



Keystone Town Council Work Session Agenda

The Keystone Town Council will have a Work Session on February 25, 2025, at 4:00 p.m. at 1628 Sts. John Rd, Keystone, CO 80435.

The Town of Keystone conducts hybrid meetings. This meeting will be held in person at Keystone Town Hall and will also be broadcast live over Teams. [Join the live broadcast available by computer here.](#) If you will need special assistance in order to attend any of the Town's public meetings, please notify the Town Clerk's Office at (970) 450-3500x1 via phone, or clerk@keystoneco.gov via e-mail, at least 72 hours in advance of the meeting.

- I. CALL TO ORDER, ROLL CALL**
- II. PUBLIC COMMENT PERIOD**
- III. DISCUSSION OF TOWN FINANCIALS**
- IV. DISCUSSION OF NICOTINE FLAVOR BAN ORDINANCE**
- V. DISCUSSION OF MOUNTAIN TOWNS 2030 CONFERENCE**
- VI. DISCUSSION OF BRIGHTWOOD PROJECT SIDEWALK**
- VII. DISCUSSION OF GENERAL NUISANCE ORDINANCE PROVISIONS**
- VIII. DISCUSSION OF MANAGER/COUNCIL ISSUES**
- IX. ADJOURNMENT**

	F	G	H	I	J	K	L	M	
1	Town of Keystone								
2	Statement of Financial Position							Printed: 2/20/25	
3	As of Date Indicated								
4								<i>Preliminary - Subject to Change</i>	
5									
6	December 31, 2024								
7		General	Capital	Housing	Conserv	All Funds			
8		Fund	Fund	Fund	Trust Fund	Combined			
9	ASSETS								
9	Investment Acct - Colotrust	1,206,184		495,089	0	1,701,273			
17	Operating - FirstBank	172,888				172,888			
23									
24	Total Cash in Bank	1,379,072	0	495,089	0	1,874,161			
25									
26	Sales Tax Receivable	660,190				660,190			
27	Other Tax Receivable	2,227				2,227			
28	Accounts Receivable	0	0	0	0	0			
33	Interfund & Other Receivables	25				25			
34	Prepaid Expenses	5,467				5,467			
35	Office Space Security Deposit	4,900				4,900			
36									
37	TOTAL ASSETS	2,051,880	0	495,089	0	2,546,969			
38									
39	LIABILITIES, DEFERRED INFLOWS AND FUND EQUITY								
40	Accounts Payable	84,433	0	0	0	84,433			
46	Payroll Liabilities	2,186	0	0	0	2,186			
52	Wages Payable	0				0			
53	Due to Summit County (Sales Tax Advance)	0				0			
54	Misc Liabilities	5,405				5,405			
55	Clearing Account	(28)				(28)			
56									
57	TOTAL LIABILITIES	91,997	0	0	0	91,997			
58									
59	DEFERRED INFLOWS								
60	Deferred Revenue	0				0			
61									
62	TOTAL DEFERRED INLFOWS	0	0	0	0	0			
63									
64	FUND EQUITY								
65	Invested in Capital Assets, Net	0				0			
66	Amount to be Provided for Debt Repayment	0				0			
67	Fund Balance - General Fund	1,959,884				1,959,884			
68	Fund Balance - Capital Improv Fund		0			0			
69	Fund Balance - Workforce Housing			495,089		495,089			
70	Fund Balance - Conservation Trust				0	0			
71	TOTAL FUND EQUITY	1,959,884	0	495,089	0	2,454,973			
72									
73	TOTAL LIABILITIES, DEFERRED INFLOWS AND FUND EQUITY								
74		2,051,880	0	495,089	0	2,546,969			
75	No assurance provided on these financial statements; substantially all disclosures required by GAAP omitted.	=	=	=	=	=			

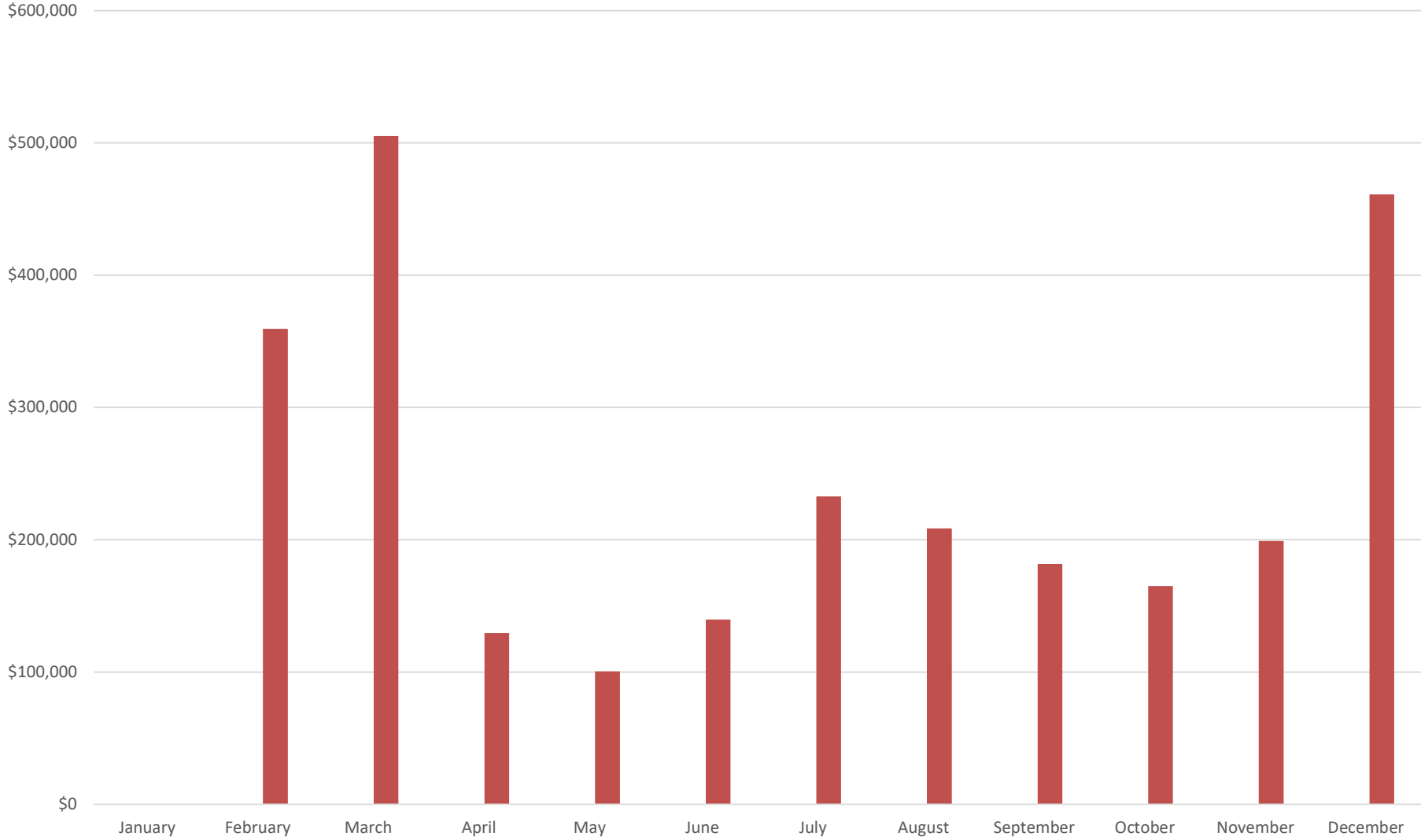
	E	F	H	I	J	K	L	M
2	Town of Keystone							Printed: 2/20/25
3	Statement of Revenues, Expenses and Changes in Fund Balance							<i>Preliminary</i>
4	Actual, Budget and Forecast for the Periods Indicated							
5	Modified Accrual Basis		2024 ANNUAL			2024 From Inception (2/8/2024)		
6						11 Months	11 Months	
7		Approved		Variance		Ended	Ended	Variance
8		2024	2024	Favorable		12/31/24	12/31/24	Favorable
9		Budget	Forecast	(Unfavor)		Actual	Budget	(Unfavor)
10	GENERAL FUND							
11	Revenues							
12		Sales Tax	2,614,224	2,614,224	0	2,682,678	2,614,224	68,454
13		Other Tax Revenue				-		
14		Highway Users Tax Fund	48,627	0	(48,627)	0	48,627	(48,627)
15		Cigarette Tax	5,092	9,867	4,775	8,815	5,092	3,723
16		Nicotine Tax	59,628	0	(59,628)	0	59,628	(59,628)
17		Road and Bridges Tax	91,684	91,684	(0)	80,122	91,684	(11,562)
18		Specific Ownership Tax	25,348	0	(25,348)	0	25,348	(25,348)
19		Auto Ownership Tax	9,970	0	(9,970)	0	9,970	(9,970)
20		Other Tax Revenue	0	0	0	0	0	0
21								
22		Total Other Tax Revenue	240,348	101,551	(138,797)	88,938	240,348	(151,410)
23		Fees						
24		Building Permits	203,203	203,203	0	62,085	203,203	(141,118)
25		Franchise Fees	0	0	0	0	0	0
26								
27			203,203	203,203	0	62,085	203,203	(141,118)
28		Licenses						
29		Business Licenses			0	0	0	0
30		Short Term Rentals	541,732	541,732	(0)	514,240	541,732	(27,492)
31		Liquor Licenses		5,250	5,250	4,349	0	4,349
32		Tobacco Licenses	0	0	0	800	0	800
33								
34			541,732	546,982	5,250	519,389	541,732	(22,344)
35		Fines						
36		Municipal Court Fines			0	0	0	0
37		Code Enforcement Fines			0	0	0	0
38								
39			0	0	0	0	0	0
40		Other Income						
41		Grants		70,728	70,728	45,432	0	45,432
42		Interest on Taxes			0	0	0	0
43		Interest on Investments		10,000	10,000	17,527	0	17,527
44		Admin Miscellaneous Income			0	85	0	85
45								
46			0	80,728	80,728	63,044	0	63,044
47								
48		Total Revenue	3,599,507	3,546,688	(52,819)	3,416,133	3,599,507	(183,374)
49								
50		Expenditures						
51		Employee Benefits & Taxes						
52		401 A Match	44,414	44,414	0	36,345	44,414	8,069
53		457 Match	16,655	16,655	0	6,573	16,655	10,082
54		Flexible Spending Account (FSA)	5,774	1,425	4,349	1,200	5,774	4,574
55		Wellness Reimbursement	12,158	9,166	2,992	8,645	12,158	3,513
56		Health Insurance Premiums	79,834	63,627	16,207	63,627	79,834	16,207
57		Health Ins Employee Contributions		(12,385)	12,385	(11,841)	0	11,841
58		Workers Comp Insurance Premiums	11,381	15,359	(3,978)	12,288	11,381	(907)
59		Payroll Taxes	18,543	12,636	5,907	12,386	18,543	6,157
60								
61								
62								
63								
64		Total Employee Benefits & Taxes	188,759	150,897	37,862	129,222	188,759	59,537

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4	Actual, Budget and Forecast for the Periods Indicated							
5	Modified Accrual Basis		2024 ANNUAL			2024 From Inception (2/8/2024)		
6						11 Months	11 Months	
7		Approved		Variance		Ended	Ended	Variance
8		2024	2024	Favorable		12/31/24	12/31/24	Favorable
9		Budget	Forecast	(Unfavor)		Actual	Budget	(Unfavor)
65	General Expenditures All Departments							
66	Telephone	2,830	2,410	420		2,410	2,830	420
67	Office Lease	50,700	50,900	(200)		50,900	50,700	(200)
68	Office Building Maintenance	3,700	3,700	0		1,350	3,700	2,350
69	Office Supplies	3,754	8,848	(5,094)		8,823	3,754	(5,069)
70	Prof Services/Membership Fees	10,429	16,711	(6,281)		15,931	10,429	(5,502)
71	Dues and Subscriptions	7,936	1,625	6,311		1,782	7,936	6,154
72	Training	6,802	6,802	0		6,052	6,802	750
73	Travel/Meals/Ldging	6,802	8,300	(1,498)		7,300	6,802	(498)
74	Uniforms/Clothing	1,700	3,795	(2,095)		4,105	1,700	(2,405)
75	Insurance	5,000	3,880	1,120		3,104	5,000	1,896
76	Bank and Misc Fees	0	100	(100)		100	0	(100)
77	IT/Technology	68,016	68,016	0		34,253	68,016	33,763
78	Website	6,802	6,802	0		542	6,802	6,260
79	Equipment Repairs/Leases	5,526	5,526	0		0	5,526	5,526
81	Total Gen Exp All Departments	179,996	187,414	(7,418)		136,652	179,997	43,345
82	Mayor and Town Council							
83	Mayor Wages	11,000	11,000	0		10,477	11,000	523
84	Council Wages	33,000	33,000	0		30,645	33,000	2,355
85	Cell Phone AllowTown Council	5,775	5,775	0		5,344	5,775	431
86								
87								
88		49,775	49,775	0		46,465	49,775	3,310
89								
90	Misc Expense Town Council	1,251	5,596	(4,345)		5,697	1,251	(4,446)
91	Total Mayor and Town Council	51,026	55,371	(4,345)		52,162	51,026	(1,136)
92	Administration Services							
93	Town Manager Wages	127,530	127,530	0		102,542	127,530	24,988
94	Town Clerk Wages	95,047	95,047	0		94,523	95,047	524
95	Office Clerk Wages	58,333	58,333	0		50,038	58,333	8,295
96	Cell Phone Administration	2,250	2,250	0		1,858	2,250	392
97	Keystone Housing Administration	15,000	15,000	0		12,500	15,000	2,500
98								
99		298,160	298,160	0		261,460	298,160	36,700
100	Postage	2,607	2,607	0		11	2,607	2,596
101	Printing	7,300	7,300	0		965	7,300	6,335
102	Community Engagement	8,502	8,502	0		22,054	8,502	(13,552)
103	Local Travel	2,607	2,607	0		102	2,607	2,505
104	Elections	12,000	12,000	0		7,750	12,000	4,250
105	Town Attorney Contract	90,688	152,344	(61,656)		144,825	90,688	(54,137)
106	Smoking Cessation (fr Nicotine Tax)	59,628	59,628	0		0	59,628	59,628
107	Payroll Contract (Paylocity)	4,950	4,950	0		4,604	4,950	346
108	Accounting Contract (M&W)	63,494	63,494	0		52,763	63,494	10,731
109	Annual Audit Contract	0	0	0		0	0	0
110	Short Term Rental Contract Support	116,761	116,761	0		86,250	116,761	30,511
111	Miscellaneous Adminstrative Expense	0	10	(10)		10	0	(10)
112								
113								
114								
115	Total Administrative Services	666,697	728,363	(61,665)		580,794	666,697	85,903
116	Community Development							
117	Comm Dev Director Wages	124,431	124,431	0		118,223	124,431	6,208
118	Planner2 Wages	60,489	60,489	0		29,786	60,489	30,703
119	Cell Phone Comm Dev	1,350	1,350	0		926	1,350	424
120	Keystone Housing Incentive Comm	9,500	9,500	0		6,500	9,500	3,000
121								
122		195,770	195,770	0		155,435	195,770	40,335
123	Building Permit/Inspections	162,562	162,562	0		483	162,562	162,080
124	GIS	9,069	9,069	0		0	9,069	9,069
125	Professional Services (Contracted)	11,336	11,336	0		0	11,336	11,336
126	Planning Supplies/Printing	5,668	5,668	0		710	5,668	4,958
127	Local Travel	2,834	2,834	0		0	2,834	2,834
128	Communications	2,721	2,721	0		365	2,721	2,356
129	Miscellaneous Comm Dev Expense	0	0	0		0	0	0
130								
131								
132	Total Community Develop	389,960	389,960	0		156,993	389,959	232,967

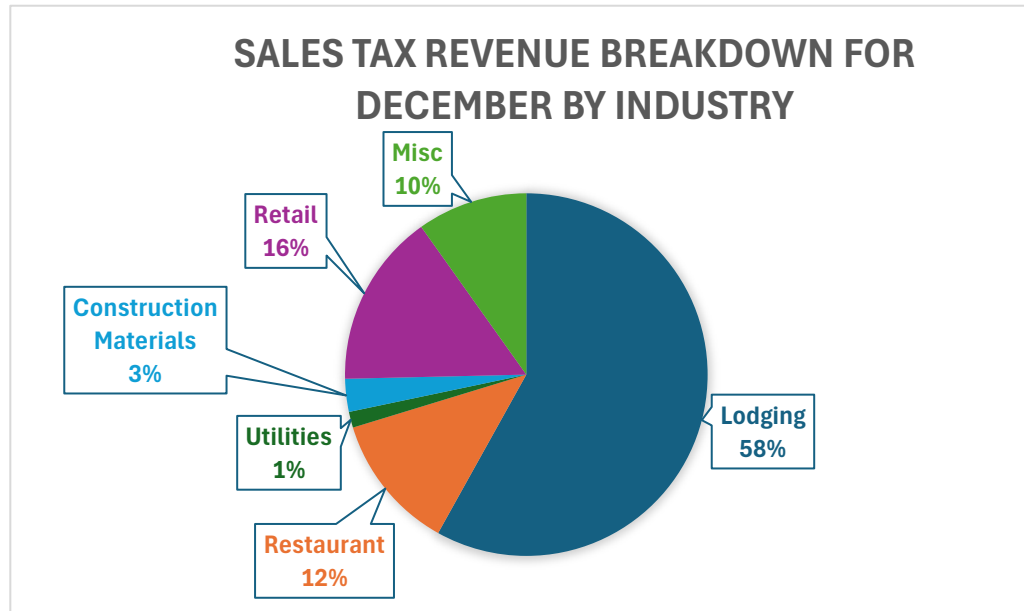
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6						11 Months	11 Months	
7						Ended	Ended	Variance
8						12/31/24	12/31/24	Favorable
9						Actual	Budget	(Unfavor)
133								
134	Public Works							
135	Public Works Director Wages	45,344	45,344	0		29,307	45,344	16,037
136	Cell Phone Public Works	450	450	0		225	450	225
137	Keystone Housing Public Works	3,000	3,000	0		1,750	3,000	1,250
138								
139		48,794	48,794	0		31,282	48,794	17,512
140	Communications	2,721	2,721	0		0	2,721	2,721
141	Engineer Consultant	5,668	5,668	0		0	5,668	5,668
142	Planning and Printing Supplies	2,834	2,834	0		0	2,834	2,834
143	Road Maint/Snow Plowing Contracts					-		
144	Loveland Pass Village	0	0	0		0	0	0
145	Keystone Roads- Currently County M	0	0	0		0	0	0
146	Roads not County Maintained	0	66	(66)		8,890	0	(8,890)
147	Asphalt Crack Seal	0	6,400	(6,400)		6,400	0	(6,400)
148	Noxious Weed Control	0	0	0		0	0	0
149	Other Maintenance	0	302	(302)		2,802	0	(2,802)
150	Total Road Maintenance/Snow Plowin	0	6,768	(6,768)		18,092	0	(18,092)
151								
152	Signage	0	0	0		224	0	(224)
153	Engineering Services	0	3,427	(3,427)		4,267	0	(4,267)
154	Miscellaneous Public Works Expense	0	130	(130)		130	0	(130)
155								
156	Total Public Works Expenses	60,017	70,342	(10,325)		53,995	60,016	6,021
157								
158	Public Safety							
169	Miscellaneous Public Safety Exp	0	85,708	(85,708)		86,824	0	(86,824)
170								
171	Total Public Safety Expenses	0	85,708	(85,708)		103,282	0	(103,282)
172								
173	Municipal Court							
174	Judge	0	0	0		0	0	0
175	Prosecutor	0	0	0		0	0	0
176	Miscellaneous Exp Municipal Cout	0	0	0		0	0	0
178								
179	Total Court Expenses	0	0	0		0	0	0
180								
181	Total Operating Expenditures	1,536,455	1,668,055	(131,600)		1,213,101	1,536,455	323,354
182								
183	Total Revenue (from above)	3,599,507	3,546,688	(52,819)		3,416,133	3,599,507	(183,374)
184								
185	Operating Surplus (Deficit)	2,063,053	1,878,633	(184,419)		2,203,033	2,063,052	139,980
187								
188	Other Sources (Uses)							
189	Transfer to Capital Improvement	(900,000)	(886,800)	13,200		(243,149)	(900,000)	656,851
190	Transfer fr Workforce Housing	0	0	0		0	0	0
191	Transfer fr Conservation Trust	0	0	0		0	0	0
192	Summit County Adv - Sales Tax	0	1,400,000	1,400,000		1,400,000	1,400,000	0
193	Summit County Adv - Repayment	0	(1,400,000)	(1,400,000)		(1,400,000)	(1,400,000)	0
194								
195	Total Other Sources (Uses)	(900,000)	(886,800)	13,200		(243,149)	(900,000)	656,851
196								
197	Beginning Fund Balance - General	0	0	0		0	0	0
198								
199	Ending Fund Balance - General	1,163,053	991,833	(171,219)		1,959,884	1,163,052	796,831
200		=	=	=		=	=	=
201	Components of General Fund Bal							
202	TABOR Restricted Funds	46,094	50,042			36,393	46,094	
203	Unrestricted Funds	1,116,959	941,792			1,923,491	1,116,959	
204		1,163,053	991,833			1,959,884	1,163,052	
205								

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7		Approved		Variance		Ended	Ended	Variance
8		2024	2024	Favorable		12/31/24	12/31/24	Favorable
9		Budget	Forecast	(Unfavor)		Actual	Budget	(Unfavor)
206	RESTRICTED FUNDS							
207	CAPITAL IMPROVEMENTS							
208	Revenue and Other Financing Sources							
209		900,000	886,800	13,200		243,149	900,000	(656,851)
210	Contribution from General Fund							
211	Total Revenues	900,000	886,800	13,200		243,149	900,000	(656,851)
212								
213	Capital and Non-Routine Projects							
214	Repayment for Incorporation Costs	180,000	180,000	0		148,013	180,000	31,987
215	Summit County fee for Cash advance	5,000	5,000	0		5,000	5,000	0
216	Office Set Up-Furniture, Supplies and	41,500	41,500	0		0	41,500	41,500
217	Facility Modifications	50,000	50,000	0		0	50,000	50,000
218	Staff Hiring Expense	5,000	5,000	0		544	5,000	4,456
219	Start Up Consultant Support (Clerk/Cd	32,500	32,500	0		0	32,500	32,500
220	IT-Infrastructure/Software/Computers/	109,900	109,900	0		16,288	109,900	93,612
221	Website	15,000	15,000	0		0	15,000	15,000
222	Town Signage	30,000	30,000	0		0	30,000	30,000
223	Interim Town Manager (\$150/hr, 10 w	60,000	67,900	(7,900)		67,890	60,000	(7,890)
224	Engineering Assessment Town Mainta	40,000	40,000	0		0	40,000	40,000
225	Flood Plain Plan	20,000	20,000	0		0	20,000	20,000
226	Trails and Open Space Master Plan	30,000	30,000	0		0	30,000	30,000
227	Comprehensive Use Plan			0		5,414	0	(5,414)
228	2 Police Vehicles and equipment	260,000	260,000	0		0	260,000	260,000
229								
230	Total Capital and Non-Routine Exp	878,900	886,800	(7,900)		243,149	878,900	635,751
231								
232	Surplus after other sources / uses	21,100	0	21,100		0	21,100	(21,100)
233								
234	FUND BALANCE - Beginning Capital	0	0	0		0	0	0
235	FUND BALANCE - Ending Capital	21,100	0	21,100		0	21,100	(21,100)
236		=	=	=		=	=	=
237	Workforce Housing Fund							
238	Revenue and Other Financing Sources							
239	Revenue 5A (17.2%)	788,210	135,572	(652,638)		106,957	788,210	(681,253)
240	Revenue 6B (82.8%)		652,638	652,638		514,888	0	514,888
241	Interest Income		868	868		3,344	0	3,344
242	Total Revenues	788,210	789,078	868		625,189	788,210	(163,021)
243								
244	Expenditures							
245	Housing Authority Fees	52,064	120,000	(67,936)		130,100	52,064	(78,036)
246	Down Payment Assistance					0	0	0
247	Transfer to General Fund	0	0	0		0	0	0
248								
249	Total Expenditures	52,064	120,000	(67,936)		130,100	52,064	(78,036)
250								
251	Surplus after other sources (uses)	736,146	669,078	(67,068)		495,089	736,146	(241,057)
252								
253	Fund bal - Beginning Housing Fund	0	0	0		0	0	0
254	Fund bal - Ending Housing Fund	736,146	669,078	(67,068)		495,089	736,146	(241,057)
255		=	=	=		=	=	=
256	Conservation Trust Fund							
257	Revenue and Other Financing Sources							
258	Conservation Trust Revenue	12,920	0	(12,920)		0	0	0
259	Interest Income							
260	Total Revenues	12,920	0	(12,920)		0	0	0
261								
262	Expenditures							
263	Conservation Trust Expenses	0	0	0		0	0	0
264	Transfer to General Fund	0	0	0		0	0	0
265								
266	Total Expenditures	0	0	0		0	0	0
267								
268	Surplus after other sources / uses	12,920	0	(12,920)		0	0	0
269								
270	Fund bal - Begin Cons Trust Fnd	0	0	0		0	0	0
271	Fund bal - Ending Cons Trust Fnd	12,920	0	(12,920)		0	0	0
272		=	=	=		=	=	=

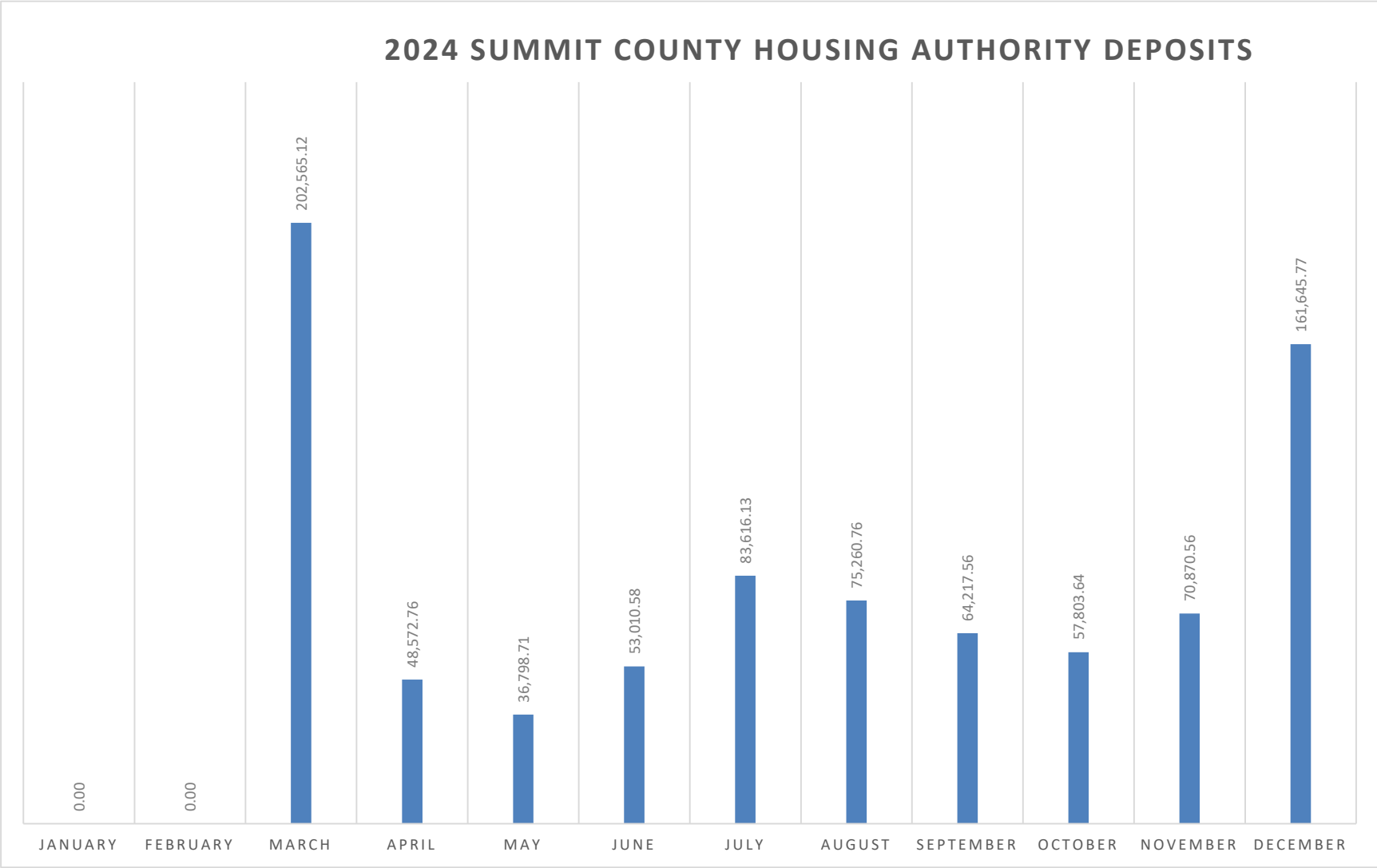
YTD Sales Tax 2024



Lodging	\$ 267,816.80
Restaurant	\$ 56,249.00
Utilities	\$ 6,525.00
Construction I	\$ 13,545.00
Retail	\$ 71,578.00
Misc	\$ 45,378.20
Total	\$ 461,092.00



2024 SUMMIT COUNTY HOUSING AUTHORITY DEPOSITS



* Summit County is responsible for submitting Feb. deposits to us.

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
THROUGH:
FROM: John Crone, Town Manager
DATE: February 25, 2025
SUBJECT: Nicotine Ordinance

Executive Summary:

This workshop item discusses a proposed nicotine ordinance which will repeal and replace our current ordinance to bring it in line with the other communities in Summit County.

Background:

On April 9, 2024, the Town Council approved at second reading an ordinance regulating the sale of nicotine products in the Town limits. The ordinance was based largely on a similar ordinance passed by the Town of Silverthorne.

Since that time, Silverthorne has updated their ordinance to more closely align with ordinances passed by the other communities in Summit County. Currently, all of the Summit County communities are considering updating their nicotine ordinances to include a ban on flavored nicotine.

The draft ordinance will repeal and replace our current ordinance to more closely match the other towns. It will also ban flavored nicotine, effective January 1, 2026.

There are a few sections that our Town attorney has identified for possible changes:

Section I requires a public hearing by the Licensing Administrator for issuance of a new license. I recommend removing the public hearing requirement if the Licensing Administrator is the Town Clerk. My thought is that it should be an administrative

approval by the Town Clerk and not require a public hearing. [I did not make that change.]

Sections Q and R discuss revocations, suspensions and penalties. Town Council sits in a quasi-judicial capacity and decides on license revocations/suspensions and issues fines. That process is fine by me but just wanted to point it out if you'd prefer that a hearing officer makes these decisions. The Town Manager could appoint a hearing officer for these decisions. Just a thought. [I did not change this section.]

If the Council would like to see these changes, staff will work with the attorney to implement them in the final version of the ordinance.

Previous Council Actions

March 26, 2024 – Original ordinance approved at first reading

April 9, 2024 – Original ordinance approved at second reading

DRAFT PROPOSED ORDINANCE

TOWN OF KEYSTONE

ORDINANCE NO. 2025-0-XX

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE,
COLORADO, REPEALING ORDINANCE NO. 2024-0-04, AND ADOPTING
REGULATIONS RELATED TO THE LICENSING OF THE DISTRIBUTION AND SALE
OF TOBACCO PRODUCTS, AND PROHIBITING THE SALE OF FLAVORED
TOBACCO PRODUCTS**

WHEREAS, the Town of Keystone ("Town" or "Keystone") is a home rule municipal corporation created pursuant to Article XX of the Colorado Constitution; and

WHEREAS, Smoking rates in the U.S. have declined substantially since the Surgeon General's 1964 report, from 42 percent to now about 18 percent; however, it remains one of the biggest public health problems in the United States as almost 500,000

Americans still die prematurely each year from diseases related to cigarette smoking. This makes up 85% of deaths from lung cancer. In Colorado, like most other states, it is the number one cause of preventable death, and accounts for 5, 100 deaths a year; and

WHEREAS, 90% of adult smokers started smoking before the age of 18 and each day more than 3,000 adolescents in the U.S. try their first cigarette; and

WHEREAS, youth use of e-cigarettes and similar products is associated with future cigarette use; and

WHEREAS, since 2014, after decades of effective anti-smoking campaigns and decreasing smoking rates in the U.S., there has been a surprising upturn in youth tobacco use; and

WHEREAS, over 225 U.S. localities and the states of California and Hawaii have enacted into law regulations prohibiting the sale of tobacco products to individuals under the age of 21 and research has shown such regulations are effective in decreasing high school tobacco use by up to 50%; and

WHEREAS, research has shown that teens purchase cigarettes from their peers and that 90% of the "social sources" (friends and family) of tobacco for the 12-18 year olds are 18-21 year olds. It has also been shown that youth typically do not make the effort to travel to neighboring localities if the age has increased to 21 in their city; and

WHEREAS, Colorado law, pursuant to C.R.S. § 29-30-101, provides that home rule municipalities may regulate the sale of cigarettes, tobacco products, or nicotine products to minors; and

WHEREAS, the Town Council repeals and replaces Ordinance 2024-O-04 to be consistent with the regulations in other Summit County municipalities and to implement a flavor ban; and

WHEREAS, the Town Council finds that this ordinance regulating the distribution and sale of tobacco products furthers and is necessary for the promotion of public health, safety, and welfare.

THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, ORDAINS:

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Town Council.

Section 2. Town Council repeals Town Tobacco Code Ordinance 2024-O-04, and replaces it with the regulations for the licensing of the distribution and sale of

tobacco products and additionally sets forth requirements to prohibit the sale of flavored tobacco products.

Section 3. Legal Authority.

The Town Council finds, determines and declares that it has the power to adopt this chapter pursuant to:

- (A) The Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.
- (B) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal powers).
- (C) Section 31-15-103, C.R.S. (concerning municipal police powers);
- (D) Section 31-15-103, C.R.S. (concerning municipal police powers);
- (E) Section 31-15-501, C.R.S. (concerning municipal authority to regulate business);
- (F) Article 7 of Title 44, C.R.S. (concerning the regulation of tobacco sales);
- (G) Section 18-13-121, C.R.S. (concerning furnishing cigarettes, tobacco products and nicotine products to persons under twenty-one years of age;
- (H) Section 25-14-207, C.R.S. (concerning the regulation of smoking);
- (I) The authority granted to home rule municipalities by Article XX of the Colorado Constitution ; and
- (J) The powers contained by the Keystone Town Charter.

Section 4. **TOBACCO PRODUCT LICENSE REGULATIONS:**

A. Purpose and Applicability.

(1) The purpose of these regulations is to replace Ordinance 2024-0-04 related to the license requirements for tobacco product retailers and the sale of tobacco products, and in addition to prohibit the sale of flavored tobacco products to protect the health, safety and welfare of individuals in the Town, to encourage responsible tobacco product retailing and to reduce illegal sales of tobacco products.

(2) These regulations apply to tobacco product retailers, as defined herein.

B. Definitions. The following words and phrases, as used in these regulations, shall have the following meanings:

Adult-Only Facility means a physical location where each person attempting to enter the premises is required to present the person's photographic government issued identification verifying that the person is at least the minimum legal age to purchase tobacco products prior to entry.

Annual License Renewal Fee means the amount of the annual license renewal fee shall be fixed by the Town Council as part of its annual budget process. Once paid the annual license renewal fee is non-refundable except as may be required by law.

Applicant means a person who has submitted an application for a license pursuant to this chapter.

Application means an application for a license submitted pursuant to this chapter.

Application Fee means a non-refundable license fee paid to the Town Clerk when the application is filed. The purpose of the fee is to cover the Town's cost of administration of this chapter, licensee education, inspections of the licensed premises, regular compliance checks, documentation of violations (database management), and prosecution of violations of licenses. The amount of the application fee shall be fixed by the Town Councils Part of its annual budget process. Once paid, an application fee is non-refundable except as may be required by law.

Arm's Length Transaction means a sale in good faith and for valuable consideration that reflects the fair market value between two informed and willing parties neither of which is under any compulsion to participate in the transaction.

Child-Resistant Packaging: means packaging that meets the definition set forth in the Code of Federal Regulations, title 16, section 1700 15(b) as in effect January 1, 2015, and was tested in accordance with the method described in the Code of Federal Regulations title 16, section 1700.20 as in effect of January 1, 2015.

Cigar means any roll of tobacco other than a cigarette that is wrapped in tobacco leaf or any other substance containing tobacco, with or without a mouthpiece.

Cigarette means any product that contains tobacco or nicotine, which is intended to be burned or heated under ordinary conditions of use, and consists of or contains:

(1) Any roll of tobacco wrapped in paper or in any substance not containing tobacco;

(2) Tobacco in any form that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging or labeling, is likely to be offered to, or purchased by consumers as a cigarette as described in this section.

Component or part means any software or assembly of materials intended or reasonably expected:

(1) To alter or affect the tobacco product's performance, composition, or characteristics; or

(2) To be used with or for the human consumption of a tobacco product or electronic delivery device. Component or part excludes anything that is an accessory, and includes, but is not limited to e-liquids, cartridges, certain batteries, heating coils, programmable software and flavorings for electronic delivery device.

Compliance Checks means the systems the Licensing Administrator uses to investigate and ensure that tobacco product retailers are compliant with the requirements of this chapter. Compliance checks may involve persons under twenty-one (21) years of age who attempt to purchase tobacco products; however, persons under the legal age to purchase tobacco products participating in compliance checks shall not be in violation of tobacco or nicotine possession and purchase laws. Compliance checks may also be conducted by other units of government or designees of the Licensing Administrator for educational or training purposes.

Commercial Tobacco means tobacco that is manufactured and sold for profit for use in cigarettes, smokeless tobacco, pipe tobacco, cigars, hookah and other products. Commercial tobacco is regulated by the Food and Drug Administration (FDA) under the Family Smoking and Prevention Act which gives the FDA the authority to regulate the manufacture, distribution and advertising of commercial tobacco. The word "tobacco" when referenced in this chapter, unless otherwise indicated refers to commercial tobacco.

Coupon means any voucher, rebate, card, paper, note, form, statement, ticket, image or any other form or issue, used for commercial purposes to obtain a product, service or accommodation without charge or at a discounted price.

Day means a calendar day unless otherwise indicated.

Delivery Sale means the sale of any tobacco or nicotine product to any person for personal consumption and not for resale when the sale is conducted by any means other than an in-person, over the counter sales transaction in a tobacco product retail establishment. Delivery sale includes delivery by licensees or third parties by any means including curbside pickup.

Distributor means a person who sells or distributes cigarettes, tobacco products, or nicotine products to licensed retailers in this state. Distributor includes a distributor or a distributing subcontractor as those terms are defined in C.R.S. § 39-28.5-101.

Electronic Delivery Device means any device that may be used to deliver any aerosolized or vaporized substance, whether natural or synthetic to the person inhaling

from the device, including, but not limited to devices marketed, manufactured, or sold as an e-cigarette, e-cigar, e-pipe, vape pen or e-hookah.

Electronic delivery device includes any component, part or accessory of the device, and also includes any substance that may be aerosolized or vaporized by such device whether or not the substance contains nicotine. Electronic delivery device does not include medical marijuana as defined in 44-10-103(34), C.R.S. of section 14 of article XVIII of the state constitution or retail marijuana as defined in 44-10-103(57), C.R.S. or section 16(2)(f) of article XVIII of the state constitution, drugs, devices or combination products authorized

for sale by the U.S. Food and Drug Administration as those terms are defined in the Federal Food, Drug and Cosmetic Act.

Flavored Tobacco Product means:

(1) Any tobacco product that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to or during the consumption of the product, including, but not limited to, any taste or smell relating to chocolate, cocoa, menthol, mint, wintergreen, vanilla, honey, fruit or any candy, dessert, alcoholic beverage, herb or spice;

(2) A cooling or numbing sensation distinguishable by an ordinary consumer either prior to or during the consumption of such tobacco product;

(3) A public statement or claim, whether express or implied, made or disseminated by the manufacturer or retailer of a licensed product, or by a person authorized or permitted by the manufacturer to make or disseminate public statements concerning such products that a product has or produces a taste or smell other than a taste or smell of tobacco or a cooling or numbing sensation will constitute preemptive evidence that the product is a flavored product. Presumptive evidence may include, but is not limited to the use of terms such as, "cool," "chill," "ice," "fresh," "artic" or "frost", to describe the product.

Full Retail Price: The price listed for a tobacco product on its packaging or on any related shelving, advertising or display where the tobacco product is sold or offered for sale, plus all applicable taxes and fees if such taxes and fees are not included in the listed price.

Good Cause (for the purpose of refusing or denying a license renewal under this chapter) means:

(1) The licensee has violated, does not meet, or has failed to comply with: (a) any of the terms, conditions, or provisions of this chapter; or (b) any rule and regulation promulgated by the Town Clerk pursuant to this chapter; or

(2) The licensee has failed to comply with: (a) any of the terms and conditions of

its license including, but not limited to, any special terms or conditions that were placed on its license at the time the license was issued or were subsequently modified by the Town Clerk or any special condition that was placed on its license in prior disciplinary proceedings or that arose in the context of potential disciplinary proceedings.

Licensed Premises: The physical location for which a license is issued pursuant to this chapter.

Licensed Products: Collectively refers to any tobacco product which includes flavored tobacco products, tobacco related device, electronic delivery device, nicotine or synthetic nicotine product.

Licensee means the owner or holder of a Tobacco Product Retailer License.

Little Cigar: Any roll of tobacco other than a cigarette wrapped entirely or in part in tobacco or any substance containing tobacco weighing no more than 4.5 pounds per thousand. Little cigar includes, but is not limited to, tobacco products known or labeled as small cigar, little cigar or cigarillo.

Loosies: The common term used to refer to single cigarettes, cigars and any other licensed tobacco products that have been removed from their original retail packaging and offered for sale. The term loosies does not include premium cigars as defined in this section.

Licensing Administrator means the person(s) within the Town government designated with responsibilities by the Town Manager for license issuance, renewal and collection of fees.

Manufacturer means any person, including a repacker or relabeler, who manufactures, fabricates, assembles, processes or labels a tobacco product or imports a finished tobacco product for sale or distribution into the United States.

Minimum Legal Sales Age means twenty-one (21) years of age.

Minor means a person under twenty-one (21) years of age.

Mobile Vending means any sales other than at a fixed location.

Movable Place of Business means any form of business that is operated out of a kiosk, truck, van, automobile or any other type of vehicle or transportable shelter or any other temporary location or event that is not a fixed storefront which has been authorized as a tobacco product retailer in an approved license application.

Nicotine Delivery Product means any product containing or delivering nicotine, including any salt or complex of nicotine whether natural or synthetic, intended for human consumption, or any part of such product, which is not tobacco, or an electronic

delivery device as defined in this section. Nicotine delivery device does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as “drugs,” “devices,” or “combination products,” as defined in the Federal Food, Drug and Cosmetic Act.

Person means natural person, a joint venture, joint-stock company, partnership, association, firm, club, company, corporation, business, trust or organization, or the manager, lessee, agent, servant, officer or employee of any of them.

Pharmacy means any retail establishment in which the profession of pharmacy is practiced by a pharmacist licensed by the State of Colorado and where prescription pharmaceuticals are offered for sale, regardless of whether the retail establishment sells other retail goods in addition to prescription pharmaceuticals.

Premium Cigar means a cigar that meets all of the following characteristics:

- (1) is handmade or hand rolled;
- (2) is not mass produced through the use of mechanization;
- (3) has a wrapper that is made entirely from whole tobacco leaf;
- (4) has a filler composed of at least fifty (50) percent natural, long-leaf filler tobacco;
- (5) does not have a filter, tip or non-tobacco mouthpiece;
- (6) is capped by hand;
- (7) weighs more than six (6) pounds per thousand units; and
- (8) has a wholesale price per cigar of:
 - (a) for the calendar year ending December 31, 2024, twelve dollars (\$12) dollars; and
 - (b) for each calendar year thereafter, twelve dollars (\$12) reflecting any percentage increase for all items and all urban consumers or its successor index.

Proprietor means a person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a person has a ten (10) percent or greater interest in the stock, assets or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a person has or shares ultimate control over the day-to-day operations of a business.

Sale or Sell means any transfer, exchange, barter, gift, offer for sale or distribution for a commercial purpose in any manner or by any means.

Self-Service Display means the open display or storage of tobacco products in a manner that is physically accessible in any way to the general public without the assistance of the retailer or employee of the retailer and a direct person-to-person transfer between the purchaser and the retailer or employee of the retailer. A vending machine is a form of self-service display.

Smoking means inhaling, exhaling, burning, carrying any lighted or heated cigar, cigarette, pipe or other lighted or heated product containing, made or derived from nicotine, tobacco, marijuana or other plant, whether natural or synthetic that is intended for inhalation. "Smoking" includes carrying or using an electronic delivery device.

State License means a license issued in accordance with 44-7-104.5, C.R.S.

Tobacco Paraphernalia means any item designed for the consumption, use or preparation of tobacco products.

Tobacco Product means:

A.

(1) Any product which contains, is made or derived from tobacco or used to deliver nicotine, synthetic nicotine or other substances intended for human consumption, whether heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, flavored tobacco products, pipe tobacco, snuff, bidis, snus, pouch, nicotine product, mints, hand gels;

(2) An electronic delivery device as defined in this section;

(3) Any flavored tobacco product as defined in this section;

(4) Notwithstanding any provision of subsections (1) and (2) above to the contrary, "tobacco product" includes any component, part, accessory or associated tobacco paraphernalia of a tobacco product whether or not any of these contain tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, hookahs, mouthpieces and pipes whether or not sold separately.

B. The term "tobacco product" does not include:

(1) Any products specifically approved by the United States Food and Drug Administration for use in reducing, treating or eliminating nicotine or tobacco dependence or for other medical purposes when the products are being marketed and sold solely for such approved purposes. Any drugs, devices or combination products authorized for sale by the U.S. Food and Drug Administration as those terms are defined in the Federal Food, Drug and Cosmetic Act.

(2) Medical marijuana as defined in 44-10-103(34), C.R.S. or section 16(2)(f) of article XVIII of the State constitution or retail marijuana as defined in 44-10-103(57), C.R.S. or section 16(2)(f) of article XVIII of the State constitution, drugs, devices or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act unless such is made of or contains or is derived from tobacco or nicotine, natural or synthetic.

Tobacco Product Retail Location or retail location means any premises where tobacco products are sold or distributed to a consumer including, but not limited to, hookah bar, lounge or cafe, any grounds occupied by a retailer, any store, stand, outlet, vehicle, cart, location, or vending machine.

Tobacco Product Retailer means any person who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco products.

Tobacco Related Device means any rolling papers, wraps, pipes or other device intentionally designed or intended to be used with tobacco products. Tobacco related device includes components of tobacco-related devices or tobacco products which may be marketed or sold separately. Tobacco related devices may or may not contain tobacco.

Tobacco Retailing shall mean the doing of any of these things. This definition is without regard to the quantity of tobacco products sold, offered for sale, exchanged, or offered for exchange. Tobacco product retailing means the selling, offering for sale, or exchanging for any form of consideration a tobacco product.

Vending Machine shall mean any mechanical, electrical, or electronic self-service device which, upon insertion of money, tokens, or any other form of payment dispenses product.

Wholesaler means a person engaged in the wholesale distribution of cigarettes, tobacco products, or nicotine products and includes a “wholesaler” or “wholesale subcontractor” as those terms are defined in C.R.S. § 39-28-101.

Youth-Oriented Facility means any parcel in the Town that is occupied by:

- (1) A public or private kindergarten, elementary, middle, junior high or high school;
- (2) A library open to the public;
- (3) A playground open to the public;
- (4) A youth center, defined as a facility where children ages six (6) -seventeen (17) meet for programs and activities;
- (5) A recreation facility open to the public, defined as an area place, structure or

other facility that is used either temporarily or permanently for community recreation even though the facility may be used for other purposes;

(6) A park open to the public;

(7) A licensed child-care facility or preschool.

C. License Requirements and Prohibitions.

(1) Tobacco product retailer license required. It shall be unlawful for any person to act as a tobacco product retailer in the Town unless he or she has obtained a license and maintains the same in full force and effect pursuant to these regulations for each location where tobacco product retailing occurs.

(2) A separate license is required for each retail location in the Town where any tobacco product is sold at retail.

(3) Tobacco product retailing without a valid state tobacco product license pursuant to 44-7-104.5, C.R.S. and a valid tobacco product license pursuant to this chapter is a nuisance as a matter of law.

(4) In the course of tobacco product retailing or in the operation of a business or maintenance of the location for which a license is issued, it shall be a violation of this chapter for a licensee or any of the licensee's employees or agents to violate any local, state or federal law applicable to tobacco products, tobacco paraphernalia or tobacco product retailing.

(5) Except as expressly modified herein, any requirements set forth in this chapter shall be in addition to, and not in lieu of, any other requirements imposed by federal, state or local law.

(6) No person shall be deemed to have any entitlement or vested right to a license under this chapter by having received any prior license or permit from the Town, including, but not limited to any zoning permit or any sales tax license.

D. Limits on License Eligibility.

(1) Location Restrictions Imposed.

(a) Prior to approving a tobacco product retail license, the Licensing Administrator shall determine whether the proposed location of the tobacco product retail establishment complies with the requirements of this section of this chapter. Failure to comply with the requirements of this section shall preclude approval and issuance of a license.

(b) Each tobacco product retail establishment shall be operated from a permanent location. No tobacco product retail establishment shall be permitted to operate from a moveable, mobile, or transitory location.

(c) A tobacco product retail establishment may be located only on property as allowed in the table of uses as defined by the Town.

(d) Proximity to a Youth-Oriented Facility. No license may issue, and no existing license may be renewed, to authorize tobacco product retailing within one-thousand five hundred (1500) feet of a youth-oriented facility as measured by a straight line from the nearest point of the property line of the parcel on which the school or youth-oriented facility is located to the nearest point of the property line of the parcel on which the applicant's business is located.

(1) The foregoing distance requirements shall be computed by direct measurement in a straight line from the nearest property line of the land used for a youth-oriented facility and a tobacco product retail establishment to the nearest portion of the building in which the tobacco product retail establishment is the subject of the application is proposed to be located.

(e) No tobacco product retail establishment may be located within one-thousand five hundred (1500) feet of another tobacco product retail establishment measured by a straight line from the nearest point of the property line of the parcel on which the applicant's business is located to the nearest point of the property line of the parcel on which an existing tobacco product retail establishment is located.

(f) Proximity to Medical Marijuana or Retail Marijuana Licensed Retailer. No tobacco product retail license may issue, and no existing license may be renewed, to authorize tobacco product retailing within one thousand five hundred (1500) feet of an existing medical marijuana or retail marijuana licensed business as defined in Title 44 Article 10, C.R.S. measured by a straight line from the nearest point of the property line of the parcel on which the applicant's business is located to the nearest point of the property line of the parcel on which an existing medical or retail marijuana licensed business is located.

(2) Maximum Number of Tobacco Product Retail Licenses.

(a) The maximum number of tobacco product retail licenses located and operating in the Town is **limited to X.**

(1) An exception for the issuance of a tobacco product retail license is available at the discretion of the Licensing Administrator for an existing retail establishment operating and selling tobacco products prior to the effective date of this ordinance that is located less than 1500' from a school or youth-oriented facility if all other licensing requirements pursuant to this chapter are met. This exception is not applicable if the tobacco product retail establishment is transferred to a new owner in an arm's length transaction.

(2) The Licensing Administrator shall keep accurate records of the number of tobacco product retail licenses issued.

(3) Licenses shall be processed based on the submittal date of a completed application.

E. Prohibited Licensees.

(1) It shall be unlawful for any of the following persons to have an ownership or a financial interest in a tobacco product retail license, and no license provided by this chapter shall be issued to, or held by:

(a) Any person until all applicable fees for the license have been paid;

(b) Any person not of good moral character;

(1) In evaluating the good moral character of the individual identified on an application or amendment thereof, the Licensing Authority shall consider the following:

i. Laws, rules and regulations applicable to evaluation of other types of licenses issued by governments that consider the good moral character of the applicants;

ii. Any findings as to good moral character previously made by the state licensing authority; and

iii. Any additional information the authority may request of the individual if the individual has a violation of any laws, or items disclosed by the individual which require additional information in order for the authority to make a determination regarding issuance of the license.

(c) Any corporation, partnership, limited liability company, or other entity whose officers, members, partners, directors or stockholders are not of good moral character;

(d) Any natural person who is under twenty-one (21) years of age;

(e) Any person in the immediately preceding twenty-four (24) months with a tobacco product retail license revoked or suspended by the state, or by another licensing authority in any other jurisdiction;

(f) Any person convicted of a felony that is deemed a crime of violence or has completed any portion of a felony sentence within the preceding five (5) years;

(g) A person licensed pursuant to this chapter who, during a period of licensure, or who, at the time of application, has failed to remedy an outstanding delinquency for taxes owed, or an outstanding delinquency for judgments owed to a government;

(h) A sheriff, deputy, police officer, or prosecuting officer, or an officer or employee of the state licensing authority, the authority, or the Town.

(i) Pharmacies. No license may issue, and no existing license may be renewed, to authorize tobacco product retailing in a pharmacy.

F. Licensing Administrator Powers and Duties.

The Local Licensing Administrator (Administrator) shall have the following powers and duties, and any other responsibilities as deemed appropriate by the Town:

(1) To require an applicant or licensee to furnish any relevant information required by the Administrator; and

(2) To administer oaths and issue subpoenas to require the presence of persons and the production of papers, books and records at any hearing that the authority is authorized to conduct. The Administrator may adopt public hearing procedures by resolution; and

(3) The Administrator upon receipt of the license application in the prescribed form, may approve, conditionally approve, or deny an applicant a local tobacco product retail license subject to the provisions and restrictions provided in this chapter; and

(4) Retailer Education. The Administrator or the Administrator's designee(s) shall provide education to retailers as the Administrator deems appropriate about the tobacco product retail license, license administration, renewal and responsibilities associated with a tobacco product retail license.

(5) The Licensing Administrator may adopt administrative rules and regulations as may be necessary for the proper administration of this chapter. The Administrator may, from time to time and in consultation with the Town Clerk and Town Manager adopt, amend, alter and repeal administrative rules and regulations as may be necessary for the proper administration of this chapter.

G. Application for License.

(1) The Licensing Administrator shall not accept an application for a tobacco product retail license unless and until the Administrator has received a copy of the applicant's state retail tobacco product license pursuant to 44-7-104.5, C.R.S. for the proposed licensed premises and the non-refundable local license application fee of \$ XXX .

(2) After the Licensing Administrator has received a copy of the state license and the application fee, an applicant seeking to obtain a license pursuant to this chapter may file an application for a tobacco product retail license with the Administrator located at XXX between the hours of 8:00 a.m. to 5:00 p.m. on regular Town business days. The form of the application provided by the Town Clerk and approved by the Town attorney, shall include all information required by this chapter and any additional information requested by the Administrator if such information is reasonably necessary to complete the investigation and review of the application.

(3) At the time of application, an applicant shall present a suitable form of identification and the following information, which information may be required for the applicant, the proposed manager of the tobacco product retail establishment, and all persons having a financial interest in the business that is the subject of the application or, if the applicant is an entity, holding any ownership interest in the issued and outstanding capital stock or other ownership interest of the entity:

(a) The name, address, and date of birth of the owner(s) and any managers of the applicant.

(b) If the owner is a corporation, partnership, limited liability company, or other business entity, the name(s), social security number(s), and address(es) of any officer or director of the entity and of any person holding any of the issued and outstanding capital stock or other ownership interest in the entity.

(c) A statement of whether or not any person holding any ownership interest in the proposed tobacco product retail establishment has:

(1) Been denied an application for a tobacco product retail license by the state or any other local jurisdiction;

(2) Has had such license suspended or revoked;

(3) Been convicted of a felony or has completed any portion of a sentence due to a felony charge within the preceding five years;

(4) Proof that the applicant has paid all application and other applicable fees;

(5) If applicant is a business entity, information regarding the entity including, without limitation, the name and address of the entity, its legal status, and proof of registration with, or a certificate of good standing from, the Colorado Secretary of State, as applicable;

(6) An acknowledgement and consent that the Town may conduct a background investigation, including a criminal history check, and that the Town will be entitled to full and complete disclosure of all financial records of the applicant, including records of deposit, withdrawals, balances, and loans;

(7) A copy of any deed reflecting the applicant's ownership of, or lease reflecting the right of applicant to possess, the proposed licensed premises;

(8) If the applicant is not the owner of the proposed licensed premises, a notarized statement from the owner of such property authorizing the use of the property for a retail tobacco product establishment and authorizing the Town to enter the property for inspection of the proposed licensed premises on a form approved by the Town;

(9) Evidence of a valid local and state sales tax license for the business;

(10) Proof that the proposed tobacco product retail establishment will be located in a location that permits such land use pursuant to this chapter and other applicable provisions of this Code;

(11) An area map, drawn to scale, indicating, within a radius of one-quarter mile from the boundaries of the property upon which the tobacco product retail establishment is proposed to be located, the distance between the nearest property line of the land used for any youth-oriented business and the nearest portion of the building in which the tobacco product retail establishment is proposed to be located, measured in feet. The map shall also indicate, within a radius of one-quarter mile from the boundaries of the property upon which the tobacco product retail establishment is proposed to be located, the distance between the nearest property line of land for which any tobacco product retail license has been approved or issued and the nearest portion of the building in which the tobacco product retail establishment that is the subject of the application is proposed to be located, measured in feet;

(12) A comprehensive business operation plan for the tobacco product retail establishment that shall contain, at a minimum, the following:

(a) A description of the products to be sold by the tobacco product retail establishment; and

(b) A plan for exterior signage that complies with all applicable requirements of this code, including photographs and/or illustrations of proposed signage including requirements pursuant to 44-7-104.7(2), C.R.S.

(13) Any additional information that the Licensing Administrator reasonably determines to be necessary in connection with the investigation and review of the application.

(14) A license issued pursuant to this chapter does not eliminate the need for the licensee to comply with other provisions of this Code and to obtain other required local licenses and licenses related to the operation of the approved tobacco product retail establishment, including, without limitation:

(a) Any required land use approval, if applicable; and

(b) A Town business license and state sales tax license.

H. Review of Application.

(1) Upon receipt of an application for a tobacco product retail license, the Licensing Administrator shall determine whether the application is complete and notify the applicant in writing of any deficiencies.

(2) Upon receipt of a properly completed application, together with all information required in connection therewith and the payment of all fees as required by this chapter, the Licensing Administrator shall circulate copies of the application to the administrative services department, the police department, the fire department, the building official and to any other department the Licensing Administrator deems necessary in order to determine whether the proposed facility is or will be in compliance with any and all applicable local laws, rules and regulations.

(3) Within twenty (20) days of receipt of a completed application the referral agencies described in subsection G above shall provide the Licensing Administrator with comments concerning the application.

(4) If the Licensing Administrator requests the applicant to provide additional information determined to be reasonably necessary.

(5) License applications shall be processed in order of submittal date of a complete application.

I. Public Hearing Requirements.

(1) Prior to making a decision on an initial application the Licensing Administrator shall hold a public hearing not less than thirty (30) days after receiving a complete application. The Licensing Administrator shall set the date and time and send written notice of the hearing to the applicant by regular mail, postage prepaid. The Administrator shall post notice of such public hearing on the proposed premises and shall publish public notice thereof not less than ten (10) days prior to the hearing. Public notice shall be given by the posting of a sign in a conspicuous place on the premises for which application has been made and by publication in a newspaper of general circulation.

(2) Notice given by posting shall include a sign of suitable material, not less than twenty-two (22) inches wide and twenty-six (26) inches high, composed of letters not less than one inch in height and stating the type of license applied for, the date of the application, the date of the hearing, and the name and address of the applicant.

(3) Notice given by publication shall contain the same information as that is required for public hearing signage.

(4) If the building in which tobacco product retailing is to occur is in existence at the time the application is filed, any sign posted as required in this section shall be placed so as to be conspicuous and plainly visible to the general public. If the building is not constructed at the time the application is filed, the applicant shall post the premises upon which the building is to be constructed in such a manner that the notice shall be conspicuous and plainly visible to the general public.

(5) Not less than five (5) days prior to the public hearing, the Licensing Administrator shall provide to the applicant preliminary written findings concerning the application based upon its investigation. The Administrator and/or staff shall provide such preliminary written findings to other parties of interest upon their request. Preliminary written findings shall not constitute a decision of the authority concerning approval or denial of an application.

(6) The Licensing Administrator will hear testimony and evidence from parties in interest at the public hearing concerning the following issues:

(a) Whether the applicant has violated, does not meet, or has failed to comply with the requirements of this chapter or state law;

(b) Whether the issuance of the license will adversely impact the health, safety, or welfare of the residents of the Town.

J. Decision on Application.

The Licensing Administrator may approve an application and issue a license under this chapter when, after thorough consideration of the application, and from review of such other information as required by this chapter the Administrator determines that the applicant complies with all of the requirements of this chapter and state law.

K. Standard Contents of License.

A license shall contain the following information:

- (1) The name of the licensee;
- (2) The date of the issuance of the license;
- (3) The address at which the licensee is authorized to operate the tobacco product retail establishment;
- (4) The date of the expiration of the license.
- (5) The Licensing Administrator shall have the authority to impose additional reasonable terms and conditions to a license as may be necessary to protect the public health, safety and welfare and to obtain compliance with the requirements of this chapter and other applicable law.
 - (a) For good cause shown, the Licensing Administrator may administratively modify any license condition during the term of the license.

L. License Term, Fees and Renewal.

(1) Each license issued pursuant to this chapter shall be valid for one year from the date of issuance and may be renewed as provided in this section.

(2) A licensee shall renew their license issued pursuant to this chapter annually. Any renewal of the license shall be governed by the standards and procedures set forth in this chapter or promulgated by the Licensing Administrator.

(3) An application for the renewal of an existing license shall be made to the Licensing Administrator at least forty-five (45) days prior to the date of expiration. The licensee shall apply for renewal using forms provided by the Licensing Administrator and pay to the Town a renewal fee in an amount fixed by the Town Council as part of its annual budget process.

- (a) If the applicant fails to apply for renewal at least forty-five (45) days before the expiration of the license, but does apply for renewal prior to expiration

of the license, the License Administrator may process the renewal application if the applicant submits the late filing fee of \$ XXX at the time of submittal of the renewal application. Such fee is non-refundable.

(b) The process for renewal shall be administrative provided that any decision not to renew shall be made by the Licensing Administrator in accordance with the requirements set forth in this chapter.

(c) The renewal application shall include verification that the tobacco product retail establishment has a valid state license issued by the state licensing authority, and that such license is in good standing.

(d) Failure of the licensee to renew and keep its state or local license current and valid or to make timely payment of the local licensing or operating fees shall be grounds for revocation of any license issued pursuant to this chapter.

(4) At least annually, the Town Council may review the fees assessed pursuant to this section and, if necessary, adjust such fees to reflect the direct and indirect costs incurred by the Licensing Administrator and the Town in connection with the administration, retailer education and enforcement of the licensing program including the costs associated with unannounced compliance checks. The Town Council shall adjust such fees as necessary by resolution.

(5) Immediately upon receipt or collection thereof, all fees collected and interest upon the fees collected pursuant to this chapter shall be deposited into a separate fund used exclusively to fund the tobacco product retail licensing program. Monies credited to such fund shall not be available or to be pledged or expended by interfund transfer or otherwise for any general purposes of the Town.

(6) Fees are nonrefundable except as may be required by law.

M. License Non-Transferrable.

(1) A tobacco product retailer license may not be transferred or assigned from one person to another or from one location to another. Any attempt to transfer or assign a license shall void the license. A separate license is required for each address and a new tobacco product retailer license is required when a tobacco product retail location has a change in proprietors.

(2) Past Violations. Notwithstanding any other provision of this chapter, prior violations at a location shall continue to be counted against a location and license ineligibility periods shall continue to apply to a location unless:

(a) the location has been transferred to new proprietor(s) in an arm's length transaction; and

(b) the new proprietor(s) provide the authority with clear and convincing evidence that the new proprietor(s) have acquired the establishment in an arm's length transaction.

N. General Requirements.

(1) Display of License. Each tobacco product retail license shall be displayed in a publicly visible location at the licensed premises at all times.

(2) Signage and Advertising.

(a) Any person who sells or offers to sell tobacco products shall display a warning sign pursuant to 44-7-103(3), C.R.S.

(b) The warning sign must be displayed in a prominent place in licensed premises at all times, must have a minimum height of three inches and a width of six inches, and must read as follows:

WARNING

IT IS ILLEGAL TO SELL CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS TO ANY PERSON UNDER TWENTY-ONE YEARS OF AGE. STATE LAW REQUIRES THAT, TO PURCHASE CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS AT THIS RETAIL LOCATION, A PERSON MUST PRESENT A VALID GOVERNMENT-ISSUED PHOTOGRAPHIC IDENTIFICATION AT THE TIME OF PURCHASE IF THE PERSON APPEARS TO BE UNDER FIFTY YEARS OF AGE.

(c) A tobacco product retailer shall not advertise an electronic delivery device (smoking device) product in a manner that is visible from outside the retail location at which the product is offered for sale pursuant to 44-7-104.7, C.R.S.

(3) Lawful Business Operation. In the course of tobacco product retailing or in the operation of the business or maintenance of the location for which a license is issued, it shall be a violation of this chapter for a licensee, or any of the licensee's agents or employees, to violate any local, state, or federal law applicable to tobacco products, tobacco paraphernalia, or tobacco product retailing.

(4) Pricing and Packaging.

(a) Packaging and Labeling. No tobacco product retailer shall sell any tobacco product to any consumer unless the tobacco product:

(1) Is sold in the manufacturer's packaging intended for sale to consumers; and

(2) Conforms to all applicable federal labeling requirements; and

(3) Conforms to all applicable child-resistant packaging requirements.

(5) Display of Price. The price of each tobacco product offered for sale shall be clearly and conspicuously displayed on the tobacco product or on any related shelving, posting, advertising, or display at the location where the item is sold or offered for sale.

(6) Minimum Package Size for Little Cigars and Premium Cigars. No tobacco retailer shall sell:

(a) any little cigar unless it is sold in a package of at least twenty (20) little cigars; or

(b) any cigar unless it is sold in a package of at least six (6) cigars ; provided, however, that this subsection shall not apply to a premium cigar that has a wholesale price per cigar for the calendar year ending December 31, 2024, twelve dollars (\$12), and for each calendar year thereafter, twelve dollars (\$12) plus the amount reflecting any percentage increase in the U.S. Department of Labor's Bureau of Labor Statistics Consumer Price Index or its successor index including all applicable taxes and fees.

(7) Employee Tobacco Product Sales. A retailer shall not permit a person under twenty-one (21) years of age to sell or participate in the sale of tobacco products.

(8) Minimum Legal Sales Age. No person engaged in tobacco product retailing shall sell a tobacco product to a person under twenty-one (21) years of age.

(9) Positive Identification Required. No person engaged in tobacco product retailing shall sell a tobacco product to a person without first verifying by means of a government issued photographic identification that the recipient is at least twenty-one (21) years of age. A retailer shall require any person who seeks to purchase a tobacco product(s) and who appears to be under fifty (50) years of age to present to the retailer a valid government-issued photographic identification at the time of purchase pursuant to 44-7-103(1), C.R.S.

O. Prohibited Acts.

(1) Self-Service Product Displays Prohibited. Tobacco product retailing by means of a self-service display in which tobacco products are accessible to consumers without the assistance of the licensee or an employee or agent of the licensee are prohibited. A vending machine is a form of a self-service display.

(2) Distribution of Tobacco Product Samples or Tobacco Product Promotional Items Prohibited. It is unlawful for any person to distribute free or nominally priced tobacco products.

(3) Prohibition of Tobacco Product Coupons and Discounts. No tobacco product retailer shall:

(a) Honor or redeem, or offer to honor or redeem, a coupon to allow a consumer to purchase a tobacco product for less than the full retail price; or

(b) Sell any tobacco product to a consumer through a multiple-package discount or otherwise provide any such product to a consumer for less than the full retail price in consideration for the purchase of any tobacco product or any other item; or

(4) Prohibition of Free or Discounted Items. No retailer shall provide any free or discounted item to a consumer in consideration for the purchase of any tobacco product.

(5) Onsite Delivery of Tobacco Products Prohibited. The delivery of tobacco products from a licensed tobacco product retail establishment to a person who is not another licensed tobacco product retailer is prohibited.

(a) This section does not apply to the direct shipment of cigars or pipe tobacco that is not restricted pursuant to 44-7-104.7, C.R.S.

(6) False/Misleading Advertising Prohibited. A tobacco product retailer without a valid tobacco product retailer license or a proprietor without a valid tobacco product retailer license, including, for example, a person whose license has been suspended or revoked:

(a) Shall keep all tobacco products and tobacco paraphernalia out of public view. The public display of tobacco products or tobacco paraphernalia in violation of this provision shall constitute tobacco product retailing without a license under this chapter; and

(b) Shall not display any advertisement relating to tobacco products or tobacco paraphernalia that promotes the sale or distribution of such products from the tobacco product retailer's location or that could lead a reasonable consumer to believe that such products can be obtained at that location.

P. Compliance Checks.

(1) Retail Compliance Checks. All Licensed premises must be open to inspection by law enforcement or other authorized official during regular business hours. From time to time, but at least two (2) times per year, the Town will conduct compliance checks by

engaging with persons under the age of twenty-one (21) at each licensed retail location where tobacco products are sold.

(2) The Town shall perform a compliance check by engaging a person who is under twenty-one (21) years of age to enter a retail location to purchase tobacco products.

(3) Prior written consent is required for any minor who participates in a compliance check.

(4) Under-aged individuals participating in compliance checks will be supervised by law enforcement or other designated personnel and will not be guilty of illegal possession or illegal procurement when those items are obtained as a part of the compliance check. The Town shall not enforce any law establishing a minimum age for tobacco product purchases or possession against an individual who otherwise might be in violation of such law because of the individual's age (hereinafter "underage operative") if the potential violation occurs when:

(a) the underage operative is participating in an inspection supervised by a peace officer, code enforcement official, or the Licensing Administrator designated to monitor compliance with this chapter;

(b) the underage operative is acting as an agent of the Town, the Licensing Administrator or an entity designated by the Town to monitor compliance with this chapter; or

(c) the underage operative is participating in an inspection funded in part, either directly or indirectly through subcontracting, by the Summit County Public Health Department, the Colorado Department of Public Health and Environment or the Colorado Department of Revenue.

(5) If the compliance check results in a violation pursuant to this chapter the authority will conduct an additional compliance check of the retail location where the violation occurred within forty-five (45) days.

(6) Any decision made by the authority to approve, conditionally approve, or deny a license application, to revoke or suspend a license, or to renew or not renew a license shall be a final decision which may be appealed to the District Court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. No defense or objection may be presented for judicial review unless it is first presented to the authority prior to the effective date of the authority's decision.

Q. Non-Renewal, Suspension or Revocation of License.

(1) A license issued pursuant to this chapter may be suspended, fined, restricted, or revoked by the authority for the following reasons:

(a) Fraud, misrepresentation or a false statement of material fact contained in the license application;

(b) A violation of any local, state or federal law or regulation;

(c) Violation of any applicable administrative regulation;

(d) A violation of any of the terms and conditions of the license;

(e) A violation of any law which, if occurring prior to the submittal of the application, could have been cause for denial of the license application;

(f) Failure to timely correct any violation of any law, or comply with any order to correct a violation of any law within the time stated in the notice or order;

(g) A violation of any of the provisions of this chapter;

(h) Good cause.

(2) Hearing, Burden of Proof.

(a) The Town Clerk, the police chief or any other official representative of the Town may request in writing that a license issued under this chapter be suspended or revoked. Additionally, the licensing authority may, on its own motion or on complaint, after investigation and opportunity for a public hearing, impose revocation or suspension of a license. The written request or complaint to suspend or revoke must include the allegations upon which the suspension or revocation is based and must be provided to the licensee.

(b) The Town Council sitting in its official capacity shall preside over the public hearing on the suspension or revocation.

(c) The date and time of the hearing must be set, written notice of which must be sent by regular mail, postage prepaid, to the licensee at least ten (10) days prior to the hearing date.

(d) The hearing must be conducted based on the allegations provided in the written request or complaint. The burden shall be on the Town to prove by a preponderance of the evidence that the licensee has violated the provisions of the license requirements and/or prohibitions.

(e) In determining whether a License should be suspended or revoked, and in determining whether to impose conditions in the event of a suspension, the following factors may be considered:

- (1) The nature and circumstances of the violation;
- (2) Corrective action if any taken by the licensee;
- (3) Prior violations if any by the licensee;
- (4) The likelihood of recurrence of the violation;
- (5) Whether the violation was willful; and
- (6) Previous sanctions, if any, imposed on the licensee.

(f) The Town Council will hear testimony and evidence from parties in interest at the public hearing.

(g) A written decision must be provided to the licensee within ten (10) business days of the conclusion of the hearing. Notice shall be given by mailing a copy of the decision to the licensee by regular mail, postage prepaid, at the address shown in the license. Notice is deemed to have been properly given upon mailing.

(3) In connection with the suspension of a license, the Town Council may impose reasonable conditions. The Administrator shall be authorized to enter into stipulations with any licensee at or following the public hearing.

(a) Any decision made by the Town Council shall be a final decision and may be appealed to the district court, pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. The licensee's failure to timely appeal the decision is a waiver of the licensee's right to contest the suspension or revocation of the license.

R. Penalties, Injunctive Relief.

(1) In addition to any other penalty authorized by law, and if the Town Council determines based on a preponderance of the evidence, that the licensee, or any of the licensee's agents or employees, has violated any of the requirements, conditions, or prohibitions of these regulations, or has pleaded guilty, "no contest" or its equivalent, or admitted to a violation of any law relating to the sale of tobacco products to minors including but not limited to C.R.S. sections 18-13-121 and 44-7-103, the Town Council may consider a fine pursuant to the Town's general penalty and/or suspension or revocation of the license.

(2) In addition to any revocation proceedings pursuant to Paragraph Q, violations of these regulations may be subject to the penalties as set forth by resolution adopted by the Town Council. Each separate act in violation of these regulations, and each and every day or portion thereof during which any separate act in violation of these regulations is committed, continued, or permitted, shall be deemed a separate offense.

(3) After the effective date of the ordinance from which these regulations derive, it shall be unlawful for any tobacco product retailer to sell a tobacco product without a license as mandated under these regulations, or with a suspended or revoked license. A retailer whose license has been suspended or revoked:

(a) Shall not display tobacco products in public view during the timeframe in which the license is suspended or revoked; and

(b) Shall not display advertisements relating to tobacco products that promote the sale or distribution of such products from the location that could lead a reasonable person to believe that such products can be obtained from that location.

(4) In addition to all other remedies available to the Town under the Town Code and by law, the operation of a tobacco product retail establishment without a valid license issued pursuant to this chapter may be enjoined by the Town in an action brought in a court of competent jurisdiction.

(5) In any case in which the Town prevails in a civil action initiated pursuant to this section, the Town may recover its reasonable attorney's fees plus costs of the proceeding.

S. No Waiver Governmental Immunity.

In adopting this chapter, the Town is relying on and does not waive or intend to waive by any provision of this chapter the monetary or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or any other limitation, right, immunity or protection otherwise available to the Town, its officers or its employees.

T. No Town Liability.

By accepting a license issued pursuant to this chapter, a licensee releases the Town, its officers, elected officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of establishment owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.

U. Indemnification of Town.

By accepting a license issued pursuant to this chapter, a licensee, jointly and severally if more than one agrees to indemnify and defend the Town, its officers, elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the operation of the tobacco product retail establishment that is the subject of the license. The licensee further agrees to investigate, handle, respond to and provide defense for and defend against any such liability, claims or demands at its expense and to bear all other costs and expenses related thereto, including court costs and attorney fees.

V. Compliance With State Law.

Except as otherwise provided herein, the Licensing Administrator shall be governed by Article 7 of Title 44, C.R.S. and this chapter now in effect or subsequently amended. In the event of a conflict between the provisions of this chapter and those in Article 7 of Title 44, C.R.S. the more stringent provision shall apply.

W. Severability.

Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 5. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 6. Codification. This ordinance may be codified and numbered for purposes of codification without the need for further approval by the Town Council.

Section 7. Effective Date. This ordinance shall take effect and be enforced thirty (30) days after final publication.

INTRODUCED, READ AND PASSED AS AN ORDINANCE, ON FIRST READING, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS

_____ DAY OF _____, 2025.

READ, PASSED AND ADOPTED AS AN ORDINANCE ON SECOND READING, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS

_____ DAY OF _____, 2025.

Kenneth D. Riley, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
THROUGH:
FROM: John Crone, Town Manager
DATE: February 28, 2025
SUBJECT: Mountain Towns 2030 and Climate Sustainability

Executive Summary:

The purpose of this work session item is to discuss whether the Town of Keystone should join Mountain Towns 2030 (MT 2030) and commit to net zero carbon emissions.

Background:

In 2016, Park City became the first mountain town to commit to net zero carbon emissions by 2030. In 2019, Mountain Towns 2030 was formed to bring together a coalition of mountain towns, resorts, and outdoor industries with the common goal of being net carbon zero.

The members of the organization (listed on another page) have committed to

1. Addressing climate change at the speed and scale that it demands by committing to achieve net zero carbon emissions by 2030.
2. Implementing an inclusive and resilient long-term climate plan that engages diverse voices, to ensure that it benefits all citizens equitably.
3. Collaborating with other community leaders to build our collective capacity; scaling the right solutions that grow our local economies, protect public health and create a sustainable carbon-free future for all.

The communities and organizations get together at annual meetings. The 2025 meeting is scheduled in Breckenridge in October of this year. We will be hosting the October CAST meeting in conjunction with MT 2030. Breckenridge has asked for a small donation (\$5000) to help sponsor the event. The dues and costs to join MT 2030 are minimal.

The Town of Keystone currently does not have a sustainability program or any commitments; although, we have had public comments encouraging us to start a sustainability program. Joining MT 2030 would not necessitate additional staff. Additionally, any commitments or actions would be at our complete discretion. MT 2030 really just provides a collaborative framework and network to help communities reach sustainability goals.

If the Council joins MT 2030, it would be the first step in the Town's implementation of a sustainability program. This basically means that we would start considering carbon effects of decisions that we make.

The following page contains a list of all of the towns and organizations that attended the 2024 conference.

106West Logistics	Energy Smart Colorado	State Farm Austin O'Bryhim Insurance Agency
2100 Consulting Public Benefit Corporation	Evergreen Energy Partners	Steamboat Ski & Resort Corporation
Adam Palmer Sustainability Fund	Feldman Architecture	Stewardship Utah
Adventure Creative	Fresh Coast Climate Solutions	Stio
AECOM	Go Green Home Supply	StoneTurn LLC
AEJ Projects	Grand County	Sugar Bowl Resort
AgriVoltaics Inc LLC	Grand Teton Lodge Company	Summit County, CO
American Conservation Coalition	Green Star Royalty	Summit County, UT
Arapahoe Basin Ski Area	GSBS Architects	Summit County, UT
Astoria Park Conservancy	Gunnar Hubbard Consultancy	Sun Valley Resort
Bentwood Inn	Gunnison County	Sunrise Jackson Hole
Big Sky Resort / Boyne Resorts	Hakuba 47	Taos Ski Valley, Inc.
Big Sky Sustainability Network Organization	High Country Conservation Center	Telluride Foundation
Blaine County, ID	Holy Cross Energy	Teton County School District
Bogus Basin Mountain Recreation Area	Jackson Hole Airport	Teton County, ID
Boulder County PACE	Jackson Hole Center for Global Affairs	Teton County, WY
Boyne Resorts	Jackson Hole Chamber of Commerce	Teton Village Association
Breckenridge Grand Vacations	Jackson Hole Climate Action Collective	The American Conservation Coalition
Brendle Group	Jackson Hole Conservation Alliance	The GreyEdge Group
Bridger Bowl Ski Area	Jackson Hole Travel & Tourism Board	The Nature Conservancy
Brighton Resort / Boyne Resorts	Jenny Lake Boating	The Travel Foundation
Brundage Mountain Resort	Kendall-Jackson Wines	Thornton Tomasetti
CAP Management	Lake County, CO	Topo Finance
Cascadia Consulting Group	Land and Carbon, Inc.	Town of Avon
CEA Consulting	LegacyWorks Group	Town of Breckenridge
Central Wyoming College	Living Air Communications	Town of Crested Butte
Chaffee County, Colorado	Lotus Engineering & Sustainability	Town of Dillon
Citizens' Climate Lobby	Lower Valley Energy	Town of Eagle
City of Arvada	Martis Camp Community	Town of Estes Park
City of Aspen	McKinstry	Town of Frisco
City of Billings	Mead & Hunt	Town of Granby
City of Bozeman	Michaels Energy	Town of Jackson
City of Brighton	Millig Design Build	Town of Jackson
City of Driggs	Missoula County	Town of Mountain Village
City of Durango	MIT Sloan Sustainability Initiative	Town of Ridgway
City of Glenwood Springs	Mt. Rose - Ski Tahoe	Town of Silverthorne
City of Golden	Mtn Metro Real Estate	Town of Snowmass Village
City of Hailey	National Ski Areas Association	Town of Superior
City of Ketchum	Nevada County	Town of Taos
City of Lafayette	Niagara Bottling	Town of Telluride
City of Laramie	Northwest Colorado Council of Governments	Town of Truckee
City of Louisville	Open Range Consulting	Town of Vail
City of McCall	OZ Architect	Town of Winter Park
City of Missoula	Pano AI	Trane
City of Moab	Panorama Mountain Resort	Truckee
City of Moscow	Park City Chamber & Visitors Bureau	US Environmental Protection Agency
City of Salida	Park City Community Foundation	US Green Building Council
City of Salida	Park City Municipal	USDA Forest Service
City of South Lake Tahoe	Pathfinder Philanthropy Advisors	USFS - Boise/Payette NFs
City of Steamboat Springs	PepsiCo	Vail Honeywagon/Waste Connections
City of Victor	Pitkin County Government	Vail Resorts
City of Whitefish	Portneuf Resource Council	Valley Advocates for Responsible Development
Clean Energy Economy for the Region	Powder River Basin Resource Council	Visit Park City
Clean Water Innovations	POWDR Corp	Volts
Climate Smart Missoula	Prospect Studio	Western Colorado University
Climate Town	Putting Assets to Work L3C	Western Urban Sustainability Advisors
Collective Clean Energy Fund	Recycle Utah	Wisewood Energy
Colorado Association of Ski Towns	RENEW Energy Partners	Wisp Resort/ Everbright Pacific LLC.
Colorado Department of Public Health & Environ	Resort Municipality of Whistler	Wolakota Lab, LLC
Colorado Energy Office	Resource Recycling Systems (RRS)	Woodward Global
Community Office for Resource Efficiency	Rewiring America	WSP USA
COMPOSE[D]	Riverwind Foundation	Wyoming Outdoor Council
Confluence Sustainability	Routt County, CO	Wyoming Untrapped
Constellation Strategies	San Miguel County, CO	Xanterra Travel Collection - Yellowstone
Copper Mountain	Schneider Electric	Xcel Energy
Destination Queenstown	SE Group	Yampa Valley Community Foundation
Dickinson College	Sierra Club Wyoming Chapter	Yampa Valley Sustainability Council
Eagle County, CO	Sierra Watch	Yearout Energy Services
EcoAction Partners	Silicon Couloir	Yellowstone Club
Elected Leaders Coalition	Ski Area Management Magazine	Yellowstone-Teton Clean Cities
Energy 1	Ski Utah	Zola Windows
Energy Conservation Works	Snow King Mountain Resort	

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
THROUGH: John Crone, Town Manager
FROM: Lindsay Hirsh, Community Development Director
DATE: February 25, 2025 – Work Session
SUBJECT: US Highway 6 Proposed Sidewalk Segment

Executive Summary:

Staff is seeking guidance on a proposed sidewalk segment along eastbound US Highway 6 from West Keystone Road to the existing Summit Stage bus stop, and tying into the Keystone Lodge and Spa property.

Background:

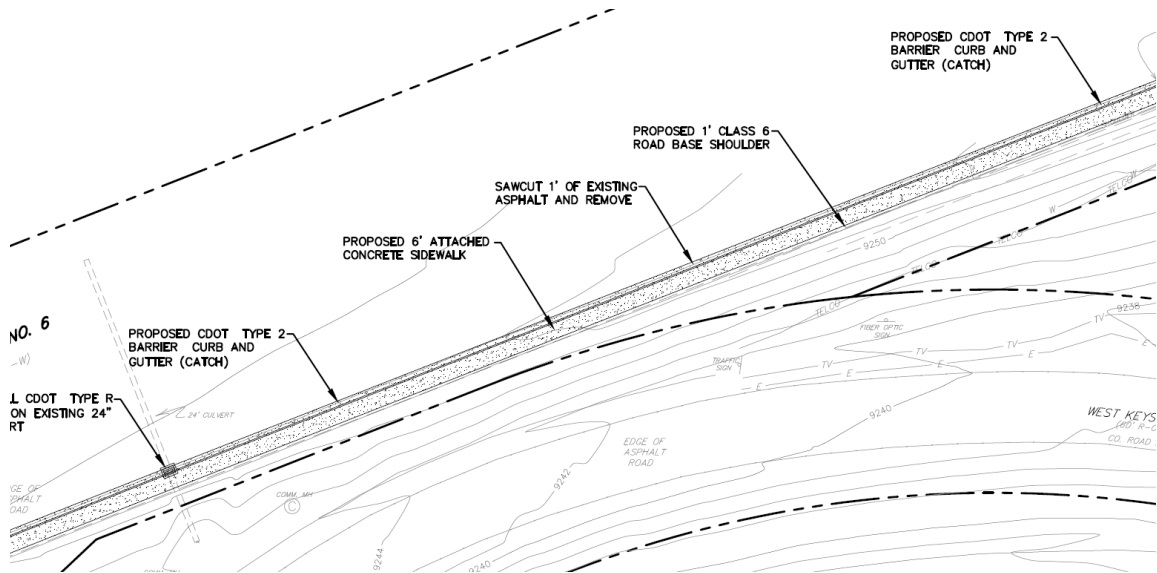
As part of the Brightwood multifamily development nearing completion, the Brightwood development team has agreed in principle to design and construct a sidewalk segment along US Highway 6. The pedestrian improvement will serve as a critical connection from the West Keystone intersection to the existing Summit Stage bus stop (approx. 915'), and then tying into the Keystone Lodge property (an additional 240' approximately). This will provide a safe route for pedestrians to get to the bus stop and to Keystone Lodge without walking in the shoulder of the highway.

Discussion:

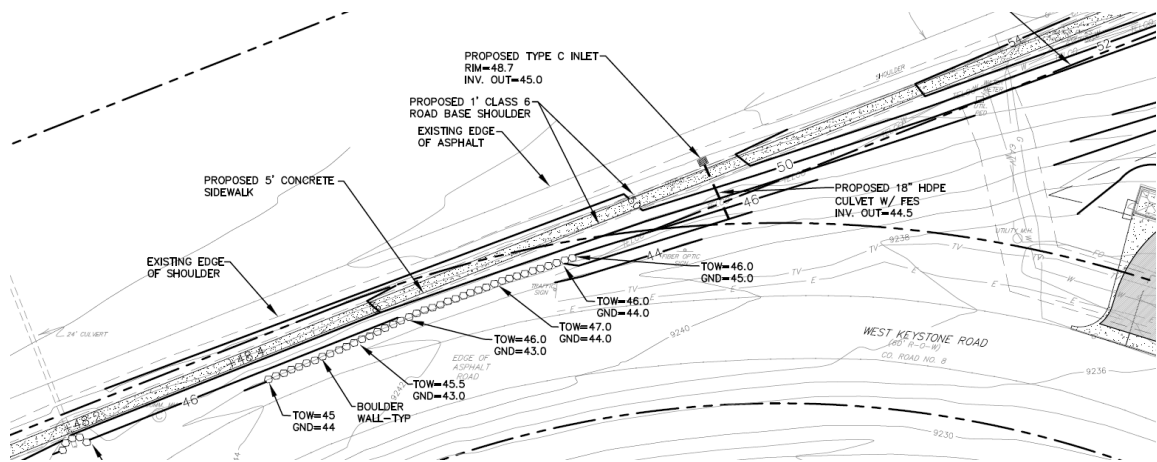
The Brightwood development team has provided two design options to staff at this time:

1. **Attached sidewalk** – curb and gutter with a 6' sidewalk placed directly adjacent to the highway shoulder. Estimated cost is \$300,000 for West Keystone Road to the bus stop segment, with an estimated additional \$80,000 to tie into the Keystone Lodge and Spa property. Costs include curb

and gutter and drainage improvements, sidewalk construction, and traffic control during construction.



2. **Detached sidewalk** – no curb and gutter, 4' of graded space and then a 5' sidewalk. Estimated cost is \$300,000 for West Keystone Road to the bus stop segment, with an estimated additional \$80,000 to tie into the Keystone Lodge and Spa property. Costs includes grading and drainage improvements, sidewalk construction, and traffic control during construction.



While staff welcomes any sidewalk improvement along Highway 6, there is a preference for the detached sidewalk option as it provides a separation between the highway shoulder and sidewalk surface, allowing for greater pedestrian safety (the sidewalk is

located further away from vehicles). The steep slopes located along the highway make constructing a wider sidewalk more difficult and costly.

The proposed sidewalk requires a Special Use Permit from CDOT. While an initial application has been started, a final design is needed for submission of the application. The Brightwood development group anticipates construction to begin in July / August and lasting one to two months to complete the sidewalk improvement.

Financial Considerations:

Both designs are estimated to cost approximately \$380,000 to construct, and the development team will provide a final estimated cost to staff for comparison by the time of the Council meeting. While the Town Budget can accommodate the estimated costs, the Town is pursuing a grant opportunity through CDOT Revitalizing Main Streets program (projects do *not* have to be “main streets”). The CDOT program offers awards for up to \$250,000 with a \$10,000 minimum, with a required 10% match from the Town. Grant award decisions will occur around the third week in March, with up to 90 days to then receive the purchase order from CDOT. Finally, the Brightwood development group has previously indicated a willingness to contribute up to \$120,000 for construction of the sidewalk as well.

Next Steps:

Staff is requesting that Council provide direction on any preference on the two sidewalk options as described, as well as provide any other input regarding the sidewalk improvement.

Attachments: Schematic sidewalk plans

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
FROM: John Crone, Town Manager
DATE: February 25, 2025
SUBJECT: Nuisance ordinance – general provisions

Executive Summary:

The purpose of this work session item is to provide an overview of the general nuisance provisions of a proposed nuisance ordinance.

Background:

Town Council is in the process of reviewing sections for a proposed nuisance ordinance. This section contains the general provisions of the proposed ordinance. The sections are largely based on the ordinance that has been adopted by the Town of Dillon.

Town Council has previously reviewed these sections, however, that review took place under the context of a review of all of the sections proposed for the complete nuisance ordinance. Tonight's review will allow the Town Council to explore the general provisions of the proposed ordinance in more detail and give more feedback to staff on proposed changes.

Proposed Ordinance

Section 1. - Author of nuisances.

Any state of things prohibited by this Ordinance shall be deemed to be a nuisance, and any person who shall hereafter make or cause such nuisance to exist shall be deemed to be the author thereof.

Section 2. - Prohibition of nuisances.

It is unlawful for any person, being the owner, agent or occupant of, or having under his or her control, any building, lot, premises or unimproved real estate within the limits of the Town, to cause, permit, maintain or allow any nuisance to be or remain therein.

Section 3. - Ascertaining nuisances.

Whenever the pursuit of any trade, business or manufacture or the maintenance of any substance or condition of things shall, upon investigation, be considered by the Town Manager dangerous to the health of any of the inhabitants of the Town, the same shall be considered a nuisance and shall be abated.

Section 4. - Constitution of separate offense.

In the case of any nuisance in or upon any street, alley or other public or private grounds, the author thereof shall be guilty of a separate offense for every period of forty-eight (48) hours' continuance thereof after notice has been given to abate the same.

Section 5. - Filing complaint.

In addition to or in lieu of any procedure for abatement, a direct complaint may be filed by any person against any person who violates any provision of this Ordinance.

Section 6. - Emergency abatement.

When, in the opinion of the Town Manager there is actual and immediate danger to the public or occupants of a particular premises caused by a nuisance on such premises, the Town Manager is hereby authorized and empowered, without any notice or hearing, to order and require such premises to be vacated. The Town Manager or the Town Manager's designee shall immediately post the premises, warning of the dangerous condition, and shall then abate such nuisance and prepare a statement of costs incurred in the abatement thereof.

Section 7. - Right of entry.

The Town Manager or any other authorized person may enter upon or into any lot, house or other building or premises, with the proper respect of the occupant's constitutional rights, to examine the same and to ascertain whether any such nuisance exists, and shall be free from any action of liability on account thereof.

Section 8. - Notice to abate nuisance.

Whenever a nuisance is found to exist within the Town or within the Town's extraterritorial jurisdiction, the Town Manager shall give five (5) days' written notice to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance.

Section 9. - Contents of notice.

The notice to abate a nuisance issued under the provisions of this Ordinance shall contain:

- (1) An order to abate the nuisance or to request a hearing within a stated time, which shall be reasonable under the circumstances;
- (2) The location of the nuisance, if the same is stationary;
- (3) A description of what constitutes the nuisance;
- (4) A statement of acts necessary to abate the nuisance; and
- (5) A statement that if the nuisance is not abated as directed and no request for hearing is made within the prescribed time, the Town will abate such nuisance and assess the cost thereof against such person.

Section 10. - Service of notice.

The notice to abate a nuisance shall be served as any other legal process may be served pursuant to law.

Section 11. - Abatement by Town.

Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this Ordinance to abate the same, the Town Manager shall

proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof.

Section 12. - Report of costs.

Upon the completion of any work by the Town contemplated by this Ordinance, the Public Works Director shall report, in writing, to the Town Manager, which report shall make a clear statement of the work done by the Town and the expense incurred in so doing, so that the Town Manager may determine the cost of such work. The Public Works Director shall make a separate report for each lot or parcel of land.

Section 13. - Assessment of property.

After considering the report of the Public Works Director, the Town Manager shall determine and assess the whole cost for the abatement thereof, including five percent (5%) for the inspection and other incidental costs in connection therewith, upon the lots and tracts of land from which the nuisance was abated.

Section 14. - Notice of assessment.

The Town Clerk, as soon as may be after such assessment is made, shall send by certified mail, return receipt requested, addressed to the owner of such lots or tracts of land at the reputed post office address, a notice of such assessment, which notice shall contain a description of the lots or parcels of land, the name of the owner and the amount of the assessment.

Section 15. - Payment of assessment.

- (a) It shall be the duty of the owner to pay such assessment or object thereto, in writing, within thirty (30) days after the receipt of such notice, and in case of his or her failure to do so, he or she shall be liable personally for the amount of the assessment. The same shall be a lien upon the respective lot or parcel of land from the time of such assessment, and the Town shall have all remedies for collection thereof provided by state statutes, for the purpose of having the same placed upon the tax list and collected in the same manner as

taxes are now collected. The assessment shall be a lien against each lot or tract of land until it is paid and shall have priority over all other liens except general taxes and prior special assessments.

- (b) The amount of such assessment may be paid to the Town Clerk at any time before the tax list is placed in the hands of the County Treasurer, but thereafter only to the County Treasurer.

Section 16. - Objection to assessment; hearing.

In the event any owner desires to object to said assessment, he or she shall, within thirty (30) days after the receipt of said notice, file a written objection thereto with the Town Clerk, who shall thereupon designate the next regular meeting of the Town Council as the date when said objector may appear and have a hearing before the Town Manager and Town Council.

Section 17. - Certified assessment.

In case the owner shall fail to pay such assessment or object thereto within the required time as provided above, then it shall be the duty of the Town Clerk to certify the amount of the assessment to the proper county officers, who shall collect the assessment as provided for by state law for the collection of delinquent general taxes.

Section 18. - Cumulative remedies.

No remedy provided herein shall be exclusive, but the same shall be cumulative, and the taking of any action hereunder, including charge, conviction or violation of this Ordinance in the Municipal Court, shall not preclude or prevent the taking of other action hereunder to abate or enjoin any nuisance found to exist.

Section 19. - Concurrent remedies.

Whenever a nuisance exists, no remedy provided for herein shall be exclusive of any other charge or action, and when applicable the abatement provisions of this Ordinance shall serve as and constitute a concurrent remedy over and above any

charge or conviction of any municipal offense or any other provision of law. Any application of this Ordinance that is in the nature of a civil action shall not prevent the commencement or application of any other charges brought under this Code or any other provision of law.

Section 20. - Violations and penalties.

Any person who shall violate any of the provisions of this Ordinance shall be subject to the provisions as defined in the Town's general penalty ordinance.

Section 21 – Nuisances Defined

A nuisance is defined as meaning any person doing an unlawful act or omitting to perform a duty or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

- a. Injures or endangers the comfort, repose, health or safety of others;
- b. Offends decency;
- c. Is offensive to the senses;
- d. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage;
- e. In any way renders other persons insecure in life or the use of property; or
- f. Essentially interferes with the comfortable enjoyment of life and property or tends to depreciate the value of the property of others.
- g. Has been declared to be such by state courts or statutes or known as such at common law.