



## Legislation Details (With Text)

**File #:** 20-0099      **Version:** 1

**Type:** Consent - Staff Report      **Status:** Agenda Ready

**In control:** City Council Regular Meeting

**On agenda:** 2/18/2020      **Final action:**

**Title:** Consider Second Reading and Adoption of an Ordinance to Prohibit the Sale of Tobacco Products and Electronic Smoking Devices in the City and Making a Finding of Exemption under the California Environmental Quality Act; and Resolution Establishing a Fee for Hardship Exemption Requests (City Manager Moe and City Attorney Barrow).  
a) ADOPT ORDINANCE NO. 20-0007  
b) ADOPT RESOLUTION NO. 20-0024

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance No. 20-0007, 2. Resolution No. 20-0024

Date	Ver.	Action By	Action	Result
2/18/2020	1	City Council Regular Meeting		
2/18/2020	1	City Council Regular Meeting		

**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Quinn Barrow, City Attorney  
Alexandria Latragna, Management Analyst

**SUBJECT:**

Consider Second Reading and Adoption of an Ordinance to Prohibit the Sale of Tobacco Products and Electronic Smoking Devices in the City and Making a Finding of Exemption under the California Environmental Quality Act; and Resolution Establishing a Fee for Hardship Exemption Requests (City Manager Moe and City Attorney Barrow).

- a) **ADOPT ORDINANCE NO. 20-0007**  
b) **ADOPT RESOLUTION NO. 20-0024**

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**RECOMMENDATION:**

Staff recommends that the City Council adopt Ordinance No. 20-0007 prohibiting the sale of tobacco products and electronic smoking devices in the City and establish a fee for a hardship exemption application.

**FISCAL IMPLICATIONS:**

If adopted, Resolution No. 20-0024 establishes a fee for a hardship exemption application submitted to the City. Typically, these fees are calculated based on the actual cost to the City in processing such an application. In this case, that cost would be \$159, however, as a courtesy to retailers in Manhattan Beach, staff recommends reducing the fee to \$100.

**BACKGROUND:**

On February 4, 2020, City Council by a 4-1 vote, introduced Ordinance No. 20-0007 prohibiting the retail sale of tobacco and electronic smoking devices in the City of Manhattan Beach.

**DISCUSSION:**

Ordinance No. 20-0007 prohibits the sale of tobacco products in Manhattan Beach after January 1, 2021. (The City Council previously prohibited electronic smoking devices, vaping equipment, and flavored tobacco products. Accordingly, those items cannot be sold in the City, except by four retailers who received hardship extensions to provide additional time for them to deplete their stock of such items for temporary periods.) The ordinance provides for a hardship exemption for retailers to seek relief from the terms of the ordinance. An application for a hardship exemption may be filed in the two-month period of September 1, 2020, through October 31, 2020. The attached Resolution No. 20-0024 establishes a fee for each application submitted for a hardship exemption under Ordinance No. 20-0007. The fee is calculated based on the actual costs to the City for processing such an application. In this case, that cost would be \$159, however, as a courtesy to retailers in Manhattan Beach, staff recommends reducing the fee to \$100.

**PUBLIC OUTREACH:**

Staff has been in contact with the tobacco retailers in the City throughout the entire process, including notifying them of the City Council meeting tonight.

**ENVIRONMENTAL REVIEW:**

This Ordinance is exempt from the environmental review requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations because it can be seen with certainty that there is no possibility that the activity in question (prohibiting the retail sale of tobacco) may have a significant effect on the environment.

**LEGAL REVIEW:**

The City Attorney has approved Ordinance No. 20-0007 as to legal from.

**ATTACHMENT:**

1. Ordinance No. 20-0007
2. Resolution No. 20-0024