

**ORDINANCE NO. 20
SERIES 2020**

**AN ORDINANCE AMENDING CHAPTER 4 OF TITLE 5 OF THE VAIL
TOWN CODE TO INCREASE THE AGE TO PURCHASE, POSSESS,
CONSUME OR USE A TOBACCO OR NICOTINE PRODUCT**

WHEREAS, in 2020, the Colorado General Assembly enacted House Bill 20-1001, which increases the age to purchase, possess, consume, or use tobacco or nicotine products from 18 years to 21 years; and

WHEREAS, the Town is required to similarly increase the age to purchase, possess, consume, or use tobacco or nicotine products in Town.

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

Section 1. The definition of "Minor" in Section 5-4-1 of the Vail Town Code is hereby amended as follows:

5-4-1 DEFINITIONS.

MINOR: A person under ~~eighteen (18)~~ *twenty-one (21)* years of age.

Section 2. Section 5-4-5 of the Vail Town Code is hereby amended as follows:

5-4-5 MINORS.

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E. It is an affirmative defense to a prosecution under this Section that the person furnishing the tobacco product or nicotine product was presented with and reasonably relied upon a document which identified the minor receiving the tobacco product or nicotine product as being ~~eighteen (18)~~ *twenty-one (21)* years of age or older.

Section 3. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Town Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. The amendment of any provision of the Vail Town Code in this ordinance shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision amended.

The amendment of any provision hereby shall not revive any provision or ordinance previously repealed or superseded unless expressly stated herein.

Section 5. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL ON FIRST READING this 17th day of November, 2020 and a public hearing for second reading of this Ordinance is set for the 1st day of December, 2020, in the Council Chambers of the Vail Municipal Building, Vail, Colorado.

Dave Chapin, Mayor

ATTEST:

Tammy Nagel, Town Clerk

READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED this 1st day of December, 2020.

Dave Chapin, Mayor

ATTEST:

Tammy Nagel, Town Clerk