



CITY COUNCIL STAFF REPORT

MEETING DATE: September 25, 2023

ITEM TITLE: Adopt Ordinance 1600 Amending and Replacing San Carlos Municipal Code Chapter 8.07 - Tobacco Retailer Permits, to Consolidate and Clarify Existing Definitions and Enact Additional Requirements for Tobacco Retailer Permits to Align with the County of San Mateo Model Ordinance.

RECOMMENDATION:

Staff recommends that the City Council adopt an Ordinance amending the San Carlos Municipal Code Chapter 8.07 "Tobacco Retailer Permit" to consolidate and clarify existing definitions and enact additional requirements for tobacco retailer permits to align with the County of San Mateo Model Ordinance.

FISCAL IMPLICATIONS:

No impact is anticipated as a result of the revised ordinance.

BACKGROUND:

San Carlos Municipal Code Chapter 8.07 provides that sellers of any tobacco product must obtain and maintain a valid tobacco retailer permit. Under existing Chapter 8.07, the City of San Carlos has authorized the San Mateo County Environmental Health Division to administer and enforce the requirements of the City's Tobacco Retailer Permit Ordinance.

The San Mateo County Board of Supervisors adopted an Ordinance (Chapter 4.98 of the County Ordinance Code) to amend the San Mateo County Code related to Tobacco Retailer Permits. The County Environmental Health Division has indicated it will continue to administer a tobacco retailer permit program for those cities which adopt the County's comprehensive Ordinance in its entirety, without alteration. The City should continue to authorize the County to administer a tobacco retailer permit program in the City of San Carlos. The proposed amendments to Chapter 8.07 will add definitions to incorporate best practices across the state, strengthen ordinance language to reduce youth access to tobacco products, and make the San Carlos Municipal Code consistent with the San Mateo County Code of Ordinances, thereby promoting more efficient administration and enforcement. Staff recommends introduction of the Ordinance to provide consistency and maintain the City's interest in providing stringent regulation for the sale of tobacco products.

Environmental Determination.

In accordance with California Environmental Quality Act (CEQA) Guidelines, section 15378(b)(5), adoption of this Ordinance is categorically exempt from CEQA as an administrative activity that will not result in a potentially significant physical impact on the environment.

Notice Provided.

All meeting noticing requirements were met.

ALTERNATIVES:

The alternatives available to the City Council include:

1. Adopt Ordinance 1600 amending the San Carlos Municipal Code Chapter 8.07 "Tobacco Retailer Permit" to consolidate and clarify existing definitions and enact additional requirements for tobacco retailer permits to align with the County of San Mateo Model Ordinance; or
2. Do not adopt the proposed Ordinance; or
3. Provide staff with alternative direction.

Respectfully submitted by:

Gregory Rubens, City Attorney

Approved for submission by:

A handwritten signature in black ink, appearing to read "J. Maltbie", is written above a horizontal line.

Jeff Maltbie, City Manager

ATTACHMENT(S):

1. Proposed Ordinance
Exhibit A to Ordinance – Tobacco Ordinance Model