

ORDINANCE NO. 16-0015

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH  
AMENDING MUNICIPAL CODE CHAPTER 4.118  
(PERMITS FOR RETAILERS OF TOBACCO PRODUCTS  
AND/OR ELECTRONIC SMOKING DEVICES) TO  
INCREASE THE MINIMUM AGE TO 21 CONSISTENT  
WITH STATE LAW

THE MANHATTAN BEACH CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Title 4 (Public Welfare, Morals and Conduct), Chapter 4.118, Section 4.118.030 D, related to posting of notices, is hereby amended to read as follows:

“D. Notice of Minimum Age for Purchase of Tobacco Products and Electronic Smoking Devices. Retailers shall post conspicuously, at each point of purchase, a notice stating that selling tobacco products and electronic smoking devices to anyone under 21 years of age is illegal and subject to penalties. Such notice shall be subject to the approval of the City.”

SECTION 2. Title 4 (Public Welfare, Morals and Conduct), Chapter 4.118, Section 4.118.030 H is hereby amended to read as follows:

“H. Flavored Tobacco Products. No retailer shall sell a tobacco product, or any product used in an electronic smoking device, containing, as a constituent or additive, an artificial or natural flavor or an herb or spice (with the exception of mint, menthol, spearmint or wintergreen), including but not limited to strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee, that is a characterizing flavor of the tobacco product or smoke produced by the tobacco product. The prohibition in the preceding sentence shall not apply to a retailer that permits only patrons 21 years of age or older, or active duty military personnel who are 18 years of age or older, to enter the location where the tobacco product is sold.”

SECTION 3. Subsections 2.c. and 2.e. of Section 4.118.030 J (Self-Service Display Prohibited) are hereby amended to read as follows:

“c. Does not permit any person under 21 years of age, except for active duty military personnel who are 18 years of age or older, to be present or enter the premises at any time;”

“e. Posts a sign outside the retail location that clearly, sufficiently and conspicuously informs the public that persons under 21 years of age, except for active duty military personnel who are 18 years of age or older, are prohibited from entering the premises.”

SECTION 4. If any sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares

that it would have passed this Ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentence, clauses or phrases be declared unconstitutional or otherwise invalid.

SECTION 5. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Section 36933 of the Government Code.

SECTION 6. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

PASSED, APPROVED AND ADOPTED \_\_\_\_\_, 2016.

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Tony D'Errico  
Mayor

ATTEST:

\_\_\_\_\_  
LIZA TAMURA  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
QUINN M. BARROW  
City Attorney