

**EXECUTIVE ORDER NO: 13**

**TO: ALL AGENCIES UNDER THE MAYOR**

**FROM: MAYOR WELLINGTON E. WEBB**

**DATE: July 31, 2002**

**SUBJECT: Sale and Advertising of Tobacco Products in or on City Premises and Facilities**

**Purpose:** This Executive Order establishes the policy of the City and County of Denver as to the sale and advertising of tobacco products and contracts and other arrangements such as leases, concession agreements and advertising agreements regarding the sale of tobacco products and the advertising of tobacco products on premises owned or operated by the City and County of Denver as well as all facilities which are controlled or operated by Departments and Agencies under the Mayor. Executive Order 13 dated October 10, 1995 and the attachments and Memoranda are canceled and superseded by this Executive Order No.13.

- 1.0 **Applicable Authority:** The applicable authority relevant to the provisions and requirements of this Executive Order 13 is found in Section 2.2.10 of the 2002 Revised Charter.
- 2.0 **Definitions:**
  - 2.1 **advertising.** "Advertising" includes the display of commercial and non-commercial promotion of the purchase or use of tobacco products through any medium whatsoever, but does not include any advertising and sponsoring which is part of a performance or show or event displayed or held in City facilities.
  - 2.2 **facilities.** "Facilities" include without limitation buildings, structures, terminals, parking and ground transportation facilities, roadways, land, hangars, warehouses, runways, shops, hotels, motels and administrative offices.
  - 2.3 **lease.** The term "Lease" shall include all agreements, permits, contracts, licenses, easements or other instruments and amendments thereto whereby the City conveys or grants the use, management, operation or control of all or a portion of real property now or hereafter owned by the City.
  - 2.4 **sale.** "Sale" includes promotional distribution, whether for consideration or not, as well as commercial transactions for consideration.

3.0 **Prohibition:**

3.1 **City Employees.** There shall be no sale or advertising of tobacco products by the City or any of its officers or employees or agents on City-owned, operated or controlled premises or facilities;

3.2 **City Contracts for Use of City Premises, Facilities.** Except as provided in Section 4.0 of this Executive Order:

3.2.1 **Shall Prohibit Sale and Advertising.** Every contract and agreement and other written instrument for the use of City premises or City facilities, whether made by the City or by its agents, shall prohibit the sale of tobacco products and the advertising of tobacco products on premises or in facilities owned or operated or controlled by the City and County of Denver.

3.2.2 **Shall not Incorporate Contradictory Provisions.** In preparing all contracts and other written instruments and amendments thereto on behalf of the City and County of Denver, the City Attorney shall refuse to incorporate any provision permitting the sale of tobacco or the advertising of tobacco products on or in City premises or facilities.

4.0 **Exceptions:**

4.1 **Prior Obligations.** Obligations previously incurred as of October 10, 1995 and undertaken by the City and County of Denver or any of its agents in current contracts, agreements, leases and other written instruments or documents that are binding upon the City and County of Denver are excepted from the sale and advertising prohibitions of this Executive Order.

4.2 **Denver International Airport:** A limited exemption from the sale and advertising prohibitions of this Executive Order is approved for obligations undertaken by the City and County of Denver or any of its agents in leases for use of facilities of whatsoever nature relating to or otherwise used in connection with concessions at the Denver International Airport that are or will become binding upon the City and County of Denver.

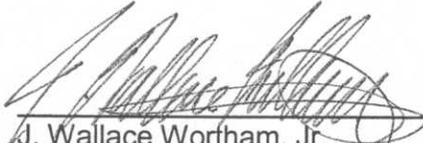
4.2.1 **Rationale.** This limited exemption is approved because Denver International Airport, a proprietary terminal facility of the City for the development, promotion and accommodation of air commerce, air travel and air transportation, is required to be self-sustaining. The commercial space at Denver International Airport is unique and the revenue generated by its leases support debt reduction. The removed location and security at Denver International Airport meets the primary objective of the sale and advertising prohibitions of this Executive Order, which is to prevent youth from obtaining tobacco products. The limited exemption also accommodates the needs of the traveling public who, because of current security restrictions, have nowhere else to obtain tobacco products when traveling through Denver International Airport.

4.2.2 **Restriction.** This limited exemption is approved for Denver International Airport with the proviso that tobacco products shall only be stored/held in a controlled "behind the scene" location not readily visible to customers and advertising shall be restricted to a small single "tombstone" sign (1 to 2 inch black lettering on 5 by 8 inch white background) located within concession premises saying "Tobacco Products Available".

5.0 **Smoking in the City.** Nothing in this Executive Order shall be construed as a waiver of the City's Smoking Policy set forth in Executive Order No. 99 dated December 1, 1993 or any provision of Section 24-301 et. seq., Denver Revised Municipal Code.

6.0 **MEMORANDUM ATTACHMENTS:** The procedure(s) for implementing this Executive Order shall be defined by Memorandum Attachments to the Executive Order, which shall become a part of the Executive Order. Further, the Department of Environmental Health which is responsible for the content of this Executive Order, shall have the authority to issue policy and procedure Memorandum attachments relative to this Executive Order.

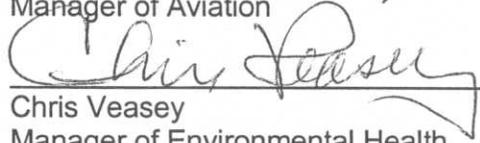
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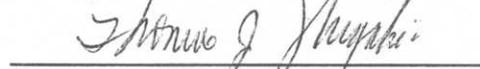
  
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J. Wallace Wortham, Jr.  
City Attorney for the City and County  
Of Denver

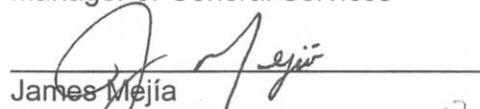
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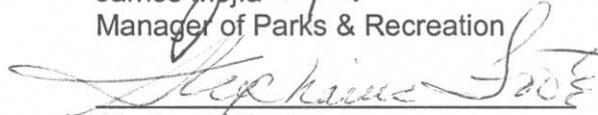
  
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Wellington F. Webb  
MAYOR

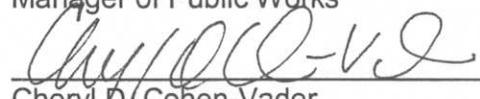
  
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Bruce Baumgartner  
Manager of Aviation

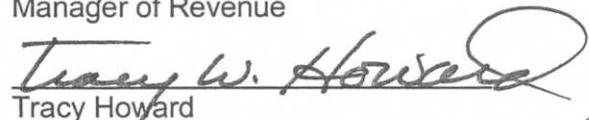
  
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Chris Veasey  
Manager of Environmental Health

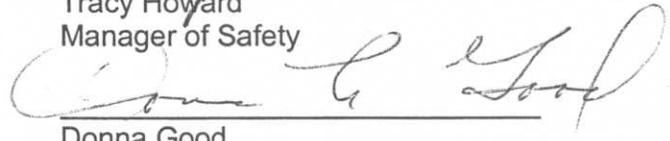
  
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Thomas J. Migaki  
Manager of General Services

  
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James Mejia  
Manager of Parks & Recreation

  
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Stephanie Foote  
Manager of Public Works

  
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Cheryl D. Cohen-Vader  
Manager of Revenue

  
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Tracy Howard  
Manager of Safety

  
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Donna Good  
Manager of Human Services