

**CITY OF GREELEY, COLORADO  
ORDINANCE NO. 71, 2007**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREELEY  
CREATING A NEW CHAPTER 9.50 PROHIBITING THE COMMERCIAL NON-SALE  
DISTRIBUTION OF TOBACCO PRODUCTS.**

**LEGISLATIVE INTENT:**

WHEREAS, the purpose of this Chapter is to prohibit the free or commercial non-sale distribution of any and all forms of free tobacco products in the furtherance of the goals of promotion of health, safety and welfare of the residents of the City of Greeley; and

WHEREAS, tobacco companies and affiliates distribute free commercial product samples for the purpose of attracting new tobacco users; and

WHEREAS, the City Council of the City of Greeley finds that such tobacco product promotions encourage tobacco use by vulnerable populations and can contribute to adverse health consequences among all populations; and

WHEREAS, tobacco related illnesses are the nation's leading cause of preventable deaths and chronic disease; and

WHEREAS, there is no safe level or form of tobacco use; and

WHEREAS, tobacco is highly carcinogenic and addictive with over 4,000 poisonous components; and

WHEREAS, the Centers for Disease Control recommends policies against easy access to tobacco products to thwart the problem of tobacco; and

WHEREAS, tobacco companies and affiliates distribute samples free and/or without cost for the purpose of attracting new tobacco users; and

WHEREAS, tobacco use is harmful to the individual and also to the community with significant social and economic costs; and

WHEREAS, free tobacco samples not only encourage tobacco use but also provide a means to distribute tobacco products to youth in violation of applicable laws and can be used as a tool for other unfair business competition; and

WHEREAS, the City Council of the City of Greeley hereby finds that this ordinance pertains to and is in furtherance of the health, safety, and welfare of the residents of the city of Greeley and the furtherance of fair economic competition.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, CO:

Section 1, A new Chapter 9.50 Prohibiting the Commercial Distribution of Free Tobacco Products is hereby created to read as follows:

#### CHAPTER 9.50

#### PROHIBITION OF COMMERCIAL DISTRIBUTION OF FREE CIGARETTES AND TOBACCO PRODUCTS.

##### 9.50.10 DEFINITIONS:

The following words, terms and phrases when used in this chapter, shall have the following meanings ascribed to them in interpreting this Chapter:

- (a) "Cigarette" means: (1) any roll of tobacco wrapped in paper or in any substance not containing tobacco; and (2) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is intended to be offered to, or purchased by consumers as a cigarette.
- (b) "Commercial" means business or enterprise for profit.
- (c) "Coupon" means anything that can be exchanged for or used to acquire a free cigarette or tobacco product, such as a printed piece of paper, voucher, ticket, rebate, rebated offer, check, credit, token, code, password, or anything labeled "coupon" or "coupon offer."
- (d) "Non-Sale Commercial Distribution" means the commercial distribution of cigarettes, tobacco products or tobacco coupons by any tobacco manufacturer, wholesaler or retailer or any person, agent or employee representing tobacco manufacturers, wholesalers or retailers without cost or expense to the recipient.
- (e) "Person" means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee or any other business entity.
- (f) "Public Place: means any place within the jurisdictional limits of the City publicly or privately owned, that is open to the public regardless of any fee or age requirement, including, but not limited to, bars, restaurants, clubs, stores, stadiums, parks, playgrounds, sidewalks, taxis, and buses; and means any place used by a membership association or club at which non-member guest are present or permitted, including, for example, fraternity and sorority houses.

- (g) “Tobacco Product” means:
- (1) any substance containing tobacco leaf, including but not limited to cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, snus, or any other preparation of tobacco other than a cigarette; and product or formulation of matter containing biologically active nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body other than:
    - (i) a cigarette; or
    - (ii) any product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco product dependence;
  - (2) any product that is promoted to be smoked or used as tobacco including, but not limited to, herbal shisha for hookah pipes.

#### 9.50.20 PROHIBITION OF COMMERCIAL NONSALE DISTRIBUTION OF CIGARETTES AND TOBACCO PRODUCTS.

- (a) No person including, but not limited to, tobacco manufacturers, wholesalers, retailers or any agent or employee representing said manufacturer, wholesaler, or retailer shall engage in the non-sale commercial distribution of any cigarette, tobacco product or coupon.
- (b) No person shall permit the Commercial Non-Sale Distribution of any cigarette, tobacco product, or coupon:
  - (1) any where in any public place under the legal control of the person; or
  - (2) through any agent or employee of the person.

#### 9.50.30 ENFORCEMENT.

- (a) The City Manager or the City Manager’s designee shall be responsible for enforcing this Chapter. Any City police officer or City code enforcement official may enforce this chapter.
- (b) Violations of this chapter shall be prosecuted under the procedures provided in Chapter 1.33 Code Infractions.

Section 2. This ordinance shall become effective thirty (30) days following its final publication, as provided by the Greeley City Charter.

**PASSED AND ADOPTED, SIGNED AND APPROVED** this 4th day of  
December, 2007.

**ATTEST:**

**THE CITY OF GREELEY,  
COLORADO**

*Betsy A. Holder*  
\_\_\_\_\_  
City Clerk

By: *[Signature]*  
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Mayor