



Legislation Details (With Text)

File #: ORD 15-0020 **Version:** 2
Type: Old Bus. - SR w/Ordinance **Status:** Agenda Ready
In control: City Council Regular Meeting
On agenda: 12/1/2015 **Final action:** 11/3/2015
Title: Adopt Ordinance No. 15-0020 to Institute a Tobacco Retail Licensing Program in Manhattan Beach (Public Works Director Olmos).
ADOPT

Sponsors:

Indexes:

Code sections:

Attachments: 1. Draft Ordinance No. 15-0020, 2. LA County Youth Purchase Survey Results, 3. Tobacco Retailer Map, 4. Opposition Letters to the Tobacco Retail License Ordinance, 5. Supplemental Information Memo for Ordinance No. 15-0020, 6. Additional Support Letters for Tobacco Retail Licensing Ordinance, 7. Ordinance No. 15-0020, 8. Ordinance No. 15-0020 Revisions

Date	Ver.	Action By	Action	Result
11/3/2015	1	City Council Regular Meeting	approved	Pass

TO:
Honorable Mayor and Members of the City Council

THROUGH:
Mark Danaj, City Manager

FROM:
Tony Olmos, Public Works Director
Sona Coffee, Environmental Programs Manager

SUBJECT:
Adopt Ordinance No. 15-0020 to Institute a Tobacco Retail Licensing Program in Manhattan Beach (Public Works Director Olmos).
ADOPT

RECOMMENDATION:

Staff recommends that City Council waive further reading and adopt Ordinance No. 15-0020, establishing a tobacco retail licensing program.

FISCAL IMPLICATIONS:

It is anticipated that the fees associated with an approved Tobacco Retail License program will be designed to cover all or part of the cost of the program administration and enforcement of the program. Staff will present to the City Council a draft resolution to set the application fee and annual permit fee.

BACKGROUND:

On October 20, 2015 the City Council introduced Ordinance No. 15-0020, with the following revisions

to the proposed Ordinance:

- Excluding menthol, mint, spearmint and wintergreen flavors from the proposed prohibition on the retail sale of flavored tobacco and electronic cigarette products
- Amending the distancing requirements so that no retailer can sell tobacco products within a 500 foot radius of a school
- Allowing existing tobacco retailers currently within a 500-foot radius of each other to continue selling their tobacco-related products, even if the business is sold (According to City records, there are only two such retailers within a 500 foot radius of each other)
- Changing the method of measuring distance to a simple radius method; and
- Adding revocation to the enforcement section so that the City can proceed with the business license revocation process if a retailer violates the Ordinance's requirements and prohibitions twice within a 36-month period.

Ordinance No. 15-0020 has several key requirements for retailers who sell tobacco products or electronic cigarettes. In addition to the prohibition on flavored products, retailers will be required to:

- Obtain and display a permit from the City;
- Post signage stating that the sale of electronic cigarettes to anyone under 18 years of age is illegal;
- Check the identification of anyone who appears to be under the age of 30;
- Keep all tobacco products and electronic cigarettes out of public view;
- Discontinue sale of tobacco products or electronic smoking devices from vending machines; and
- Discontinue self-service displays unless the retailer primarily sells tobacco products or electronic cigarettes; generates more than 60% of revenue from annual sale of these products; does not allow anyone under the age of 18 to enter; does not sell alcoholic beverages or food for consumption on the premises; and posts signage stating that those under 18 are not allowed to enter.

In sum, the City desires to encourage responsible tobacco retailing and to discourage violations of tobacco-related laws, especially those that discourage the sale or distribution of tobacco and nicotine products to minors. There is no intent, however, to expand or reduce the degree to which the acts regulated by federal or state law are criminally proscribed or to alter the penalties provided therein.

CONCLUSION:

Staff recommends that City Council waive further reading and adopt Ordinance No. 15-0020, establishing a tobacco retail licensing program.

Attachments:

1. Ordinance No. 15-0020
2. Ordinance No. 15-0020 Revisions