

CITY OF ENGLEWOOD

**NOTICE OF APPROVAL
OF A BILL FOR AN ORDINANCE**

On the 16th day of September 2024, the City Council of the City of Englewood, Colorado, approved on first reading the following Council Bill:

**BY AUTHORITY
COUNCIL BILL NO. 23
INTRODUCED BY
COUNCIL MEMBER NUNNENKAMP**

A BILL FOR AN ORDINANCE
AMENDING ENGLEWOOD
MUNICIPAL CODE, CREATING A
HOOKAH TOBACCO RETAILER
BUSINESS LICENSE

Copies of the aforesaid council bill are available for public inspection in the office of the City Clerk, City of Englewood, Civic Center, 1000 Englewood Parkway, Englewood, Colorado 80110 or it can be found at <http://www.engagewoodco.gov>, Government, Legal/Public Notices.

PUBLISHED: SPETMBER 18, 2024
Official Website of the City of
Englewood, Colorado

ORDINANCE
NO. _____
SERIES OF 2024

COUNCIL BILL NO. 23
INTRODUCED BY COUNCIL
MEMBER _____

A BILL FOR

**AN ORDINANCE AMENDING ENGLEWOOD MUNICIPAL
CODE, CREATING A HOOKAH TOBACCO RETAILER
BUSINESS LICENSE**

WHEREAS, Englewood Municipal Code Title 5, Business and License Regulations, regulates various business operations within the City by requiring a City license to operate; and

WHEREAS, in order to avoid nuisance and environmental hazards experienced by neighboring communities and to implement safety regulations for hookah tobacco smoke exposure, the City of Englewood desires to establish a hookah business license.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. Englewood Municipal Code is hereby amended to add Title 5, Chapter 33 Hookah to read as follows (new provisions underlined; deleted provisions struck-through):

5-33-1: - Hookah Tobacco Retailer License.

- A. License Required. It shall be unlawful for any person or entity to operate a Hookah Tobacco Retailer business in the City of Englewood without a City license in accordance with this Title, and paying the license fee established by City Council.
- B. Conditions and Restrictions of License.
1. It shall be unlawful to smoke Hookah in a Hookah Tobacco Retailer between the hours of 12:00 midnight and 7:00 a.m.
 2. No Hookah Tobacco Retailer may be located in a liquor-licensed premises, or within 1000 feet of any school, City-owned recreation center or City-owned outdoor pool.
 3. No person shall smoke marijuana or other products in a Hookah Tobacco Retailer, except for Hookah.
 4. In order to limit the spread of communicable disease, each person smoking Hookah in a Hookah Tobacco Retailer shall use their own sterile mouthpiece.
- C. Definitions.
1. Hookah means a type of waterpipe, used to smoke shisha or other tobacco products, with a long flexible tube for drawing aerosol through water. Components of a Hookah may include heads, stems, bowls, and hoses.
 2. Hookah Tobacco Retailer means a person or entity engaged in the retail sale of Hookah, Hookah smoking accessories, or tobacco intended to be smoked in a Hookah, which includes Hookah tobacco, shisha tobacco, waterpipe tobacco, maassel, narghile,

and argileh. Hookah tobacco retailer includes facilities that permit the consumption of Hookah on the premises by customers.

Section 2. License Fee Amount Established

The license fee created by this Ordinance shall be included in the City of Englewood Comprehensive Schedule of Fees and Rates and shall initially be set as follows:

Non-refundable Initial Application Fee: \$250
Initial License/License Renewal Fee: \$500

City Council may revise these initial fees by any official action, including by motion, resolution, or ordinance.

Section 3: General Provisions

The following general provisions and findings are applicable to the interpretation and application of this Ordinance:

A. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

B. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

C. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

D. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. This Safety Clause is not intended to affect a Citizen right to challenge this Ordinance through referendum pursuant to City of Englewood Charter 47.

E. Publication. Publication of this Ordinance may be by reference or in full in the City's official newspaper, the City's official website, or both. Publication shall be effective upon the first publication by either authorized method. Manuals, Municipal Code, contracts, and other documents approved by reference in any Council Bill may be

published by reference or in full on the City's official website; such documents shall be available at the City Clerk's office and in the City Council meeting agenda packet when the legislation was adopted.

F. Actions Authorized to Effectuate this Ordinance. The Mayor is hereby authorized and directed to execute all documents necessary to effectuate the approval authorized by this Ordinance, and the City Clerk is hereby authorized and directed to attest to such execution by the Mayor where necessary. In the absence of the Mayor, the Mayor Pro Tem is hereby authorized to execute the above-referenced documents. The execution of any documents by said officials shall be conclusive evidence of the approval by the City of such documents in accordance with the terms thereof and this Ordinance. City staff is further authorized to take additional actions as may be necessary to implement the provisions of this Ordinance.

G. Enforcement. To the extent this ordinance establishes a required or prohibited action punishable by law, unless otherwise specifically provided in Englewood Municipal Code or applicable law, violations shall be subject to the General Penalty provisions contained within EMC § 1-4-1.