



AGENCY:	City Council
MEETING DATE:	October 24, 2016
DEPARTMENT:	Admin Services
PRESENTED BY:	S. Schneider

AGENDA ITEM SUMMARY REPORT

TITLE:

RECEIVE REPORT AND CONSIDER INTRODUCTION, BY TITLE ONLY, AND WAIVE FURTHER READING OF ORDINANCE 926-2016 AMENDING CHAPTER 6.14 (LICENSING OF TOBACCO SELLERS) AND CHAPTER 6.18 (SMOKING POLLUTION CONTROL AND HEALTH PROTECTION REGULATIONS) OF THE FORT BRAGG MUNICIPAL CODE

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.

The City Council considered the draft Ordinance at its October 11, 2016 meeting and directed staff to prepare an Ordinance for introduction at the meeting of October 24, 2016.

RECOMMENDED ACTION:

Introduce, by title only, and waive further reading of Ordinance No. 926-2016 Amending Chapter 6.14 (Licensing of Tobacco Sellers) and Chapter 6.18 (Smoking Pollution Control and Health Protection Regulations) of the Fort Bragg Municipal Code.

ALTERNATIVE ACTION(S):

1. Provide further direction to staff regarding modifications to the ordinance that should be made prior to bringing it forward for introduction.

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:

If the ordinance is introduced by the Council on October 24, 2016 and adopted on November 14, 2016 it would become effective on December 14, 2016.

ATTACHMENTS:

Attachment 1 - Ordinance 926-2016

City Clerk's Office Use Only

Agency Action ☐ Approved ☐ Denied ☐ Approved as Amended

Resolution No.: _____ Ordinance No.: _____

Moved by: _____ Seconded by: _____

Vote: _____

☐ Deferred/Continued to meeting of: _____

☐ Referred to: _____