

## Council Goals

Envision a safe, flourishing downtown that provides a strong commercial tax base

Strive to be active stewards of existing aging infrastructure

Recognize importance of experience, well trained, and community minded staff

Ensure its electorate is well informed of on-going successes and future plans

Envision a safe, secure community for its families and youth

Promote redevelopment of existing businesses and neighborhoods and increase quality of life for all its residents



## AGENDA REGULAR MEETING LA JUNTA CITY COUNCIL La Junta, Colorado May 6, 2024 6:00 PM Council Chambers Municipal Building 601 Colorado Avenue

CALL TO ORDER (Mayor Ayala)

INVOCATION (MJ Romano)

PLEDGE OF ALLEGIANCE (Mayor Ayala)

ROLL CALL (City Clerk)

Council Members

Supervisors

Others

Ramirez

Velasquez

Stoker

Ayala

Ochoa

Pantoya

Rikhof

MINUTES OF PREVIOUS MEETINGS (Mayor) (Action)  
Regular Meeting April 15, 2024

PRESENTATION OF SERVICE AWARD (Chief Todd Quick)

CITIZEN PARTICIPATION FOR NON-AGENDA ITEMS ONLY *(5-minute time limit per person)*

### REPORTS

A. Crime Stoppers (Information)

B. Clean Valley Recycling (Information)

### UNFINISHED BUSINESS

A. City Manager Search (Mayor) (Information)

### NEW BUSINESS

A. First Reading/AN ORDINANCE APPROVING THE FINAL PLAT OF LANDS OF SENIOR VILLAGE SUBDIVISION (City Attorney) (Action)

B. First Reading/AN ORDINANCE OF THE CITY OF LA JUNTA AMENDING TITLE 17 OF THE MUNICIPAL CODE (City Attorney) (Action)

C. First Reading/AN ORDINANCE REPEALING ORDINANCE NO. 1573 KNOWN AND CITED AS "THE REQUIREMENT OF A NON-CIGARETTE TOBACCO RETAILER LICENSE FOR CERTAIN RETAILERS WITHIN THE CITY OF LA JUNTA" AND ENACTING A NEW ORDINANCE TO BE KNOWN AND CITED AS "THE PROTECTION OF PERSONS UNDER TWENTY-ONE YEARS OF AGE FROM TOBACCO ACT" (City Attorney) (Action)

D. Appointing Substitute for Municipal Judge (Mayor) (Action)

E. Committee/Board Reports

F. Interim City Manager Comments

G. Governing Body Comments

H. ADJOURN

*Subject to approval at  
the May 6, 2024  
City Council Meeting*

STATE OF COLORADO )  
COUNTY OF OTERO ) SS  
CITY OF LA JUNTA )

**CALL TO ORDER:** A regular meeting of the City Council of the City of La Junta, Colorado, was called to order by Mayor Ayala on Monday, April 15, 2024, at 6:00 p.m. in the Council Chambers of the Municipal Building.

**INVOCATION:** Mayor Ayala gave the invocation.

**PLEDGE OF ALLEGIANCE:** Mayor Ayala led everyone in the Pledge of Allegiance.

**ROLL CALL:** The following Council Members were present:

Jeremiah Stoker, Ward 2  
Joe Ayala, Mayor  
Chandra Ochoa, Ward 2  
Lisa Pantoya, Ward 3  
Maureen Rikhof, Ward 3

Absent: Damon Ramirez, Ward 1  
Paul Velasquez, Ward 1

Also present: Brad Davidson, Interim City Manager  
Erin Harris, City Attorney  
Melanie Scofield, City Clerk  
Kasey Miehke, La Junta  
Terry Smalling, La Junta  
Tim “Radar” Snyder, La Junta  
Brooke Leonard, La Junta  
Christine Dailey, La Junta  
Kelly Jo Smith, La Junta  
Julie Worley, La Junta  
David Polley, La Junta  
Donna Hestand, La Junta  
Josh Harris, La Junta  
Angela Ayala, La Junta  
Kim Thomasson, La Junta  
Everett Ediger, La Junta  
Betty Lopez, La Junta  
Cynthia Nieb, ED/UR Director  
Susan Dietrich, La Junta  
Adrian Hart, SECO News  
Bette McFarren, RF Gazette

**PROCLAMATION:** Mayor Ayala signed a proclamation declaring the week of April 21<sup>st</sup> – 27<sup>th</sup> as National Crime Victims’ Rights Week.

**REPORTS**

**A. Kitchen of Kindness (Terry Smalling):** Served their first meal on April 1, 2022. Began serving once a month and are now serving every Thursday at the First Christian Church at 5<sup>th</sup> and Santa Fe Avenue. There is a monthly menu posted on Facebook. They are currently serving 50-60 meals each week costing about \$70.00 on average per week. Assistance is received from Associated Charities and donations from individuals and a few churches. They recently received their nonprofit and are applying for sales tax exemption. They’ve applied for some grants and hope to eventually

**CITY COUNCIL MEETING – April 15, 2024**

be able to provide a place of their own with a commercial kitchen. In the future they would like to be able to provide shelter, at least temporarily, for those in need.

- B. Sutherlands (Ben Mason):** Glad to be open, it has been very successful. Seeing people from all over the valley at around 400-600 per day. The first weekend in May, May 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup>, will be their Grand Opening. A ribbon cutting ceremony will be May 3<sup>rd</sup> at 1:00 p.m. There will be activities for the whole family including food truck, a bounce house, and other vendors. They will also be hosting a Mother's Day Event where kids can create heartfelt gifts for their moms. They currently have thirty-four employees and look to hire an additional five-10 more.
- C. Police Department (Chief Todd Quick):** Regarding the Wal-Mart incident on April 6<sup>th</sup>, the situation started off with a phone call to the Rocky Ford Dispatch saying that a La Junta police officer has been shot in Rocky Ford. (Officers were accounted for.) Shortly after that, La Junta dispatchers received a call that there was someone armed but not shooting in the store. Police officers arrived and made contact with Wal-Mart staff and confirmed that there was no shooting inside the store. A few minutes later, contact was made with the person who made the call. During this time, Wal-Mart was evacuating the store. Once it was verified that there was no active shooter, nobody hurt, Chief Quick contacted the news media to inform the public. After the officers completed the initial clear, they got bigger groups and went in and gave a secondary sweep. Officers were able to determine that the caller was the same person but had two separate phones. They were able to make an arrest off of that information. This was a successful operation and was made possible by cooperation between all the agencies: La Junta Police Department, Otero County Sheriff's Office, Colorado State Patrol, 16<sup>th</sup> Judicial DA Office, La Junta Fire and EMS.

Another incident occurred last Thursday on April 11<sup>th</sup>. Officers responded to the Ark Valley Regional Medical Center ER where they had been told that an inmate had escaped from the ER wearing hand cuffs, black and white striped pants and an orange shirt. Otero County Sheriff's Office and Bent County Sheriff's Office arrived on scene and started searching the area. A short time later, two drones were deployed. The next morning, there was a report of a stolen vehicle in the 1200 block of Bradish in La Junta. At approximately noon today, La Junta Police Department was informed that the suspect had been arrested in Albuquerque New Mexico. Agencies involved were La Junta Police Department, Bent County Sheriffs Office, Otero County Sheriffs Offices, State of Colorado parole and the 16<sup>th</sup> Judicial investigators.

Coffee with a Cop: Went over well. Spent almost three hours with quite a few people. Received a lot of good comments. Next one will be at the Barista, April 24<sup>th</sup>, starting at 8:00 a.m.

Neighborhood Watch: Will be putting a meeting together again to help get people started. They are taught what to look for and when to call the police.

Since January 1, 2024, there have been 6,000 calls for service and 720 cases.

CodeRed (Reverse 911): You need to be signed up to be added to the database of names. There is a QR code on Facebook or you can access it through codered.com. Jessica Madrid added that it's "Dispatch Week" and thanked her team and all the dispatchers in the area.

**MINUTES OF PREVIOUS MEETING:** Mayor Ayala asked if there were any corrections or additions to the minutes of the Regular City Council Meeting of April 1, 2024. The mayor asked for a motion to approve the minutes as published.

**MOTION TO ACCEPT THE APRIL 1, 2024 MINUTES AS PUBLISHED:** Stoker

**SECOND:** Rikhof

**DISCUSSION:** There was no discussion

**VOTE:** The motion carried 5-0 (Ramirez and Velasquez absent)

**CITY COUNCIL MEETING – April 15, 2024****CITIZEN PARTICIPATION FOR NON-AGENDA ITEMS (5-minute time limit per person):**

1. David Polley, 622 Colorado Avenue: There will be a Neighborhood Watch kick-off meeting at the Senior Center this Thursday, the 18<sup>th</sup>, at noon. Chief Quick will be there to speak. Kimberly at the library has agreed to be their spokes-person.
2. Tim “Radar” Snyder, American Legion: National Wreaths Across America Day is December 14<sup>th</sup> at 10:00 at the Fairview and Calvary cemetery. There are over 1,100 veterans there. Last year, there were 226 wreaths placed on gravesides. This year their goal is to leave no veteran behind. Wreaths can be purchased for \$17.00 each. The City Council and Rural Fire both agreed to purchase 10 wreaths each.
3. Angela Ayala, 1514 San Juan Avenue: Earth Day is Monday April 22<sup>nd</sup>. She invited everyone to come out to the first Community Cleanup of the season to take place at the Brick & Tile arroyo on Saturday the 20<sup>th</sup> from 7:00 a.m. – 10:00 a.m.

**UNFINISHED BUSINESS**

- A. **City Manager Search.** There is a brochure being put together. Once it is finalized, the job posting will be live. There are also some questions that have been compiled for the community that will be sent out as an online survey.

**NEW BUSINESS**

- A. **Sale of Old Electric Department Bucket Truck to Las Animas Power for \$53,000.00.** Interim Davidson said that this would be a great move to help our neighbors out and it's a good price for the age of this truck.

MOTION TO SELL THE ELECTRIC DEPARTMENT BUCKET TRUCK, THAT WAS RECENTLY REPLACED, TO LAS ANIMAS POWER IN THE AMOUNT OF \$53,000: Stoker

SECOND: Ochoa

DISCUSSION: This truck is still in service; however, it is time for it to be replaced. Research was done for fair market value of this bucket truck.

VOTE: The motion carried (Ramirez and Velasquez absent)

- B. **Recommendation from the Certified Local Government to approve the Local Landmark Application from the United Methodist Church.** The United Methodist Church submitted an application for the local registry along with their state application. If your listed on the state or national register, you can automatically be locally landmarked. The Certified Local Government commission voted unanimously to approve the application.

MOTION TO APPROVE THE LOCAL LANDMARK APPLICATION FROM THE UNITED METHODIST CHURCH: Rikhof

SECOND: Pantoya

DISCUSSION: There was no discussion

VOTE: The motion carried 5-0 (Ramirez and Velasquez absent)

**C. Committee/Board Reports**

1. Utility Board Work Session (Mayor Ayala):
  - Received a lot of new information about the Arkansas Valley Conduit, selenium, Pfas and a bunch of water issues coming our way. Getting prepared to deal with this as a united front.
2. AVRMC Board Dinner (Interim Davidson):

**CITY COUNCIL MEETING – April 15, 2024**

- Received an overall update on where the hospital is sitting, what's going on, their challenges right now between Medicare and Medicaid, and submitting claims. Also looked at the positive side of what they're trying to bring back. More specialty clinics, doctors and some new programs. It was a very positive environment and good communication.

Council Member Rikhof: Andy Flemer is a huge asset to the community. The leadership he shows in rural hospitals is impressive.

**E. Interim City Manager Comments**

- Senior Center had two dances. Around twenty people attended the day dance and around thirty-five people attended the evening dance.
- SETran started up. It's the valleys first regional transportation system.
- Parks Department is planting some trees at Brick & Tile and some boulders were placed around the parking lot. Still working on some waterline advancement.
- Slide replacement at College Overlook playground.
- Baseball registration is ongoing at the lower rate.
- Soccer has started.
- Started working on the pool.
- Cemetery getting ready for Memorial Day cleanup.
- Electric Department had a broken pole on 10<sup>th</sup> Street by the new bathrooms for the park.
- Also working in North La Junta at wells fields, replacing and setting new poles and maintaining lines.
- Water Department received a new vac truck.
- The Streets Department is getting ready to work in front of VanHooks to replace a storm sewer line. Then will be working on 14<sup>th</sup> Street just south of Bradish and Grace.
- Around May 20<sup>th</sup> they're going to plan on doing a deck replacement and maintenance of the 3<sup>rd</sup> & Adams bridge.
- There was a huge fire at the Evraz property fire along with a big wildland fire going on at the same time. La Junta and other departments in Southeast Colorado were able to go up and assist.
- April 26-28, hosting Fire on the Plains training. There have been 110-115 singed up around the state.
- Discovered a tent and other things in the arroyo at 2<sup>nd</sup> and Anderson. The Street Department cleaned up that area. Thank you.
- The shopping carts have been picked up by the museum.
- Was notified that the vultures are back. The FDA and Mr. Gacnik are going to be hanging a deterrent sculpture in the trees. It is a decoy only.

**ADDITIONAL TOPICS DISCUSSED:**

- The renting of the Senior Center hasn't been decided yet.
- The tunnel systems in the arroyo area at Brick and Tile park need to be secured.

**F. Governing Body Comments****1. Council Member Rikhof:**

- Wondered if a town hall had been scheduled yet. There's a lot of people wondering how to have conversations and questions about some of the things going on in town. This was promised as an outlet.

Mayor Ayala: The town hall meeting had not been scheduled yet. Was hoping for April but currently shooting for May. Something that used to be done a long time ago were individual council member ward meetings either in their ward or a neutral place.

**2. Council Member Stoker:**

- Will be walking the ward starting in May on Thursday evenings around 6:00 p.m. if anyone would want to join for discussion.

**CITY COUNCIL MEETING – April 15, 2024**

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- The neighborhood watch is a great idea. Proactive citizens help make proactive police officers. Sometimes officer presence is enough to deter any bad things.
  - Plug out to Adrian, Todd and Brad and all our local public safety for their quickness in getting information out to your Southeast Colorado News at seconews.org.
3. Council Member Rikhof:
- Otero will graduate 350 people with degrees, certificates and credentials on May 4<sup>th</sup>.
  - Community concert series continues on Saturday the 20<sup>th</sup>.
4. Mayor Ayala:
- Senator Hickenlooper met with our hospital and then all of the Southeast hospitals. Mayor Ayala and Commissioner Rob Oquist represented La Junta.
  - The Mayor and Interim Davidson got to take a tour of the brewery. It was a great tour and a beautiful facility.
  - Hospital dinner was great.

There being no further business, the regular meeting adjourned at 7:36 p.m.

**ATTEST:**

**CITY OF LA JUNTA**

\_\_\_\_\_  
Melanie R. Scofield, City Clerk

\_\_\_\_\_  
Joe Ayala, Mayor

**ORDINANCE NO. 1661**

**AN ORDINANCE APPROVING THE FINAL PLAT OF LANDS OF  
SENIOR VILLAGE SUBDIVISION**

**WHEREAS**, the City of La Junta has submitted a request to approve the final plat; and

**WHEREAS**, the Planning Commission of the City of La Junta has recommended approval of the final plat to "Senior Village Subdivision"; and

**BE IT THEREFORE ORDAINED AS FOLLOWS:**

**SECTION 1.** That the final plat of the Senior Village Subdivision is hereby approved and accepted, as pertains to the following described real property:

Lot 4, Block 2, Orchard Place, except the East 338.7 feet thereof. County of Otero, State of Colorado.

**PASSED** on first reading this 6<sup>th</sup> day of May, 2024.

**ADOPTED AND APPROVED** this \_\_\_\_\_ day of May, 2024.

**CITY OF LA JUNTA**

\_\_\_\_\_  
Joseph Ayala, Mayor

**ATTEST:**

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Melanie R. Scofield, City Clerk



**ORDINANCE NO. 1662**

**AN ORDINANCE OF THE CITY OF LA JUNTA  
AMENDING TITLE 17 OF THE MUNICIPAL CODE**

**WHEREAS**, the City of La Junta has adopted various provisions with Title 17 for use within the City; and

**WHEREAS**, the City desires to update its code; and

**NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF LA JUNTA AS FOLLOWS:**

**SECTION 1.** Section 17.20.020(c) is repealed in its entirety.

**SECTION 2.** A new Section 17.20.020(c) is enacted as follows:

Except as otherwise required by law, notice of the hearing shall be published in a newspaper of general circulation within the City or posted at the official posting place in City Hall at least fifteen (15) days in advance of the hearing.

**SECTION 3.** This amendment shall become effective as of June 1, 2024.

**PASSED** on first reading this 6<sup>th</sup> day of May, 2024.

**ADOPTED AND APPROVED** as amended on the \_\_\_\_ day of May, 2024.

**CITY OF LA JUNTA**

\_\_\_\_\_  
Joseph Ayala, Mayor

**ATTEST:**

\_\_\_\_\_  
Melanie R. Scofield, City Clerk

**CITY OF LA JUNTA**  
**Ordinance # 1663**

**AN ORDINANCE REPEALING ORDINANCIE NO. 1573 KNOWN AND CITED AS “THE REQUIREMENT OF A NON-CIGARETTE TOBACCO RETAILER LICENSE FOR CERTAIN RETAILERS WITHIN THE CITY OF LA JUNTA” AND ENACTING A NEW ORDINANCE TO BE KNOWN AND CITED AS “THE PROTECTION OF PERSONS UNDER TWENTY-ONE YEARS OF AGE FROM TOBACCO ACT”.**

**WHEREAS**, the City Council of the City of La Junta finds it in the best interest of the public health, safety and welfare to adopt and implement this Ordinance to be known and cited as “The Protection of Persons Under Twenty-one Years of Age from Tobacco Act”; and

**WHEREAS**, the City Council of the City of La Junta finds it in the best interest of the public health, safety and welfare to repeal Ordinance No. 1573 and replace it with this Ordinance to be known and cited as “The Protection of Persons Under Twenty-One Years of Age from Tobacco Act”; and

**WHEREAS**, the City of La Junta recognizes the dangers associated with under-aged access to tobacco products; and

**WHEREAS**, research shows that most adult smokers began using tobacco products before reaching the legal age at which they could purchase tobacco products; and

**WHEREAS**, regulating the sale of tobacco products is an appropriate proven deterrent to protect the health, safety and welfare of young people in the City of La Junta; and

**WHEREAS**, the requirement of retail sellers of tobacco products to comply with the foregoing regulations will not unduly burden legitimate business activities of retailers who sell tobacco products; and

**WHEREAS**, it is the intent of the City Council in enacting this Ordinance to prohibit the sales of tobacco products to youth; to encourage responsible tobacco retailing and to discourage violations of tobacco-related laws, especially those laws that prohibit or discourage the sale or distribution of tobacco products to persons under the age of 21 years; and to reduce the impact of tobacco and nicotine product use by youth in the City of La Junta.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA JUNTA, COLORADO, AS FOLLOWS:**

1. That the following Ordinance known and cited as “The Protection of Persons Under Twenty-one Years of Age from Tobacco Act” is hereby enacted:

(A) Definitions. As used in this Ordinance, the following words shall have the following meanings, unless the context clearly requires otherwise:

(1) *Retail tobacco business* means a sole proprietorship, corporation, limited liability company, partnership, or other enterprise engaged primarily in the sale, manufacture, or promotion of tobacco, tobacco products, or smoking devices or accessories, either at wholesale or retail, and in which the sale, manufacture, or promotion of other products is less than five percent (5%) gross sales receipts. For purposes of enforcement of this Ordinance, retail tobacco business includes, but is not limited to, a sole proprietorship, corporation, limited liability company or other enterprise engaged primarily in the sale or manufacture of hookah or shisha products and related smoking products, including but not limited to, any plant or other organic matter packaged for smoking or held out as a smoking product, or any sole proprietorship, corporation, limited liability company, partnership, or other enterprise engaged in the promotion of hookah or shisha smoking, sometimes referred to as a hookah bar, café, or lounge.

(2) *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.

(3) *Tobacco paraphernalia* means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking, preparation, storing, or consumption of tobacco products.

(4) *Tobacco product* includes (1) any product that contains tobacco or nicotine, or is made or derived from tobacco that is intended or expected to be ingested, smoked, inhaled, placed in oral or nasal cavities, or applied to the skin, or (2) any electronic device that can be used to deliver nicotine or tobacco to the person using the device, including but not limited to an electronic cigarette, cigar, cigarillo or pipe. The term “tobacco product” does not include any product 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 such product(s) is being marketed and sold solely for such an approved purpose.

**(B) Minimum Age for Persons Selling and Handling Tobacco Products.**

No person in the course of employment who is younger than the minimum age established by the laws of Colorado for the sales /or handling of tobacco products shall sell, stock, retrieve or otherwise handle tobacco products.

**(C) Positive Identification Required.**

No person 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 photographic identification of the recipient to confirm that the recipient is at least the minimum legal sales age under the laws of Colorado to purchase and possess tobacco products.

**(D) No Persons Under Twenty-One Years Permitted in a Retail Tobacco Business.**

(1) No person who is younger than the minimum legal sales age of twenty-one (21) years established by the laws of Colorado shall be admitted to or be on the premises of a retail

tobacco business. The presence of an under-aged person on the premises of a retail tobacco business shall result in a violation of this Ordinance.

(2) The owner of a retail tobacco business shall post and keep at all times visible to the public in a conspicuous place on the premises a sign to be provided by the City Clerk's office which shall read as follows:

WARNING: It is illegal for any person under 21 years of age to be admitted to or be on the premises of this business, and upon conviction, a fine may be imposed.

(E) Possession of Tobacco Products and/or Paraphernalia by a Person Younger than the Minimum Age Established by Colorado Laws is Prohibited.

No person who is younger than the minimum age established by the laws of Colorado for the purchase of tobacco products shall possess tobacco products or tobacco paraphernalia. It is not the intent of the City of La Junta, its employees/agents, or Law Enforcement to penalize youth for possession of tobacco products and/or tobacco paraphernalia. The intent of this provision is to provide education on the harmful effects of tobacco to the person who is younger than the minimum age established by the laws of Colorado and confiscate tobacco products and/or tobacco paraphernalia.

(F) Prohibition of Sale of Tobacco Products by a Self-Service Display.

The sale of tobacco products through the use of a self-service display is prohibited.

(G) Penalty for Violations.

(1) Any retail establishment or adult found to be in violation of any provision of this Ordinance shall be subject to a fine of up to \$300.

(2) Any person who is younger than the minimum age established by the laws of Colorado found to be in violation of any provision of this Ordinance shall not be subject to a penalty or fine.

(H) Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held or determined to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions hereof. The City Council hereby declares that it would have adopted each section, subsection paragraph, sentence clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

(I) That all former City ordinances, resolutions, rules or regulations, or parts thereof, in conflict with this Ordinance are hereby repealed.

BE IT FURTHER ORDAINED by the City Council that this Ordinance shall take effect 30 days after publication following adoption.

INTRODUCED, READ, AND PASSED ON FIRST READING at a regular meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2024, and ordered published in full in the La Junta Tribune Democrat.

ATTEST: CITY OF LA JUNTA

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

ADOPTED AND PASSED ON SECOND AND FINAL READING at a regular meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2024, and ordered published by title only in the La Junta Tribune Democrat.

ATTEST: CITY OF LA JUNTA

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

### CERTIFICATE OF PUBLICATION AND ADOPTION

I HEREBY CERTIFY that on the \_\_\_\_ day of \_\_\_\_\_, 2024, the foregoing Ordinance was introduced, read and ordered published in the La Junta Tribune Democrat, a newspaper of general circulation published in Otero County, Colorado, and was published on the \_\_\_\_ day of \_\_\_\_\_, 2024, which date was at least ten days before adoption of the Ordinance by the City Council.

I FURTHER CERTIFY that on the \_\_\_\_ day of \_\_\_\_\_, 2024, the foregoing Ordinance was adopted on second and final reading and ordered published by title only, together with any amendments made after first reading, if any, in the La Junta Tribune Democrat, a newspaper of general circulation published in Otero County, and was published on the \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
City Clerk

# TOBACCO RETAILER LICENSE

Presented by the Tobacco Leadership Coalition

## Current Ordinance:

### Non-Cigarette Tobacco Retailer License

Ordinance #1573

Passed on March 6, 2017

Effective April 1, 2017

## Requirements and Prohibitions:



- a) Retailers who sell non-cigarette tobacco products to be licensed
- b) Lawful Business Operation
- c) Display License
- d) Positive ID
- e) Prohibits the sale of tobacco products to minors (under 18 years of age)
- f) Minimum age for Selling, Stocking or handling product is 18 years of age
- g) Mobile Vending Prohibited
- h) No Self-Service Displays
- i) No False and Misleading Advertising
- j) No minors prohibited in a retail tobacco business
- k) Possession of tobacco paraphernalia by minors prohibited

Enforced by La Junta Police Department

## Local Control and Enforcement:

### La Junta Police Department

#### Compliance checks

#### Compliance Checks and Education:

- Year 1 – Education
  - Meetings with Owners/or managers
- Annual inspections and education completed by OCHD
- 8 Retailers when ordinance went into effect. (Current - 12)
- Two new establishments in the past 30 days:
  - Puff N Stuff
  - Yak and Yeti Convenience Store

#### Enforcement:

July 25, 2018 (when we started)

- 3 of 7 in compliance
- 1 retailer no longer sells NCTRL

August 24, 2023 (last compliance check)

- 9 of 10 in compliance
- 1 retailer sold to minor operative
- Citation issued by LJPD

Compliance checks are completed annually

OCHD recruits and trains minor operatives

# TOBACCO RETAILER LICENSE

Presented by the Tobacco Leadership Coalition

## Statewide change:

### HOUSE BILL 19-1033

(Effective: July 2019)

Prior to:

- Licensing cigarette sales forfeited revenue received within each municipality or county
- Communities/municipalities were forced to be creative in youth prevention efforts
- Non-Cigarette Tobacco Retail Licensing Ordinances

Today:

- Municipalities or counties can license *all* tobacco products without forfeiture of revenue
- City of La Junta can expand to adopt a comprehensive Tobacco Retail License

### HOUSE BILL 20-1001

(Signed by Governor on July 14, 2020)

- A State license is required for all cigarettes, tobacco products or nicotine product retailers beginning July 1, 2021.
- Minimum legal sales age for cigarettes, tobacco and nicotine products were raised from 18 to 21 years of age.
- Minor in Possession (MIP) language removed.
- No minors prohibited in a retail tobacco business, vape shop or cigar-tobacco bar.
- Positive Identification required.
- Cigarettes, tobacco and nicotine products cannot be sold in vending machines except in age-restricted areas of licensed gaming establishments.
- Minimum age to sell or participate in the sale of cigarettes, tobacco or nicotine products is 18 years of age.
- No new cigarette, tobacco or nicotine retailers may open within 500 feet of a school effective July 1, 2021.
- Retailers who sell electronic smoking devices cannot promote or advertise such products with advertisements visible from outside of the store.
- Direct shipment of cigarettes, tobacco or nicotine products are not allowed in Colorado except direct shipment of cigars and pipe tobacco to persons over 21 years of age.
- Direct delivery of cigarette, tobacco or nicotine products is allowed only by state licensed retailers who are at least 21 years of age and purchaser is at least 21 years of age.
- Board of County Commissioners are authorized to license or regulate the sale of cigarette's, tobacco and nicotine products.