

**TOWN OF EAGLE, COLORADO
ORDINANCE NO. 04
(SERIES OF 2026)**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO, AMENDING
CHAPTER 5.16 OF THE EAGLE MUNICIPAL CODE FOR THE PURPOSE OF STREAMLINING THE
APPLICATION PROCESS FOR A RETAIL TOBACCO LICENSE.**

WHEREAS, the Town Council ("Council") of the Town of Eagle ("Town") has the power pursuant to C.R.S. § 31-15-103 to make and publish ordinances for carrying into effect certain powers and duties that are necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of the Town and the inhabitants thereof; and

WHEREAS, the Town is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Eagle Home Rule Charter; and

WHEREAS, Section 1.01.080 of the Eagle Municipal Code (the "Code") sets forth the process for amendments to the Code; and

WHEREAS, Section 44-7-104.5, Colorado Revised Statutes ("C.R.S"), authorizes local governments to pass standards for retail tobacco licenses that are as stringent or more stringent than state standards; and

WHEREAS, on December 10, 2019, the Council adopted Ordinance No. 2019-24, which sets forth standards for obtaining a retail tobacco license within the Town; and

WHEREAS, the Council believes it is in the best interest of the Town to streamline the application process for a retail tobacco license by amending Section 5.16 of the Code.

**NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE
THAT:**

Section 1. Section 5.16.040 of the Eagle Municipal Code is amended with additions in **bold underline** and deletions in ~~striketrough~~, to read as follows:

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TITLE 5 – BUSINESS REGULATIONS.

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CHAPTER 5.16 RETAIL TOBACCO BUSINESSES

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Section 5.16.040. – Local Licensing Authority

- A. For the purpose of regulating and controlling the licensing, distribution and sale of tobacco products within the Town, there is hereby created the retail tobacco licensing authority (the “authority”). The Town Council shall serve as the authority, and the authority shall have such powers and duties as are provided in this chapter.
- B. All powers and duties of the authority, except for hearing any appeal of a decision on an application or exercising any powers authorized in Section 5.16.090, shall be exercised by the Town Clerk.
- C. The authority shall be assisted by the Town Attorney, the Chief of Police, ~~the Town Clerk~~ and such other personnel as designated by the Town Manager.

Section 2. Section 5.16.060 of the Eagle Municipal Code is amended with additions in **bold underline** and deletions in ~~striketrough~~, to read as follows:

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TITLE 5 – BUSINESS REGULATIONS.

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CHAPTER 5.16 RETAIL TOBACCO BUSINESSES

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Section 5.16.060. – Consideration of Application

- A. Within 30 days following the date the Town Clerk finds that an application is complete, ~~the authority shall consider the license application at a public meeting following notice to the applicant; no public hearing shall be required. The authority~~ the Town Clerk may approve the application, deny the application, or approve the application with conditions. ~~The applicant shall appear and be provided with an opportunity to address the authority.~~ The applicant may request a meeting with the Town Clerk where they will be provided with an opportunity to address the Town Clerk.
- B. No Application shall be approved unless:
 - 1. All applicable requirements of this Chapter have been satisfied;
 - 2. The premises on which the business will be located is compliant with all current zoning and building regulations;
 - 3. All required fees have been paid by the applicant;

4. The applicant has obtained a State sales tax license, a Town sales tax license, and paid applicable general occupation taxes pursuant to Chapter 5.02;
 5. The applicant is over 21 years of age as of the date of the application.
- C. ~~The authority~~ **Town Clerk** shall deny an application for a license if ~~the authority~~ **Town Clerk** determines that:
1. Information contained in the application or supplemental information provided by the applicant is found to be false in any material respect;
 2. The applicant has had a license issued under this Chapter revoked within one year immediately preceding the filing of the application, or the applicant owned a 50% or greater interest in any business entity that has had a license issued under this Chapter revoked within one year immediately preceding the filing of the application.
 3. The applicant is in arrears to the Town for any administrative fines, court fines, assessments, taxes or other payment obligations; or
 4. The granting of the application will endanger public health or safety.
- D. ~~The Authority~~ **The Town Clerk** may impose on the license any conditions related to the license, licensed premises, or adjacent grounds, that is reasonably necessary to protect the public health, safety, or welfare.
- E. **If an applicant requests a meeting for the consideration of their application, the authority** **Town Clerk** shall issue a written order within 30 days following the meeting at which the application was considered, and shall provide a copy of such order to the applicant by first-class U.S. mail addressed to the address shown on the application. If the application is granted, the Town shall forward a copy of the license to the applicant. If the application is denied the **Town Clerk** shall set forth in writing the grounds for denial.
- F. Licensees shall inform the Town Clerk in writing of any change to the information submitted to the original application for a license within 30 days of a change.
- G. ~~Each license shall be valid for one year from the date such license is issued.~~ **All licenses issued under this Chapter shall be valid for a period which begins on the date issued and expires on December 31 of each calendar year.**

- H. If an application is denied by the Town Clerk, the applicant shall have 30 days to appeal the decision to the Town Council acting as the authority. The Town Council shall hold a public hearing within 60 days of notice of the appeal. Within 30 days of the conclusion of the hearing, the Town Council acting as the authority shall issue written decision which states their decision and the evidence on which it is based.

Section 3. Section 5.16.070 of the Eagle Municipal Code is amended with additions in **bold underline** and deletions in ~~striketrough~~, to read as follows:

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TITLE 5 – BUSINESS REGULATIONS.

* * * *

CHAPTER 5.16 RETAIL TOBACCO BUSINESSES

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Section 5.16.070. – License Renewal

- A. A licensee may renew its license by submitting an application to the Town Clerk at least 60 days, but not more than 90 days, before the expiration of the license. If a licensee fails to file a timely renewal application, the license shall expire by its terms.
- B. A licensee may renew a license that has expired if:
1. The license has expired for less than 90 days; and
 2. The licensee pays the regular renewal and an additional late renewal fee established by resolution of the Town Council
- C. If a complete renewal application is timely filed, but the ~~authority~~ **Town Clerk** does not rule on the application for renewal before the expiration date of the current license, the current license shall be deemed extended until the ~~authority~~ **Town Clerk** issues a decision on the application for renewal, but in no event will the license be extended for more than 90 days.
- D. The renewal application shall be processed in the same manner as the initial application.

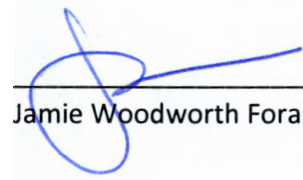
Section 4. Severability. If any provision of this Ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

Section 5. Conflicts. All prior ordinances, resolutions, or other acts, or parts thereof, by the Town of Eagle in conflict with this Ordinance are hereby repealed, except that this repeal shall not be construed to revive any previously repealed or expired act, ordinance or resolution, or part thereof.

Section 6. Effective Date. This Ordinance shall become effective __ (10) days after publication.

INTRODUCED AS AN ORDINANCE, READ, MOVED, AND ORDERED PUBLISHED ON
FEBRUARY 10, 2026.

TOWN OF EAGLE, COLORADO



Jamie Woodworth Foral, Mayor Pro Tem

ATTEST:



Camille Deering, Town Clerk

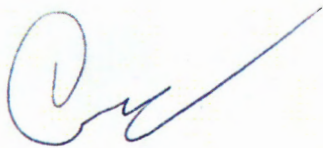


PROOF OF PUBLICATION

STATE OF COLORADO)
)
COUNTY OF EAGLE)

I, Camille Deering, Town Clerk for the Town of Eagle, do solemnly swear and affirm that I published in full a true and correct copy of ORDINANCE 04, SERIES 2026 "AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO, AMENDING CHAPTER 5.16 OF THE EAGLE MUNICIPAL CODE FOR THE PURPOSE OF STREAMLINING THE APPLICATION PROCESS FOR A RETAIL TOBACCO LICENSE" on the Town of Eagle's web site, www.townofeagle.org, on the 11th day of February 2026.

Witness my hand and seal this 11th day of February 2026.



Camille Deering,
Town Clerk



Ordinance Effective Date:

February 21, 2026