

ORDINANCE NO. 1600

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CARLOS AMENDING AND REPLACING 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.

WHEREAS, the County of San Mateo Division of Environmental Health operates a countywide program of enforcement of tobacco retailers; and

WHEREAS, the County pays for the cost of operating the program with permit fees and fines collected, with a goal of obtaining compliance and for the protection of the health and safety of its residents; and

WHEREAS, the City Council agrees that regulation of tobacco retail permits and sales and enforcement of these regulations saves limited code enforcement resources of the City and benefits public health and safety for San Carlos residents and visitors; and

WHEREAS, Chapter 8.07 of the Municipal Code regulates Tobacco retailers in the City and authorizes County enforcement. Adopting the model Code to provide for alignment with the County model ordinance is in the interest of the City of San Carlos; and

WHEREAS, the County is requesting cities desiring to participate and authorize enforcement of the program to adopt a model ordinance with identical provisions in order to provide efficient and uniform enforcement for the tobacco permit and regulatory program.

**NOW THEREFORE THE CITY COUNCIL OF THE CITY OF SAN CARLOS DOES
HEREBY ORDAIN AS FOLLOWS:**

SECTION 1: The City Council finds that the replacement and amendment of Chapter 8.07 of Title 8 will provide for continued health and safety of the residents of San Carlos, and will contribute to uniform countywide enforcement of these regulations stated therein by the County of San Mateo Environmental Health Division.

SECTION 2: The City Council finds that the revised Chapter 8.07 of the San Carlos Municipal Code conforming with the County Model Tobacco Permit Ordinance is necessary and appropriate for these purposes.

SECTION 3: The City Council hereby amends and replaces Chapter 8.07 of the Municipal code as attached hereto as Exhibit A and incorporated by this reference.

SECTION 4: Severability. The City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions of this Ordinance are severable and if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

SECTION 5: Publication and Effective Date. This Ordinance shall be published and posted according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

I, City Clerk Crystal Mui, hereby certify that the foregoing Ordinance was introduced on the 11th day of September, 2023 and passed and adopted as an Ordinance of the City of San Carlos at a regular meeting thereof held on the 25th day of September, 2023 by the following vote:

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

CITY CLERK of the City of San Carlos

APPROVED:

MAYOR of the City of San Carlos

Exhibit A: Revised Chapter 8.07 (Conforming with SMC Tobacco Ordinance 4.98)