Council wishes to reduce the five-hundred-foot distance requirement in CRS 44-7-104.7(1)(a) for retail locations within the Town at which cigarettes, tobacco products, or nicotine products are sold.

**NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:**

**Section 1. Recitals.** The foregoing recitals are incorporated herein as findings of the New Castle Town Council.

**Section 2. Amendment.** Section 5.32.040(B) of the New Castle Municipal Code is amended to read as follows, with added language in **bold** and **underlined**:

5.32.040

...

B. Tobacco retailers shall comply with all other state and federal statutes and regulations regarding the sale of cigarettes, tobacco products, and/or nicotine products, including nicotine delivery products, now existing or hereafter amended or enacted; **provided, however, that the school distance requirement set forth in C.R.S. § 44-7-104.7(1)(a) is reduced from five hundred feet to twenty feet.**

**Section 3. Severability, Conflicting Ordinances Repealed.** If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 4. Effective Date.** This Ordinance shall take effect fourteen (14) days after final publication in accordance with Section 4.3(H) of the New Castle Home Rule Charter.

INTRODUCED on August 3, 2021, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado, on August 17, 2021, read by title and number, passed with amendment as set forth herein, approved, and ordered published as required by the Charter.



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Mayor Art Riddile

ATTEST:

  
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Town Clerk Melody Harrison, CMC

