



AGENCY:	City Council
MEETING DATE:	October 11, 2016
DEPARTMENT:	Admin Services
PRESENTED BY:	S. Schneider

AGENDA ITEM SUMMARY REPORT

TITLE:

RECEIVE REPORT REGARDING DRAFT ORDINANCE TO MODIFY CHAPTER 6.14 [LICENSING OF TOBACCO SELLERS] AND CHAPTER 6.18 [SMOKING POLLUTION CONTROL AND HEALTH PROTECTION REGULATIONS] OF THE FORT BRAGG MUNICIPAL CODE AND PROVIDE DIRECTION TO STAFF

ISSUE:

On May 4, 2016, Governor Jerry Brown signed into law SBX2-7, which increases the legal age for tobacco use from 18 to 21 effective June 9, 2016. Also signed into law was SBX2-5 which classifies electronic smoking devices as tobacco products and bans their use anywhere tobacco is currently prohibited.

Chapters 6.14 and 6.18 of the Fort Bragg Municipal Code do not currently include the definition of electronic smoking devices and related terminology. This proposed Ordinance provides the necessary additions to bring the current Ordinance into compliance with California law.

The Finance and Administration Committee reviewed and discussed the draft Ordinance at its September 8, 2016 meeting and recommended that the item be brought forward for Council consideration.

RECOMMENDED ACTION:

Provide direction to staff on the draft Ordinance in preparation for the first reading at a future City Council meeting.

ALTERNATIVE ACTION(S):

No alternatives are needed. Staff is seeking direction from the Council.

ANALYSIS:

The Fort Bragg Municipal Code should be updated to remove any reference to the legal age of 18 for tobacco use and to include language classifying electronic smoking devices and related terminology as "tobacco" and "tobacco products."

Rather than defining the legal age for tobacco use as 21, a section has been added titled "Performance Standards; Deemed Approved Activities" (Section 6.14.022B) stating that tobacco products cannot be sold to a "person under the minimum age for purchase pursuant to state and federal laws."

Furthermore, Chapter 6.18.050D has been revised to state "smoking is prohibited in all public parks and facilities." Currently, the chapter identifies specific parks throughout the City where smoking is prohibited but does not include the recently opened Noyo Headlands Park. This change allows for the addition of any future "public parks and facilities" to be included in this chapter in order to prohibit smoking of any tobacco products.

The remaining changes in the Ordinance deal directly with the addition of electronic cigarettes and related terminology as defined in Chapters 6.14.101 and 6.18.030 "Definitions."

FISCAL IMPACT:

This action will not have a fiscal impact on the City or its residents.

CONSISTENCY:

The Ordinance would provide consistency with new State laws surrounding Tobacco and Tobacco Sellers.

IMPLEMENTATION/TIMEFRAMES:

Should the City Council provide direction on the draft Ordinance, a first reading of the Ordinance will occur at a future City Council meeting.

ATTACHMENTS:

1. Attachment 1 - Draft Ordinance Modifying Chapters 6.14 and 6.18
2. Attachment 2 - Tobacco Education and Research Oversight Committee Memo of February 26, 2014
3. Attachment 3 - California Department of Public Health Letter to Retailers of June 6, 2016

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Agency Action <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Approved as Amended Resolution No.: _____ Ordinance No.: _____ Moved by: _____ Seconded by: _____ Vote: _____ <input type="checkbox"/> Deferred/Continued to meeting of: _____ <input type="checkbox"/> Referred to: _____
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