


**NORTHGLENN POLICE DEPARTMENT  
COUNCIL MEMORANDUM #2014-06**

**TO:** Honorable Mayor Joyce Downing and City Council Members

**FROM:** John R. Pick, City Manager  
James S. May, Jr., Chief of Police 

**DATE:** June 23, 2014

**SUBJECT: CB-1833-Request to Change Municipal Ordinance to include Electric Cigarettes and Nicotine**

**RECOMMENDATION:**

Staff recommends council approval for a change to the Northglenn Municipal Ordinance to include electric cigarettes in the definition of tobacco products as it relates to the sale of tobacco or Nicotine to juveniles or the unlawful possession or consumption of tobacco or nicotine products by juveniles.

At the June 16<sup>th</sup> study session council recommended adding nicotine to the title section of the ordinance and adding a defense to the violation, if the juvenile had a valid dispensed prescription for nicotine.

**BACKGROUND:**

An electronic cigarette (e-cig or e-cigarette), personal vaporizer (PV) or electronic nicotine delivery system (ENDS) is a battery-powered vaporizer which simulates tobacco smoking by producing an aerosol, commonly although incorrectly called vapor that resembles smoke. It generally uses a heating element known as an atomizer, that vaporizes a liquid solution known as e-liquid. E-liquids usually contain a mixture of propylene glycol, vegetable glycerin, and nicotine.

The Police Department has noticed an increase of juveniles in possession of these devices. Officer Berens who is a School Resource Officer at Northglenn Middle had an incident with a student smoking the e-cigarette at school and was going to charge him however, after reading the ordinance he felt our current municipal ordinance does not address the e-cigarettes and nicotine. Officer Berens brought this to my attention and I also felt it did not meet our current ordinance. Corey Hoffman Northglenn City Attorney was notified and asked to take a look at the ordinance, he agreed that it did not fit and prepared the attached changes to the Municipal Ordinance.

**BUDGET IMPLICATIONS:**

No budget implication

**STAFF REFERENCE:**

If Council members have any comments or questions they may contact Chief James S. May, Jr. at (303) 450-8967 or [jmay@northglenn.org](mailto:jmay@northglenn.org).

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1833  
Series of 2014

\_\_\_\_\_  
Series of 2014

A BILL FOR AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE NORTHGLENN MUNICIPAL CODE TO INCLUDE ELECTRONIC CIGARETTES AND NICOTINE PRODUCTS IN THE DEFINITION OF TOBACCO PRODUCTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Section 9-8-1(m) of the Northglenn Municipal Code is amended to read as follows:

(m) "Tobacco OR NICOTINE Products" -- means PRODUCTS THAT CONTAIN TOBACCO OR NICOTINE OR ARE MADE OR DERIVED FROM TOBACCO, PREPARED IN SUCH A MANNER TO BE SUITABLE FOR ANY MANNER OF CONSUMPTION OR ABSORPTION INTO A PERSON'S BODY, AND ELECTRONIC DEVICES THAT CAN BE USED TO DELIVER NICOTINE OR TOBACCO TO THE PERSON USING THE DEVICE, INCLUDING BUT NOT LIMITED TO cigarettes, cigars, ELECTRONIC CIGARETTES, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco, snuff, 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.~~

Section 2. Section 9-8-9 of the Northglenn Municipal Code is amended to read as follows:

**Section 9-8-9.** Sale of Tobacco OR NICOTINE Products to Children.

It shall be unlawful for any person, individual, association, partnership, corporation or any other entity to sell any tobacco OR NICOTINE product, including but not limited to cigars, cigarettes, ELECTRONIC CIGARETTES, pipe tobacco, chewing tobacco, snuff or smokeless tobacco or any child.

Section 3. Section 9-8-11 of the Northglenn Municipal Code is amended to read as follows:

**Section 9-8-11.** Unlawful Possession or Consumption of Tobacco OR NICOTINE Products by Juveniles.

(a) It shall be unlawful for any juvenile to possess, consume or use, either by burning, ingesting, absorbing or chewing, any tobacco OR NICOTINE products within the City of Northglenn.

(b) Prima facie evidence of a violation of this Section shall consist of:

- (1) Evidence that the defendant was under the age of 18 years at the time of the offense;
- (2) Evidence that the defendant possessed tobacco OR NICOTINE products within the City of Northglenn;
- (3) Evidence that the defendant was in the possession or control of any package or container, when the label affixed thereto identified said package or container as containing a tobacco OR NICOTINE product.

(c) IT SHALL BE A DEFENSE TO A VIOLATION OF THIS SECTION IF THE NICOTINE PRODUCT IS POSSESSED BY THE JUVENILE PURSUANT TO A VALIDLY DISPENSED PRESCRIPTION FOR THE NICOTINE PRODUCT IN THE JUVENILE'S NAME.

(d) Any juvenile who is convicted of or enters a plea of guilty or no contest to a violation under this Section shall be fined not more than \$499.00 per offense, or shall be sentenced to perform useful community service, or shall be both fined and ordered to perform useful community service.

INTRODUCED, READ AND ORDERED POSTED this \_\_\_\_ day of \_\_\_\_\_, 2014.

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JOYCE DOWNING  
Mayor

ATTEST:

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JOHANNA SMALL, CMC  
City Clerk

PASSED ON SECOND AND FINAL READING this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
JOYCE DOWNING  
Mayor

ATTEST:

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JOHANNA SMALL, CMC  
City Clerk

APPROVED AS TO FORM:

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COREY Y. HOFFMANN  
City Attorney