



**CITY OF FORT BRAGG**

416 N. FRANKLIN, FORT BRAGG, CA 95437  
PHONE 707/961-2823 FAX 707/961-2802

---

**COUNCIL COMMITTEE ITEM SUMMARY REPORT**

**MEETING DATE:** September 8, 2016  
**TO:** Finance and Administration Committee  
**FROM:** June Lemos, City Clerk & Scott Schneider, Administrative Services Director  
**AGENDA ITEM 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 SB 7 which increases the legal age for tobacco use from 18 to 21 effective June 9, 2016. Also signed into law was SB 5, classifying electronic cigarettes as tobacco products and banning 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 cigarettes and related terminology. The proposed ordinance amendments will provide necessary revisions to comply with California law.

**DISCUSSION:**

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

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

Furthermore, Chapter 6.18.050D will be revised to say "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 or tobacco-related 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."

**RECOMMENDATION:**

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

**ATTACHMENTS:**

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