

ORDINANCE NO. 1294

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF FORT MORGAN, COLORADO, AMENDING SECTION 10-4-10 TITLED “DEFINITIONS” IN THE FORT MORGAN MUNICIPAL CODE

WHEREAS, the City of Fort Morgan, Colorado (the “City”) has been duly organized and is validly existing as a home rule city under Article XX, Section 6 of the Colorado Constitution and the City Charter;

WHEREAS, pursuant to C.R.S. § 31-15-401, the City possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety, and welfare;

WHEREAS, the Fort Morgan City Council (the “Council”) recognizes the value of having clear regulations and standards to inform residents as to what is against the City Code (the “Code”);

WHEREAS, from time to time, advances in technology and changing community standards create the need for laws to change to properly address those changes;

WHEREAS, it has recently come to the Fort Morgan Police Department’s attention that the Code may not adequately address all substance use by minors within the City;

WHEREAS, the Council finds it desirable and appropriate, and in the best interest of the general health, safety, and welfare of its residents, to amend Section 10-4-10 of the Code by amending the definition of tobacco products as it relates to electronic smoking devices.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO, AS FOLLOWS:

Section 1. The foregoing recitals are hereby incorporated as conclusions, facts, determinations, and findings by the City Council.

Section 2. Section 10-4-10, titled “Definitions,” is hereby amended to read as follows:

Sec. 10-4-10. - Definitions.

As used in this Chapter, the following terms shall have the meanings set forth herein:

...

Tobacco product means:

- a. Cigarettes, cigars, cheroots, stogies, periques, plug cut, crimp cut, ready rubbed and other smoking tobacco, snug, snuff flour, Cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or for smoking in a pipe or otherwise, or both for chewing and smoking; or
- b. Any product that contains nicotine or tobacco or is derived from tobacco and is intended to be ingested, inhaled, smoked, placed in the oral or nasal cavities or applied to the skin of an individual, including but not limited to cigarettes, cigars, cigarillos, kreteks, bidis, hookah and pipes; granulated plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff and snuff flour, snus, plug and twist, fine-cut and other chewing or dipping tobacco; shorts, refuse scraps, clippings, cuttings and sweepings of tobacco; and any other kinds and forms of tobacco, prepared in such manner as to be suitable for both chewing or for smoking in a cigarette, pipe or otherwise, or both for chewing and smoking. *Tobacco product* also includes cloves and any other plant matter or product that is packaged for smoking; or
- c. Any electronic smoking device or any component thereof that can be used to deliver nicotine or any other substance intended for human consumption and that can be used by a person to enable the inhalation of vapor or aerosol from the product to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo, hookah, hookah pin, pipe or nicotine vaporizer; and nicotine or other chemical liquids, extracts and oils intended to be used therein, but does not include a humidifier or similar device that emits only water vapor; or an inhaler, nebulizer, or vaporizer that is approved by the federal Food and Drug Administration for the delivery of medication.

...

Section 3. Severability. The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

INTRODUCED, READ, AND ADOPTED on first reading and ordered published on the 6th day of ~~February~~, 2024.



THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO



Kevin Lindell, Mayor

ATTEST:



John Brennan, City Clerk

PASSED, APPROVED, AND ADOPTED ON THE SECOND AND FINAL READING AND ORDERED PUBLISHED THIS 20th DAY OF February, 2024.



THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO



Kevin V. Lindell, Mayor

ATTEST:



John Brennan, City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN)ss.
CITY OF FORT MORGAN)

CERTIFICATE

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing Ordinance No. 1294 was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 6th day of February, 2024. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 10th day of February, 2024, published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed ordinance was again taken up and read a second time, duly and legally, passed, approved and adopted at a regular meeting of the City Council held on the 20th day of February, 2024. Within five (5) days after its final passage, said Ordinance No. 1294 was published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.



John Brennan, City Clerk