



Keystone Town Council Work Session Agenda

The Keystone Town Council will have a Work Session on May 13, 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. INTRODUCTION OF PROPOSED MUNICIPAL JUDGE, RON CARLSON,
AND MUNICIPAL PROSECUTOR, MARK HURLBERT**
- IV. DISCUSSION OF DRAFT AMENDMENTS TO TOBACCO REGULATIONS**
- V. DISCUSSION OF DRAFT FIRE BAN AND FIREWORKS REGULATIONS**
- VI. DISCUSSION OF ANIMAL CONTROL ORDINANCE**
- VII. DISCUSSION OF MAJOR PROJECTS**
- VIII. DISCUSSION OF MANAGER/COUNCIL ISSUES**
- IX. ADJOURNMENT**

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
FROM: John Crone, Town Manager
Jennifer Madsen, Town Attorney
DATE: May 13, 2025
SUBJECT: Discussion of draft amendments to tobacco regulations

Executive Summary:

The purpose of this work session is to present and discuss an amended tobacco retailer licensing ordinance. The amendments include a prohibition on the sale of flavored nicotine/tobacco products as well as a prohibition on discounts on the sale of tobacco products

Background:

Currently, Summit County communities are considering updating their tobacco regulations to include a ban on flavored tobacco and to ban the use of discounts or coupons for tobacco products. Summit County Public Health has encouraged municipalities to impose these regulations. Breckenridge, Dillon, and Silverthorne have adopted ordinances to impose the flavor ban and to impose prohibition on tobacco coupons and discounts.

These amendments for the flavor ban and coupon ban to the Town's current tobacco regulations are included as underlines in the attached ordinance. There is one additional amendment to require examination of an id for individuals appearing under the age of fifty. The draft ordinance if adopted would go into effect on January 1, 2026.

Attachment:

- Draft Amendment of Tobacco License Regulations

**TOWN OF KEYSTONE
ORDINANCE NO. 2025-O-XX**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE,
COLORADO, AMENDING ORDINANCE 2024-O-04 REGULATING THE
LICENSING OF THE DISTRIBUTION AND SALE OF TOBACCO PRODUCTS
TO INCLUDE A PROHIBITION ON 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,
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, on April 9, 2024, the Town Council approved Ordinance 2024-O-04 regulating the distribution and sale of tobacco products in the Town of Keystone; and

WHEREAS, the Town Council discussed limiting flavored nicotine product sales within the Town and determined that it was in the best interest of the health, safety, and welfare of the Town to disallow the sale of flavored nicotine products; and

WHEREAS, there is a special interest in reducing the number of individuals of all ages, but particularly young people, from the use of tobacco products, which cause nicotine dependence, illness, and premature death due to tobacco product use; and

WHEREAS, in light of the foregoing, the Town Council wishes to institute an amendment to the Tobacco Product Retailer License regulations in the interest of the health, safety, and welfare of the Town.

**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. Amendment to Section 2 of Ordinance 2024-O-04. Section 2 of Ordinance 2024-O-04 is amended to include a ban on flavored tobacco products and a ban on discounted sales of tobacco products to read as follows:

TOBACCO LICENSE REGULATIONS

A. Purpose and applicability.

- (a) The purpose of these regulations is to establish license requirements for tobacco product retailers and to set forth the requirements for the sale of tobacco products to persons under twenty-one (21) years of age to protect the health, safety and welfare of individuals in Town, to encourage responsible tobacco product retailing and to reduce illegal sales of said products in Keystone, Colorado.
- (b) 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:

Accessory means any product that is intended or reasonably expected to be used with or for the human consumption of a tobacco product; does not contain tobacco and is not made or derived from tobacco; and meets either of the following: (1) is not intended or reasonably expected to affect or alter the performance, composition, constituents, or characteristics of a tobacco product; or (2) is intended or reasonably expected to affect or maintain the performance, composition, constituents, or characteristics of a tobacco product but (a) solely controls moisture and/or temperature of a stored tobacco product; or (b) solely provides an external heat source to initiate but not maintain combustion of a tobacco product. Accessory includes, but is not limited to, carrying cases, lanyards and holsters.

Cigarette means any product that contains tobacco or nicotine, that 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; or
- (3) Roll of tobacco wrapped in any substance containing tobacco that, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subparagraph (1) above.
- (4) The term includes all "roll-your-own," i.e., any tobacco that, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes.

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 smoking 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 smoking device.

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.

Electronic smoking device means any product containing or delivering nicotine intended for human consumption that can be used by an individual to simulate smoking in the delivery of nicotine or any other substance, even if marketed as nicotine-free, through inhalation from the product. Electronic smoking device includes any refill, cartridge or component part of a product, whether or not marketed or sold separately. Electronic smoking device does not include any product that has been approved or certified by the United States Food and Drug Administration for sale as a tobacco cessation product or for other medically approved or certified purposes.

Flavored tobacco product means any one of the following:

- (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; or
- (2) Any tobacco product that imparts a cooling or numbing sensation distinguishable by an ordinary consumer either prior to or during the consumption of such tobacco product; or
- (3) Any 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.

Hearing Officer means the person appointed by the Town Manager.

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

License refers to the tobacco product retailer license.

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.

Minimum legal sales age means twenty-one (21) years of age or older.

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

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.

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.

Tobacco product means:

- (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, pipe tobacco, snuff, bidis, snus, nicotine product, mints, hand gels; and
- (2) An electronic smoking device;
- (3) 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 sold separately.
- (4) The term "tobacco product" does not include:
 - (i) Any product that contains marijuana; and
 - (ii) Any product made from or derived from tobacco and approved by the Food and Drug Administration (FDA) for use in connection with cessation of smoking.

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 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.

Tobacco paraphernalia means any item designed for or reasonably expected to be used for the consumption, use or preparation of tobacco products.

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.

C. Minimum legal sales age.

Tobacco products shall not be sold to any person younger than the minimum legal sales age.

D. License requirements and prohibitions.

(a) Tobacco product retailer license required.

(1) 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) No license shall be issued to authorize tobacco product retailing anywhere other than at a fixed location that is designated in the License application and approved by the Licensing Administrator. Tobacco product retailing by persons on foot, from vehicles or through mobile vending is prohibited.

(3) Tobacco product retailing without a valid license is a violation.

(b) Display of license. Each License shall be prominently displayed in a publicly visible location at the licensed tobacco product retail location.

(c) Display of minimum legal sales age requirements. The requirement of the minimum legal sale age for the purchase of tobacco retail product shall be prominently displayed in the entrance (or other clearly visible location) of the tobacco product retail location.

(d) Sale of flavored tobacco products prohibited. The sale or offer for sale of flavored tobacco products is prohibited.

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

- (1) 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
- (2) 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
- (3) Provide any free or discounted item to a consumer in consideration for the purchase of any tobacco product.

(f) Other prohibitions.

- (1) A tobacco product retail location may only have one active License at one time. Every license is separate and distinct and specific to a designated location. The license cannot be assigned, delegated, sold, inherited or otherwise transferred between persons or transferred to a different location, except as provided in these regulations. No licensee shall exercise the privileges of any other license or delegate the privileges of its own license.
- (2) A person or entity may not apply for a License for a two-year period after a License has been revoked.
- (3) No license shall be issued to any person under twenty-one (21) years of age.

E. Conditions of the tobacco product retail license.

The following conditions shall apply to the Licensee:

- (a) Minimum age for persons handling tobacco products. No person who is younger than eighteen years of age shall, while employed at a tobacco product retail location, sell, stock, retrieve, or otherwise handle tobacco products or tobacco paraphernalia.
- (b) Prohibition of self-service displays. Licensees shall stock and display all tobacco products and tobacco paraphernalia in a manner so as to make all such products inaccessible to customers without the assistance of a retail clerk, thereby requiring a direct face-to-face exchange of the tobacco product or tobacco paraphernalia from an employee of the business to the customer except in an adult-only establishment.

- (c) Requirements of positive identification. No person engaged in tobacco product retailing shall sell or transfer a tobacco product to another person who appears to be under the age of fifty (50) years without first examining the government-issued identification of the recipient to confirm that the recipient is at least the minimum legal sales age.
- (d) No licenses within five hundred (500) feet of schools. No Licenses shall be issued to retailers located within five hundred (500) feet from any public or parochial school as determined by the licensing administrator. This restriction shall not apply to an existing retail location within five hundred (500) feet of a school as of the effective date of the ordinance from which these regulations derive.
- (e) Flavored tobacco products shall not be sold or offered for sale at any location in the town.
- (f) Any person who sells or offers to sell tobacco products shall display the license and the below warning sign in a prominent place in the building at all times. Such sign must have a minimum height of 3 inches and width of 6 inches and must read as follows:

WARNING

IT IS ILLEGAL TO SELL TOBACCO PRODUCTS TO ANY PERSON UNDER TWENTY-ONE YEARS OF AGE. STATE LAW REQUIRES THAT, TO PURCHASE, 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. THE SALE OF FLAVORED TOBACCO PRODUCTS IS PROHIBITED IN KEYSTONE, CO.

F. Application procedure.

- (a) An application for a license shall be submitted and signed by an individual authorized by the person or entity making application for the license. It is the responsibility of each applicant and/or Licensee to be informed regarding all laws applicable to tobacco retailing, including those laws affecting the issuance of said license. No applicant and/or licensee may rely on the issuance of a license as a determination by the Town that the proprietor has complied with all applicable tobacco retailing laws.
- (b) All applications shall be submitted on a form supplied by the licensing administrator.

- (c) A licensed tobacco product retailer shall inform the licensing administrator in writing of any change in the information submitted on an application for a license within thirty (30) business days of a change.
- (d) All license applications shall be accompanied by the payment in full of all fees as required.

G. Issuance of a tobacco product license.

Upon the receipt of a completed application for a License as required by these regulations, the licensing administrator shall sign and issue a license within thirty (30) days which period may be extended by the licensing administrator for good cause unless substantial evidence demonstrates that one or more of the following bases for denial exists:

- (a) The information presented in the application is incomplete, inaccurate or false;
- (b) The applicant seeks authorization for a license at a location where these regulations prohibit the issuance of a license;
- (c) The applicant seeks a License for a location that is not appropriately zoned for the use;
- (d) The applicant seeks authorization for a license and the applicant's current license is suspended or revoked;
- (e) The applicant is not qualified to hold the requested license under the provisions of these regulations;
- (f) The applicant and/or retail location is not in compliance with all Town, state or federal laws;
- (g) The applicant is indebted to, or obligated in any manner to the Town for unpaid taxes, liens or other monies;
- (h) The payment of the licensing fee in the full amount chargeable for such license does not accompany such License application; or
- (i) The applicant's previous license issued under this section has been revoked in the past two (2) years.

H. Denial of tobacco product license.

- (a) If the Licensing Administrator denies the issuance of the license, the Licensing Administrator shall notify the applicant in writing by regular mail postage prepaid on the address shown in the application. The notice shall include the grounds for denial. Notice is deemed to have been properly given upon mailing.
- (b) An applicant has the right to appeal the Licensing Administrator's denial of an application to the Hearing Officer that shall be appointed by the Town Manager. Such an appeal shall be initiated by filing a written request with the Licensing Administrator within twenty (20) days of the date of the notice of denial of the issuance of a license.
- (c) The applicant's failure to timely appeal the decision of the Licensing Administrator is a waiver of the applicant's right to contest the denial of the issuance of the license.
- (d) The appeal, including any right to further appeals, shall be conducted and controlled by the provisions of Rule 106(a)(4) of the Colorado Rules of Civil Procedure. The standard of proof at such appeal shall be a preponderance of the evidence and the burden of proof shall be upon the applicant. 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.

I. License term, renewal and expiration.

- (a) Term. All Licenses issued under this Code shall be for the period of one (1) year from the date of issuance.
- (b) Renewal of license. A licensee shall apply for the renewal of the license and submit the renewal license fee no later than thirty (30) days prior to expiration of the existing term. The Licensing Administrator shall renew the license prior to the end of the term, provided that the renewal application and fee were timely submitted, and the Licensing Administrator is not aware of any fact that would have prevented issuance of the original license or issuance of the renewal.
- (c) Expiration of license. A license that is not timely renewed shall expire at the end of its term. The failure to timely obtain a renewal of a license requires submission of a new application. There shall be no sale of any tobacco products after the license expiration date and before the new License is issued.

J. License non-transferable.

- (a) A license shall not be transferred from one (1) person to another or from one location to another.
- (b) When a license has been issued to a husband and wife, or to general or limited partners, the death of a spouse or partner shall not require the surviving spouse or

partner to obtain a new license for the remainder of the term of that license. All rights and privileges granted under the original license shall continue in full force and effect as to such survivors for the balance of the term of the license.

K. Fee for license.

- (a) The fee to issue or to renew a License shall be pursuant to a Town Council resolution, which may be changed from time to time. The fee shall be calculated so as to recover the direct and indirect costs of administration and enforcement of these regulations, including, for example, issuing a license, administering the License program, retailer education and training, retailer inspection, community outreach and education, documentation of violations, and prosecution of violators, but shall not exceed the cost of the regulatory program authorized by these regulations. Fees are nonrefundable except as may be required by law.
- (b) The amount of fees charged by the Town pursuant to this Section shall be reviewed and, if necessary, adjusted to reflect the direct and indirect costs incurred by the Town in connection with the adoption, administration and enforcement of these regulations.

L. Compliance monitoring.

- (a) Compliance monitoring of these regulations shall be by the Law enforcement. The Law enforcement shall have discretion to consider previous compliance check history or prior violations of a licensee in determining how frequently to conduct compliance checks of the licensee with respect to individual licensees.
- (b) The Law enforcement may inspect each tobacco product retailer two (2) times per License term.
- (c) Compliance checks shall be conducted by the Law enforcement, including the use of decoys, so as to allow the Law enforcement to determine, at a minimum, if the tobacco product retailer is conducting business in a manner that complies with laws regulating access to tobacco products. When the Law enforcement deems appropriate, the compliance checks shall determine compliance with other laws applicable to tobacco products.
- (d) All licensed premises must be open to inspection by law enforcement or other authorized Town official during regular business hours. The Town may conduct compliance checks by engaging with persons over the age of fifteen (15) but less than twenty-one (21) years to enter a Licensed premises to attempt to purchase Tobacco Products.
- (e) Prior written consent is required for any minor who participates in a compliance check. 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:

- (1) The underage operative is participating in an inspection supervised by a peace officer, code enforcement official, or the Department designated by the Town to monitor compliance with these regulations;
 - (2) The underage operative is acting as an agent of an individual, Department or group designated by the Town to monitor compliance with these regulations; or
 - (3) The underage operative is participating in an inspection funded in part, either directly or indirectly through subcontracting, by the Summit County health department, Colorado Department of Public Health and Environment or the Colorado Department of Revenue].
- (f) All licensed locations with compliance or inspection violations may be re-checked by the Police Department for compliance within forty-five (45) days of a violation.
- (g) Nothing in this paragraph shall create a right of action in any licensee or other person against the town or its agents.

M. Suspension or revocation of license.

- (a) The following shall be grounds for suspension or revocation of the licensee's license:
- (1) A violation by a licensee or licensee's officers, agents, or employees of any of the provisions of these regulations, or any laws of the United States, the State of Colorado or ordinances of the Town relating to the sale of tobacco products to persons under the minimum legal sales age, or the storage or display of cigarettes or tobacco products.
 - (2) Violations of any conditions imposed by the Licensing Administrator or Hearing Officer in connection with the issuance or renewal of a license.
 - (3) Failure to pay State or local taxes that are related to the operation of the business associated with the license.
 - (4) Loss of right to possession of the licensed premises.
 - (5) Fraud, misrepresentation, or a false statement of material fact contained in the original or renewal license application;

- (b) The Town Manager shall appoint a Hearing Officer to hear all actions relating to the suspension or revocation of licenses pursuant to these regulations. The Hearing Officer shall have the authority to suspend, revoke, or impose remedial sanctions for violations.
- (c) The Licensing Administrator shall commence suspension or revocation proceedings by petitioning the Hearings Officer to issue an order to the licensee to show cause why the licensee's license(s) should not be suspended or revoked. The Hearing Officer shall issue such an order to show cause if the petition demonstrates that probable cause exists to determine that one or more grounds exist pursuant to subsection (a) to suspend or revoke the licensee's license. The order to show cause shall set the matter for a public hearing before the Hearing Officer.
- (d) Notice of the order to show cause order and hearing date shall be mailed to licensee by regular mail, postage prepaid, at the address shown on the license no later than thirty (30) days prior to the hearing date. Notice is deemed to have been properly given upon mailing.
- (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 Hearing Officer shall consider the following factors:
 - (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.

N. Penalties and fines.

- (a) Licensees: penalties and fines. In addition to any other penalty authorized by law, and if the Hearing Officer 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 Hearing Officer may consider a fine pursuant to the Town's general penalty and/or suspension or revocation of the license.
- (b) In addition to any revocation proceedings pursuant to Paragraph M, 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.
- (c) 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:
 - (1) Shall not display tobacco products in public view during the timeframe in which the license is suspended or revoked; and
 - (2) 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.

O. Enforcement.

- (a) The remedies provided by these regulations are cumulative and in addition to any other remedies available at law or in equity. In addition to other remedies provided by these regulations or by other law, any violation of these regulations may be remedied by a civil action brought by the Town Attorney, including but not limited to nuisance abatement proceedings and injunctive relief.
- (b) Causing, permitting, aiding, abetting, or concealing a violation of any provision of these regulations shall cause the offender to be subject to the penalties set forth herein.

P. No rights in license.

Every license issued under these regulations confers only a limited and conditional privilege subject to the requirements, conditions, limitations and qualifications of these regulations. The license does not confer a property right of any kind. The license and privilege created by the license may be further regulated, limited or completely extinguished at the discretion of Town Council or the electorate of the Town, as provided in these regulations, without any compensation to the licensee. Nothing contained in these regulations grants to any licensee any vested right to continue operating under the provisions of these regulations as they existed at the time the license was approved or issued, and every license shall be subject to any ordinance or prohibition adopted after the license was approved or issued.

Q. Effective date.

These regulations shall become effective as of January 1, 2026, and enforceable on and after that date.

Section 3. 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 4. Codification. This ordinance may be codified and numbered for purposes of codification without the need for further approval by the Town Council.

Section 5. Effective Date. This ordinance shall take effect on January 1, 2026.

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

Strengthening Tobacco Retail Licensing to Further Protect the Town of Keystone

BECKY PELTIER

HEALTH PROMOTION & PREVENTION SPECIALIST



TRACY DOYLE, MPH

LEGAL TECHNICAL ASSISTANCE COORDINATOR

JANUARY 23, 2025



The Toll of Tobacco/Nicotine Use

- Tobacco/Nicotine use is the *leading preventable cause of death and disease* in the U.S.
- Tobacco/Nicotine use causes **490,000** deaths per year in the U.S.
- **16 million+** people in the U.S. currently suffer from smoking-caused illness
- Tobacco/Nicotine costs the U.S. over **\$241 billion** in health care expenditures each year
- Tobacco/Nicotine causes **\$365 billion** in lost productivity each year



FLAVORS

“

*Cherry Skoal is for **somebody who likes the taste of candy**, if you know what I'm saying.*

- Former UST sales representative

”

*It's a well-known fact that **teenagers like sweet products**. Honey might be considered.*

- September 1972 memo to Brown & Williamson

What the Tobacco Industry Says

“

Make a cigarette which is **obviously youth oriented**. This could involve cigarette name, blend, flavor and marketing technique...for example, a flavor which would be candy-like but give the satisfaction of a cigarette.

– R.J. Reynolds Memo, 1974

”

*We don't smoke that s _ _ _ . We just sell it. We reserve the right to smoke for the **young, the poor, the black and the stupid**.*

- R.J. Reynolds executive when asked why he didn't smoke the

Flavored Nicotine & Youth Use

- Flavors mask the harshness of tobacco and nicotine making it easier to get addicted and harder to quit.
- ~**90%** of adult daily smokers started smoking by the age of **18**. [FDA]
- **81%** of kids who have ever used tobacco products started with a **flavored** product. [NIH]
- **93.2%** of youth (ages 12-17) who have ever used e-cigarettes reported their first product was **flavored**. [PATH 2016/2017]
- **80%** of people who start using tobacco as youth or young adults will continue smoking in adulthood [Cancer.org]
- Tobacco products are available in over **15,500** flavors including cotton candy, gummy bear, mint, menthol, pink lemonade, etc. (NCBI Study)



Flavored Nicotine & Local Youth Use

Nicotine Tax Strategic Plan Focus Group Results (2023)

“The smell is probably the major thing. That’s probably why people, you know, go for vaping as well as the flavors. You know, flavored nicotine tastes better than tobacco, but it also gives you that buzz that we need from a cigarette when you are a smoker.”

Social influences present in Summit County that predict the initiation of nicotine use.

“cool” flavors

Summit Tobacco Coalition Youth Focus Group (March, 2025)

Did the flavored nicotine make a difference in your decision to try it?

“If it tasted like nothing, we wouldn’t try it.”

What flavor was the nicotine product you or your friends have tried?

“watermelon, mango, raspberry, miami mint, blue razz”

“mango-flavor made a difference”



Healthy Kids Colorado Survey – Emerging Products



New Products – Same Industry

- The average Zyn user consumes ½ can per day or 8-12 nicotine pouches.
- If you are using a 6 mg Zyn pouch, the nicotine ingested would be equal to:
 - smoking approximately **3 packs of cigarettes**
 - **1 ½ e-cigarette pods** of 2% vape juice per day.



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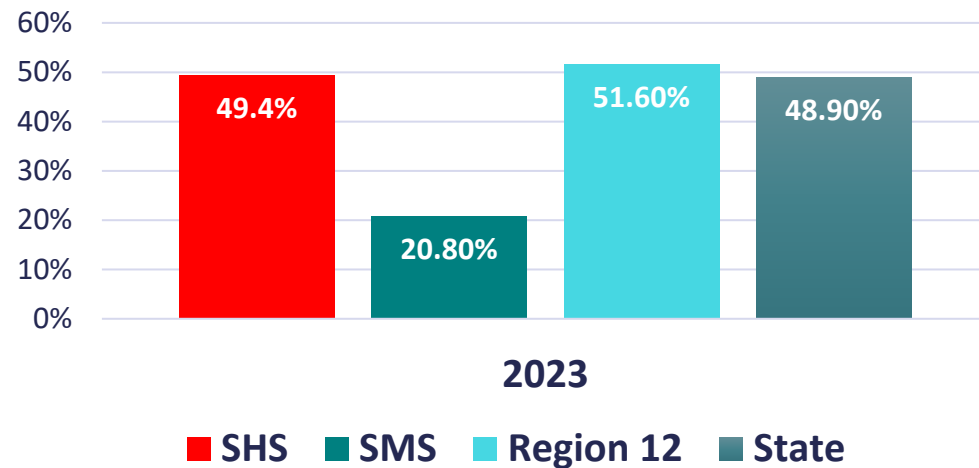
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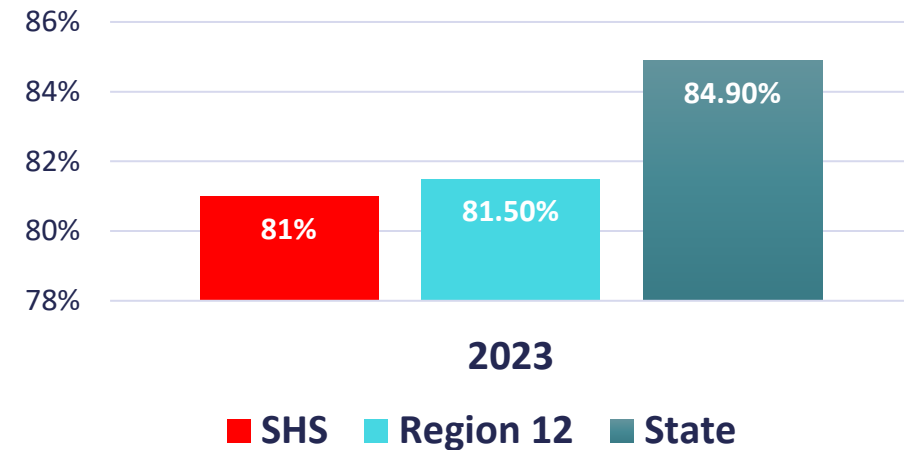
- Concealed Products

Healthy Kids Colorado Survey – Youth Access

Percentage of students who feel it would be sort of easy or very easy to get electronic vapor products if they wanted



Among those underage students who tried to buy tobacco or vaping products in a store, the percentage who were not refused because of age



Keystone Tobacco Retailer Compliance

4 Retailers

- Gateway Grocery
- Loveland Pass Liquors/Market
- Keystone Grocery
- Rockin' R Ranch

3 of the 4 TOK retailers sold to a minor in the past 5 months

- 2 retailer clerks sold
- 1 retailer owner sold



Unauthorized products

- FDA has only authorized 34 specific flavored products
 - Retailers are only permitted to sell these products
- We have observed multiple retailers throughout all municipalities selling unauthorized flavored e-cigarettes
- Selling any flavored e-cigarette not listed by the FDA is a violation of federal law



Tobacco Retail Licensing in Colorado

Counties, Cities and Towns with local TRL = 39 and counting

Cities and Towns with Flavor Policies = 10



Goals of Flavor Policies

Eliminating the sale of flavored tobacco is a key strategy in reducing tobacco use and tobacco-related health disparities.

- **Prevent youth from ever starting**
 - Make tobacco products less attractive to youth.
 - Make it harder to access flavored tobacco products.
- **Help those who want to quit**
 - Eliminating flavored tobacco will help people who currently use tobacco quit.
- **Reduce smoking related health disparities** faced by communities of color, LGBTQ, and other marginalized communities



The Need for Local Action

- Action at the federal level has left **several loopholes** for the tobacco industry to exploit, including:
 - Banning all flavored cigarettes except menthols
 - Banning most flavors for pod-based vaping devices, but allowing disposable vapes to stay on the market
- Lack of action at the state-level
- Protection of our Community

“

*“As a general philosophy, the **governor prefers local control** because our local governments are closest to the people they represent and can weigh the pros and cons and determine how to best address these kinds of issues in their area,”*

- Spokesperson for Governor Jared Polis on opposition of statewide flavor policy

”

Prohibit Sale of Flavored Nicotine Products

Colorado cities have already passed comprehensive flavored tobacco policies:

- Locally
 - TOD passed in March
 - TOS passed in April
 - TOB, TOF passed first reading in April, 2nd readings are tonight
- Glenwood Springs, Aspen, Carbondale, Edgewater, Snowmass Village, Golden, Boulder and Denver

Comprehensive policy includes all:

- Products
- Flavors
- Locations
- Times



Common Myths



“no evidence that flavored e-cigarette or menthol cigarette sales restrictions have negative effects on tobacco stores, convenience stores, or convenience stores with gas stations.” [University of Illinois-Chicago]



1 year after full implementation of the flavor ban, Golden’s 2024 sales tax revenues went up by more than 7% over budget year-to-date, setting a new record. [Golden City Council]



‘Gas stations, convenience stores, and retailers that sold tobacco products showed the exact same sales tax increase the year after the flavor ban/tax went into effect (2020) as the year prior as every other business sector in GWS. Not one business was lost 5+ years later and our Smoker Friendly seems to be doing quite well still today’. ~**Former Glenwood Springs Mayor Jonathan Godes**

Additional Strengthening Strategies

Prohibit Nicotine Product Discounts

Expand Proximity Requirements and Consider Capping

Prohibit the Sale of Nicotine Products in Pharmacies



Prohibit Nicotine Price Discounting

- Youth are very price sensitive.
- Deals are hard to resist for those trying to stay quit.
- Price discounts are among the largest of the tobacco industry's marketing expenditures.
- Examples:
 - Coupons
 - Buy one, get one
 - Multi-pack deals



Further Limits on Tobacco Retailer Density

Expand the distance of tobacco retailers from youth-serving facilities

Include marijuana retailers

Cap the number of tobacco retailers

Prohibit Nicotine Sales in Pharmacies

- Target stopped selling tobacco products in 1996.
- CVS went tobacco free in 2014.
- Walgreens was named by the FDA in 2019 as being the #1 violator when it came to selling to underage buyers.
- Supermarket pharmacies now account for more than 12% of retail pharmacy prescriptions.
- Nearly 200 US cities and Massachusetts now have laws requiring pharmacies to be tobacco-free.



Update and Add New Definitions

New provisions require additional definitions

Must pivot with the tobacco industry

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 any 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 presumptive 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.



Summary – Next Steps

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
FROM: John Crone, Town Manager
Jennifer Madsen, Town Attorney
DATE: May 13, 2025 – Work Session
SUBJECT: Discussion of draft fire ban and fireworks regulations

Executive Summary:

The purpose of this work session is to present and discuss draft regulations concerning the implementation of emergency fire bans and the use of fireworks within the Town. The proposed measures aim to mitigate fire risk, clarify enforcement authority, and enhance public safety during periods of elevated fire danger.

Background:

Recent fire seasons in Colorado have demonstrated the increasing frequency and severity of wildfires, often exacerbated by human-caused ignition sources such as open burning and fireworks. Municipalities have the authority to impose fire-related regulations to protect against human caused wildfires.

The Town lacks its own procedures to regulate open fires and fireworks during high-risk periods. The Town has been operating under the Summit County's fire and fireworks ban ordinance. This draft regulation seeks to implement the Town's own regulations by granting authority to the Chief of Police to declare fire restrictions and by establishing clearly defined prohibited and permitted activities under Stage 1 and Stage 2 fire bans.

Section 1 is consistent with the Dillon Town Code. Dillon does not have specific fireworks regulations. The fireworks regulations, Section 2, are consistent with the

Section 1 – Emergency Fire Bans

- Authorizes the Chief of Police to declare fire bans or other fire-related restrictions as needed.
- Defines “open fire” and lists specific fire-related activities permitted or prohibited under:
 - **Stage 1 Fire Restrictions** (e.g., limited private fire use with safety measures).
 - **Stage 2 Fire Restrictions** (e.g., broad prohibitions with only a few exceptions).
- Includes safety requirements and enforcement mechanisms.
- Establishes fines for violations, increasing with subsequent offenses. [Town Council has the authority to set the fine amounts.]

Section 2 – Fireworks Regulation

- Defines fireworks and distinguishes permitted types from prohibited aerial/audible devices.
- Prohibits sale, possession, or use of fireworks during any declared fire ban. Provides exceptions for government agencies, permitted professional displays, and certain industrial uses.
- Establishes fines for violations, increasing with subsequent offenses. [Town Council has the authority to set the fine amounts.]

Recommendation for Adoption:

Staff recommends moving forward with implementing these fire regulations before the start of the wild fire season.

Attachment:

- Draft Fire Ban and Fireworks regulations

**TOWN OF KEYSTONE
ORDINANCE NO. 2025-O-XX**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
KEYSTONE, COLORADO, ADOPTING REGULATIONS TO IMPOSE
FIRE BANS AND REGULATE FIREWORKS AND ADOPTING
PENALTIES REGARDING THE SAME**

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, open fires and the use of fireworks during periods of elevated fire risk present a significant danger to public safety and can lead to the uncontrolled spread of wildfire, endangering lives, homes, businesses, and natural resources; and

WHEREAS, Section 31-15-103 C.R.S. grants municipalities the authority to adopt ordinances and regulations to protect public health and safety; and

WHEREAS, the Chief of Police is uniquely positioned to evaluate local fire risk and implement timely and appropriate fire restrictions and bans as necessary; and

WHEREAS, adopting clear, tiered fire restriction measures—designated as Stage 1 and Stage 2—provides structure for residents and first responders to understand and comply with fire safety requirements during emergency conditions; and

WHEREAS, defining permitted and prohibited activities during Stage 1 and Stage 2 fire restrictions enhances public awareness and supports consistent enforcement; and

WHEREAS, the use, sale, or possession of fireworks during periods of elevated fire danger further increases the risk of fire ignition and must be restricted when fire bans are in effect; and

WHEREAS, it is in the best interests of the Town to establish regulations that enable swift and enforceable restrictions on fire-related activities during periods of heightened fire danger.

**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 adopts the following regulations related to fire bans and use of fireworks.

Section 1. Emergency fire bans.

The Chief of Police is hereby authorized to declare emergency fire bans on open fires, or to place other restrictions on open fires and other activities, as necessary to protect the health, safety, and welfare of the citizens of the Town. For the purposes of this Section, "open fire" includes any outdoor fire, including but not limited to campfires, warming fires, bonfires, fires contained within grills fueled by wood or charcoal, fireworks, smoking or the prescribed burning of fence rows, fields, wild lands, trash and debris.

(1) When conducted with the safety measures defined in Subsection (5) of this Section, the following are allowed when the Chief of Police declares Stage 1 fire restrictions:

- a. Fires on private property which are:
 1. Contained to a commercially designed and manufactured outdoor fireplace or portable outdoor fireplace that is equipped with a protective screen;
 2. Placed in an area that is barren;
 3. At least fifteen (15) feet from any flammable material or structures; and
 4. No larger than three (3) feet wide and two (2) feet tall.
- b. Fires within a designated dispersed camping site or picnic area that are contained within a permanent metal fire ring.
- c. Fires in gas, charcoal, or wood pellet grills.
- d. Commercial sale of firewood or charcoal.
- e. Pile burns with the proper permits.
- f. Fires contained within a fireplace, stove, wood burning stove, or pellet stove designed for and located in a fully enclosed permanent structure.
- g. Fires caused or administered by any Federal, State, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.
- h. Smoking, which is permissible by other law, and which is at least three (3) feet away from natural vegetation or flammable materials.
- i. Operating a chainsaw, so long as the operator is equipped with, and has ready for immediate use, an appropriate dry chemical fire extinguisher.
- j. Using a flame torch device outdoors when the use is at least fifteen (15) feet away from natural vegetation or flammable materials and the operator is equipped with, and has ready for immediate use, an appropriate dry chemical fire extinguisher.
- k. Inflating or propelling a hot air balloon.
- l. Using an off-highway vehicle ("OHV") in compliance with state and local laws.

- (2) The following are prohibited when the Chief of Police declares Stage 1 fire restrictions:
 - a. Using or selling recreational fireworks and tracer ammunition, including any projectile containing explosive or incendiary material or chemical substances.
 - b. Using or selling recreational explosives, including explosive targets.
 - c. Disposing of any burning object outdoors, including without limitation, any cigarette, cigar, or match.
 - d. Any other prohibition on open fires or other activities related to this Section which the Chief of Police includes in the declaration.
- (3) When conducted with the safety measures defined in Subsection (5) of this Section, the following activities are allowed when the Chief of Police declares Stage 2 fire restrictions:
 - a. Fires in gas grills.
 - b. Fires contained within a fireplace, stove, wood burning stove, or pellet stove designed for and located in a fully enclosed permanent structure.
 - c. Smoking, which is permissible by other law, and which is at least three (3) feet away from natural vegetation or flammable materials.
 - d. Operating a chainsaw, so long as the operator is equipped with, and has ready for immediate use, an appropriate dry chemical fire extinguisher.
 - e. Using a flame torch device outdoors when the use is at least fifteen (15) feet away from natural vegetation or flammable materials and the operator is equipped with, and has ready for immediate use, an appropriate dry chemical fire extinguisher.
 - f. Using an OHV in compliance with state and local laws and operated only on designated routes or in designated OHV staging areas.
- (4) When the Chief of Police declares Stage 2 fire restrictions, only activities expressly listed in Subsection (3) of this Section are allowed. Prohibited activities during a Stage 2 fire restriction include, but not limited to, the following:
 - a. Fires on private property.
 - b. Fires within a designated dispersed camping site or picnic area.
 - c. Using charcoal or wood pellet grills.
 - d. Using or selling any explosives, although commercial applications may be licensed or permitted by the local fire protection district and the Chief of Police.
 - e. Selling, commercially, firewood or charcoal.
 - f. Inflating or propelling a hot air balloon.

- g. Using any projectile containing explosive or incendiary material, or other chemical substances, including tracer ammunition.
 - h. Fireworks displays, including professional or licensed displays.
 - i. Pile burns, including burns for which licenses or permits have been issued.
 - j. Operating or using any internal or external combustion engine without a proper spark arresting device in effect.
 - k. Any other prohibition on open fires or other activities related to this Section which the Chief of Police includes in the declaration.
- (5) For purposes of this Section, the required safety measures are:
- a. The activity must be constantly attended by a responsible adult;
 - b. The fire, equipment, or items used in the activity must be extinguished and cool to the touch prior to leaving unattended; and
 - c. The activity must be conducted with one (1) of the following methods of extinguishing fire available for immediate utilization: an appropriate portable fire extinguisher; a container of at least five (5) gallons in volume containing water or other appropriate fire suppressant; or a charged garden or water hose.
- (6) Violations of this Section shall be punished by the Municipal Court as a noncriminal infraction under a penalty assessment of one hundred fifty dollars (\$150.00) for the first offense, five hundred dollars (\$500.00) for the second offense and nine hundred ninety-nine dollars (\$999.00) for all subsequent offenses.

Section 2. Fireworks.

- (a) As used in this Section, unless the context clearly requires otherwise:

Fireworks means the following small fireworks devices designed to produce audible or visual effects by combustion:

- a. Cylindrical fountains, total pyrotechnic composition not to exceed seventy-five (75) grams each for a single tube or, when more than one (1) tube is mounted on a common base, a total pyrotechnic composition of not more than two hundred (200) grams.
- b. Cone fountains, total pyrotechnic composition not to exceed fifty (50) grams each for a single cone or, when more than one (1) cone is mounted on a common base, a total pyrotechnic composition of no more than two hundred (200) grams.
- c. Wheels, total pyrotechnic composition not to exceed sixty (60) grams of each driver unit or two hundred (200) grams for each complete wheel;

- d. Ground spinner, a small device containing not more than twenty (20) grams of pyrotechnic composition venting out of an orifice usually in the side of the tube, similar in operation to a wheel, but intended to be placed flat on the ground;
- e. Illuminating torches and colored fire in any form, total pyrotechnic composition not to exceed two hundred (200) grams each;
- f. Dipped sticks and sparklers, the total pyrotechnic composition of which does not exceed one hundred (100) grams, of which the composition of any chlorate or perchlorate shall not exceed five (5) grams;
- g. Any of the following that do not contain more than fifty (50) milligrams of explosive composition:
 - 1. Explosive auto alarms;
 - 2. Toy propellant devices;
 - 3. Cigarette loads;
 - 4. Strike-on-box matches; or
 - 5. Other trick noise makers.
- h. Snake or glow worm pressed pellets of not more than two (2) grams of pyrotechnic composition and packaged in retail packages of not more than twenty-five (25) units;
- i. Fireworks that are used exclusively for testing or research by a licensed explosives laboratory;
- j. Multiple tube devices with:
 - 1. Each tube individually attached to a wood or plastic base;
 - 2. The tubes separated from each other on the base by a distance of at least one-half ($\frac{1}{2}$) inch;
 - 3. The effect limited to a shower of sparks to a height of no more than fifteen (15) feet above the ground;
 - 4. Only one (1) external fuse that causes all of the tubes to function in sequence; and
 - 5. A total pyrotechnic composition of no more than five hundred (500) grams.

Fireworks does not include aerial devices or audible ground devices, including but not limited to firecrackers.

(b) It shall be unlawful for any person to sell, expose for sale, offer for sale, transfer, give away, possess, use, discharge or explode any fireworks within the Town as provided by Section 1 above.

(c) Nothing in this Section shall prevent or regulate:

- (1) The sale, transportation, handling or use of industrial pyrotechnic devices or fireworks, such as railroad torpedoes, fuses, automotive, aeronautical, marine flares or smoke signals.
- (2) The sale or use of blank cartridges for use in a show or theater, for signal or ceremonial purposes in athletics or sports or legal power tools.
- (3) The transportation, handling, or use of any pyrotechnic device by the armed forces of the United States.
- (4) The use of pyrotechnics in training by the fire service, law enforcement or similar governmental agencies.
- (5) The sale, purchase, possession or use of fireworks for use in connection with a fireworks display for which a permit has been issued by the Town.

(d) Any Town police officer may seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored or held in violation of this Section.

(e) Violations of this Section shall be punished by the Municipal Court as a noncriminal infraction under a penalty assessment of one hundred fifty dollars (\$150.00) for the first offense, five hundred dollars (\$500.00) for the second offense and nine hundred ninety-nine dollars (\$999.00) for all subsequent offenses.

Section 3. 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 4. Codification. This ordinance may be codified and numbered for purposes of codification without the need for further approval by the Town Council.

Section 5. 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, AND SCHEDULED FOR PUBLIC HEARING ON _____, 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

READ, PASSED AND ADOPTED WITH A ROLL CALL VOTE OF ____ IN FAVOR AND ____ OPPOSED ON SECOND READING, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS _____ DAY OF _____, 2025.

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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: May 13, 2025
SUBJECT: Nuisance ordinance – Animal Control

Executive Summary:

The purpose of this work session item is to review a draft animal control ordinance.

Background:

Town Council is in the process of reviewing sections for a proposed nuisance ordinance. This section contains the animal control ordinance. The ordinance attempts to strike a balance that will allow voice control in certain areas but will restrict pets to leashes in areas that are more heavily used.

After implementing changes or additions recommended by the Council, staff will add sections relating to animal bites for Council's final review before presenting the ordinance for adoption.

Draft Ordinance

Section 1. - Title.

This ordinance shall be known as the *ANIMAL CONTROL ORDINANCE*.

Section 2. - Purpose.

The purpose of this Ordinance is to regulate animals in the Town of Keystone in order to protect the property, health, welfare, peace or safety of its citizens, inhabitants and visitors.

1) Animals –

A. It is prohibited to allow a pet animal to run at large under circumstances where the animal is not either restrained by means of a leash, rope, chain or other physical restraint, no longer than eight (8) feet in length, of sufficient strength to control the animal or which is not under the effective and immediate control of the owner or other responsible person present with the animal and immediately obedient to that person's commands.

Exceptions: The following shall constitute exceptions to running at large:

1. A pet animal is not considered to be running at large, either on or off the premises of its owner, if the animal is being physically held by the owner or other responsible person or is in the immediate presence of the owner or other responsible person and is immediately obedient to that person's command.

2. A pet animal is not considered to be running at large if it is confined within a motor vehicle or secured within the confines of the bed

of a pickup truck in such manner that it cannot exit the vehicle or pose a risk to any person outside the confines of the vehicle by its own volition.

B. Notwithstanding Section A, all pet animals on paved public pathways or in plazas and other public areas intended for public gatherings shall be restrained by means of a leash, rope, chain or other physical restraint, no longer than eight (8) feet in length, of sufficient strength to control the animal.

C. It is prohibited for any owner to fail to prevent his or her pet animal from disturbing the peace of any other person by habitual or persistent barking, howling, yelping, whining or any other unprovoked noise, whether the animal is on or off the owner's property.

D. It is prohibited for any owner to permit the accumulation of a pet animal's feces on the property on which the animal is kept such that it is detectable visually or odoriferously by others.

E. It is prohibited for any owner to fail to confine pet animal feces within the perimeters of the property on which the animal is kept, regardless of whether such failure to confine is the result of natural causes, such as surface water flow, or other causes.

F. No person shall be charged with a violation of this Section unless a written warning for a separate violation has been given at least twenty-four (24) hours prior to the issuance of the citation, or if the person refuses to comply with a lawful order to come into compliance with this Section.

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
THROUGH:
FROM: John Crone, Town Manager
DATE: May 13, 2025 – Work Session
SUBJECT: 2025 Major Infrastructure Projects

Executive Summary:

The purpose of this work session item is to discuss plans for major infrastructure projects this summer.

Background:

The Town is beginning several major projects this summer. This memo will help lay out the Town's financial position and will detail the projects and their anticipated costs.

Budget Impacts

Lodging Tax

\$1,632,000 budget

\$1,743,595 based on ratio to last year's sales tax with flat collections remainder of 2025 (January is corrected) (First Quarter up 5.4%)

\$1,661,409 projected at 90% collections for rest of 2025

\$437,000 budgeted surplus at \$1,632,000

General Fund

\$3,440,698 budgeted sales tax revenue

\$3,327,948 projected with flat collections for remainder of 2025(error in budget estimate for January taxes)

\$3,146,175 projected at 90% collections for remainder of 2025

\$1,025,000 budgeted surplus in GF.

\$1,102,678 starting GF reserves (budget)

\$2,127,678 budgeted GF reserves (expected surplus projected to be significantly higher)

Budgeted Funds

\$870,000 budgeted design, construction, and maintenance of roads and trails (in GF and Lodging tax). This number does not include plowing or maintenance of roads in the Vail Resorts contract.

The projects detailed below are anticipated to cost \$835,000. There may be additional maintenance requirements that come up over the course of the year.

Projects

Ranch Road between Soda Ridge and Saw Whiskers – complete removal and rebuild of approximately 10000 SF of roadway. At current rates (which are fluctuating) the road should cost less than \$300,000 to demo the existing road and build a new section of road. We will have more details when we receive bids

to an RFP that we intend to post later this week. The rebuild calls for 12 inches of new road-base and 6 inches of hot-mix asphalt.

This stretch of road was never properly built nor maintained. It is close to complete failure.

South HWY 6 Pathway – new build of an approximately 1300 lf pathway from the intersection of West Keystone Road and HWY 6, past the bus stop, to the existing sidewalk in front of Keystone Lodge. The project will also include the installation of curb and gutter and the construction of a significant retaining wall. The estimated cost of this project is approximately \$600,000. If the project proceeds this year, there will be at least \$125,000 and up to \$205,000 in private donations.

Road Repairs – Potholes and patchwork on Town roads, grading and dust control in LPV, striping and other routine care is expected to cost approximately \$40,000. It is anticipated that the Town may take on another \$400,000-\$800,000 in additional road repairs in the near future. The cost is dependent on whether the Town takes over maintenance responsibilities for certain roads.

Community Trail – Several sections of the Community recreation Trail require milling and overlay. To mill and overlay a total of 1/2 mile of trail with 1" of asphalt will cost approximately \$40,000.

Medians – The Town is paying \$25,000 for the maintenance of the HWY 6 medians this year.

HWY 6 Pathway Connectivity Study – The Town is currently having a connectivity plan and conceptual HWY 6 pathway design being prepared SE Group. This study will cost \$30,000.

Future Projects (among others)

- Purchase of Town Hall
- Construction of HWY 6 pathway
- Continued road repair and maintenance
- Continued trail repair maintenance
- New trail/trailhead construction
- Razor Drive intersection
- HWY 6 upgrades
- ROW and open space maintenance
- ?