

FIRST READING: August 10, 2021

SECOND READING: September 14, 2021

ORDINANCE NO. 6503

AN ORDINANCE AMENDING SECTION 5.45.030(3)(d) OF THE LOVELAND MUNICIPAL CODE TO ALIGN THE CITY'S GRANDFATHERING DATE CALCULATION WITH THE STATE OF COLORADO'S GRANDFATHERING DATE CALCULATION

WHEREAS, the City of Loveland adopted, on second reading, Ordinance No. 6443 (G) on April 20, 2021 creating Loveland Municipal Code ("LMC") Chapter 5.45 concerning the licensure of tobacco product retailers and the sale of tobacco products; and

WHEREAS, the City's Ordinance No. 6443 (G), adopted on second reading April 20, 2021, contained a provision located within LMC Section 5.45.030(3)(d) that permits tobacco product retailers located within five hundred (500) feet of youth populated areas, generally schools and other areas where individuals under the age of twenty-one would congregate, to continue selling tobacco products so long as tobacco products were sold, at the relevant location, prior to April 20, 2020; and

WHEREAS, the City Council's adoption of Ordinance No. 6443 (G), as presented and requested by the Council, contained a grandfathering date calculation that was approximately two (2) months earlier than the grandfathering date chosen by the Colorado General Assembly in HB20-1001; and

WHEREAS, the state of Colorado's codified grandfathering date is July 14, 2020 subject to some measure of interpretation by the Colorado Department of Revenue consistent with Colorado Code of Regulation Rule 7-100(L), promulgated pursuant to C.R.S. § 44-7-104; and

WHEREAS, the City now desires that both the City and the state of Colorado develop equity in the application of the grandfathering date calculation such that local tobacco product retailers in the City experience consistency between the state and local government licensing authorities; and

WHEREAS, the City Council hereby determines that the adoption of this ordinance is in the best interests of the residents of Loveland to preserve and promote the health, safety, and welfare of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That Section 5.45.030(3)(d) of the Loveland Municipal Code, be amended to read as follows:

5.45.030 License requirements and prohibitions.

3) Other Prohibitions.

- d) No Licenses shall be issued for locations within 500 feet from schools or Youth Populated Areas, as measured by the shortest line from the nearest point of the property line of the parcel on which the school or youth populated area is located to the nearest point of the property line of the parcel on which the Tobacco Product Retailer is located. This restriction shall not apply to a Tobacco Product Retailer within 500 feet from a school or Youth Populated Area if it can demonstrate it has been selling Tobacco Products in that location for at least one year before the date this section was first enacted into law or the state of Colorado would otherwise grant a Tobacco Retail License concerning grandfathering.

Section 2. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof.

Section 3. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

ADOPTED this 14th day of September, 2021.

CITY OF LOVELAND, COLORADO:

Jacki Marsh, Mayor

ATTEST:

Delynn Coldiron, City Clerk



Ordinance 6503

I, Delynn Coldiron, City Clerk of the City of Loveland, Colorado, hereby certify that the above and foregoing Ordinance was introduced at a regular (or special) meeting of the City Council, held on August 10, 2021 and was initially published in the Loveland Daily Reporter-Herald, a newspaper published within the city limits, in full on August 11, 2021 and by title except for parts thereof which were amended after such initial publication which parts were published in full in said newspaper on September 18, 2021.

Delynn Coldiron, City Clerk

Effective Date: September 28, 2021