



Administrative Report

N.1., File # 19-0013

Meeting Date: 9/3/2019

To: MAYOR AND CITY COUNCIL

From: BRANDY FORBES, COMMUNITY DEVELOPMENT DIRECTOR

TITLE

DISCUSSION AND POSSIBLE ACTION REGARDING ESTABLISHING A CITY-WIDE SMOKING BAN IN PUBLIC PLACES AND IMPLEMENTING A LOCAL TOBACCO RETAIL PERMIT.

(A) INTRODUCE BY TITLE ONLY ORDINANCE NO. 3193-19 ADDING MUNICIPAL CODE CHAPTER 9, ARTICLE 1, TO TITLE 5 TO DISALLOW SMOKING IN PUBLIC PLACES IN THE CITY;

OR

(B) INTRODUCE BY TITLE ONLY ORDINANCE NO. 3193-19 ADDING MUNICIPAL CODE CHAPTER 9, ARTICLE 1, TO TITLE 5 TO DISALLOW SMOKING IN PUBLIC PLACES IN THE CITY WITH THE EXCEPTION OF DESIGNATED SMOKING AREAS; **AND**

INTRODUCE BY TITLE ONLY ORDINANCE NO. 3194-19 ADDING MUNICIPAL CODE CHAPTER 9, ARTICLE 2, TO TITLE 5 TO CREATE A LOCAL TOBACCO RETAIL PERMIT AND APPROVAL PROCESS

EXECUTIVE SUMMARY

In response to a Strategic Plan objective, staff gave a presentation to the City Council on May 7, 2019 outlining options to implement a local tobacco retail permit and City-wide smoking ban in public places. The City Attorney's office has prepared the ordinances based on City Council's direction.

BACKGROUND

On September 18, 2018 and May 7, 2019, City Council discussed potential tobacco regulations. The meetings included testimony from representatives of the Beach Cities Health District, the Coalition for Tobacco Free Los Angeles County, Los Angeles County Department of Public Health, Asian American Drug Abuse Program, along with City residents. After discussion, the Council was favorable to establishing tobacco regulations utilizing a stepped approach, where stricter regulations could be implemented over time, if needed. City Council directed staff to prepare ordinances for a local retail tobacco control permit and smoke free public places.

City-wide Smoking Ban in Public Places

Existing law prohibits smoking in public parks and the pier. Based on City Council direction, the new ordinance would expand the prohibition and defines additional public areas where smoking would be prohibited. The proposed ordinance would define "Public place as "any public place, or any private place open to the general public regardless of any fee or age requirement, including, for example, streets, sidewalks, plazas, bars, restaurants, clubs, stores, stadiums, farmers' markets, bus shelters, ATM or ticket lines, theaters, parking lots, parks, playgrounds, taxis, and buses. This also shall include outdoor dining areas open to the general public. " The smoking ban would include areas within twenty (20) feet of any door, window, opening, or vent into a public place. Residential property and moving vehicle are excluded from the ban. Violations would be punishable by infraction.

Additionally, the ordinance includes an updated definition of "smoking" and "smoke" to include electronic smoking devices and marijuana smoke.

At the May 7, 2019 meeting, City Council discussed allowing businesses to have the option of creating a designated smoking area for employees and patrons. If Council is supportive of this, staff has drafted a second version of the ordinance which creates a procedure for businesses to pursue this option.

The Beach Cities Health District (BCHD), along with other public health agencies, are supportive of the City's action to ban smoking in public places, similar to ordinances already adopted by Manhattan Beach and Hermosa Beach. BCHD has expressed its support of the City's efforts and has offered assistance with community outreach and education. BCHD provided examples to City staff of other cities' informational materials to help model our own public education campaign.

Local Tobacco Retail Permit

Also for consideration this evening is an ordinance establishing a local tobacco retail permit.

By implementing a local tobacco retail permit ordinance, the current 43 tobacco retailers, and any new, would be required to obtain and maintain an annual Tobacco Retail Permit with the City of Redondo Beach, in addition to their City Business License. Tobacco retailers include any business location where tobacco, tobacco products, and tobacco paraphernalia are sold.

Provisions included into a tobacco retail permit are:

- Defining "tobacco products" to include electronic smoking devices
- Banning of certain flavored tobacco products
- No sales to minors
- Banning self-service displays
- Requiring an inspection once a year
- Allowing undercover enforcement
- Non-transferrable

Enforcement would be administrative, with written notices for initial violations that would allow the business to take corrective actions. Non-compliance, or further violations, will result in a 60-day suspension, then a 90-day suspension for further violation, and potential revocation for continued violations.

Annual Permit Fee

An annual permit fee will be established within the City's Master Fee Schedule, by separate Resolution, in an amount not to exceed the City's reasonable costs of permit administration, including staff time for inputting, processing, monitoring, and enforcing. A proposed resolution with the recommended fee amount will be presented to City Council at second reading and adoption of the ordinance.

Grace Period to Comply

Based on the City Council's direction, current tobacco retailers will have six (6) months to comply with obtaining the local retail permit.

COORDINATION

The preparation of the administrative report and ordinances have been coordinated with the City Attorney's Office.

FISCAL IMPACT

The cost of preparing this report is included within the Community Development Department's portion of the adopted 2019-20 Annual Budget and is part of the department's annual work program.

Fiscal impact of a Tobacco Retail Permit will be assessed upon adoption of a resolution establishing the permit fee.

APPROVED BY:

Joe Hoefgen, City Manager

ATTACHMENTS

Ordinance City-wide Smoking Ban (A)

Ordinance City-wide Smoking Ban with the exception of Designated Smoking Areas (B)

Ordinance Local Tobacco Retail Permit

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Minutes excerpt City Council May 7, 2019