

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF HERMOSA BEACH AMENDING CHAPTER 5.78 "TOBACCO RETAILERS" OF TITLE 5 OF THE HERMOSA BEACH MUNICIPAL CODE TO PROHIBIT THE ISSUANCE OF NEW TOBACCO RETAILER LICENSES AND THE SALE OF ELECTRONIC SMOKING DEVICES AND PRODUCTS FOR ELECTRONIC SMOKING DEVICES AND DETERMINATION THAT THE AMENDMENT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The City Council of the City of Hermosa Beach does hereby ordain as follows:

Section 1. Section 5.78.040 of Chapter 5.78 "Tobacco Retailers" of Title 5 of the Hermosa Beach Municipal Code is hereby amended to read as follows:

5.78.040. Tobacco retailer license required.

It shall be unlawful for any person to engage in tobacco retailing in the city without a valid tobacco retailer license issued pursuant to the provisions of this chapter for each location at which that activity is to occur. No new tobacco retailer license shall be issued under this chapter after January 28, 2020. Tobacco retailers in possession of a valid license on January 28, 2020 may continue to conduct retail tobacco sales and annually renew their licenses in compliance with this chapter.

Section 2. Sections 5.78.060, 5.78.070 and 5.78.140 of Chapter 5.78 "Tobacco Retailers" of Title 5 of the Hermosa Beach Municipal Code are hereby repealed and the subsequent sections in Chapter 5.78 renumbered accordingly.

Section 3. Subparagraph (F)(1) of Section 5.78.100 of Chapter 5.78 "Tobacco Retailers" of Title 5 of the Hermosa Beach Municipal Code is amended to read as follows:

F. Electronic Smoking Device.

1. It shall be a violation of this chapter for any tobacco retailer or any of the tobacco retailer's agents or employees to sell or offer for sale, or to possess with intent to sell or offer for sale, any electronic smoking device or products for the electronic smoking device.

Section 4. CEQA. This Ordinance is exempt from the California Environmental Quality Act (“CEQA”) because it is not a “project” under CEQA Guidelines Section 15378.

Section 5. Effective Date. This Ordinance shall take effect thirty (30) days after its passage and adoption pursuant to California Government Code section 36937.

Section 6. Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City’s book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

PASSED, APPROVED and ADOPTED this ____ day of _____ 2020.

VOTE: AYES:
 NOES:
 ABSTAIN:
 ABSENT:

MAYOR of the City of Hermosa Beach, California

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney