

§ 6-8.14 RESTRICTIONS ON TOBACCO RETAILERS AND BUSINESSES.

(A) No tobacco retailer or business shall sell, offer for sale, possess with the intent to sell, offer in exchange for any form of consideration, or provide at no cost any tobacco or tobacco product with a characterizing flavor.

(B) No tobacco retailer or business shall sell, offer for sale, possess with the intent to sell, offer in exchange for any form of consideration, or provide at no cost any electronic cigarette or e-cigarette for use with tobacco or tobacco products.

(C) No tobacco retailer or business shall sell, offer for sale, possess with the intent to sell, offer in exchange for any form of consideration, or provide at no cost any of the following:

(1) Any package of fewer than 20 little cigars;

(2) Any package of fewer than six cigars;

(3) Any package of cigarettes, little cigars, or cigars at a price that is less than \$10 per package, including applicable fees and taxes.

(Ord. 2207-C-S, passed 3-8-22; Am. Ord. 2215-C-S, passed 6-14-22)

§ 6-8.15 ENFORCEMENT OF STATE LAW.

If an employee sells a tobacco product to a minor, the retailer shall immediately notify the Chief of Police or his designee of the violation of Penal Code section 308 for enforcement under that statute.

(Ord. 961-C-S, passed 9-14-99)

§ 6-8.16 APPLICATION PROCEDURE.

An application for a tobacco retailer's license shall be submitted in the name of the retailer who, following a finding of violation, proposes to conduct retail tobacco sales on the business premises and shall be signed by such retailer or its authorized agent. All applications shall be submitted on a form supplied by the city and shall contain the following information:

(A) The names, addresses and telephone number of the applicant;

(B) The business name, address and telephone number of each establishment where tobacco is to be sold; and

(C) Such other information as the City Manager or his designee determines is necessary for implementation of this ordinance.

(Ord. 961-C-S, passed 9-14-99)

§ 6-8.17 ISSUANCE AND DISPLAY OF LICENSE.

Upon receipt of a completed application for a tobacco retailer's license, including payment of the license fee, the Director or his designee, will issue a license, which each

licensee shall display prominently at the location where the tobacco retail sales are conducted.

Ord. 961-C-S, passed 9-14-99)

§ 6-8.18 LICENSE FEE TRANSFERENCE.

The fee for a tobacco retailer's license is non-transferable. If there is a change in location, a new tobacco retail license will be issued for the new address upon receipt of an application for a change of location. The new license will retain the same expiration date as the previous one.

(Ord. 961-C-S, passed 9-14-99)

§ 6-8.19 SUSPENSION OF LICENSE.

(A) *Grounds for suspension.* A tobacco retailer's license may be suspended as stated herein by the Director of Health Services or his designee upon a finding, after giving the licensee notice and opportunity to be heard, that the licensee or his employee, has violated any law regulating the sale or distribution of tobacco products.

(B) *Time period of suspension of license.*

(1) Upon the first time that the Director makes a finding of violation, the license to sell tobacco products may be suspended for up to 60 days.

(2) Upon the second time that the Director makes a finding of violation within 12 months of the first determination, the license to sell tobacco products may be suspended for up to 120 days.

(3) Upon the third and each subsequent time that the Director makes a finding of violation within twelve months of the prior determination, the license to sell tobacco products may be suspended for up to one year.

(C) *Appeal of suspension.* The decision of the Director to suspend a tobacco retailer's license may be appealed to the Board of Administrative Appeals.

(Ord. 961-C-S, passed 9-14-99)

§ 6-8.20 ADMINISTRATIVE FINE.

(A) *Grounds for fine.* If the City Manager or his designee, after giving notice and an opportunity to be heard, finds a person is selling or offering tobacco products for sale without a required tobacco retailer's permit, that person may be subject to an administrative fine, as permitted under Government Code Section 53069.4, as follows:

(1) Up to a maximum of \$100 for a first violation;

(2) Up to a maximum of \$200 for a second violation within one year;

(3) Up to a maximum of \$500 for the third and subsequent violations within one year.

(B) *Fine procedures.* Notice of the fine shall be served on the tobacco retailer or person who is owner of the establishment by certified mail and shall be deemed properly served and delivered if mailed to the address shown on the business license for the establishment. The notice shall contain an advisement of the right to request a hearing before the City Manager or his designee contesting the imposition of the fine. Said hearing must be requested within ten days of the date of the notice of the fine.

(C) *Appeal to the Small Claims Court.* Any fine imposed by the City Manager may be appealed by filing claim with the Small Claims Court.

(D) *Failure to pay fine.* Prior to the issuance of any license by the Contra Costa Health Services, any outstanding fines must be paid.

(E) *Fine and license separate.* The administrative fine provided for in this section is separate and apart from the tobacco retailer's license issued by the Director and for which a separate fee is obtained.

(Ord. 961-C-S, passed 9-14-99)

§ 6-8.21 ENFORCEMENT TOOLS CUMULATIVE.

The enforcement mechanisms contained in this Tobacco-Free Youth Ordinance are cumulative with other procedures provided for in this code, and nothing herein shall prevent the issuance of citations or the application for injunctive relief, all as provided for in this code.

(Ord. 961-C-S, passed 9-14-99)

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