

ORDINANCE NO. 19-10 N.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND
AMENDING THE ZONING ORDINANCE TO LIMIT THE TYPES OF LAND
USES THAT MAY SELL TOBACCO PRODUCTS.**

WHEREAS, tobacco use endangers the public health by contributing to elevated rates of heart, lung, and oral diseases in those who use tobacco and in those who are exposed to tobacco smoke; and

WHEREAS, at Health and Safety Code Section 104350, the California Legislature has declared that “keeping children and young adults from beginning to use tobacco and encouraging all persons to quit tobacco use shall be the highest priority in disease prevention for the State of California;” and

WHEREAS, the City of Richmond can assist in disease prevention among children and young adults through the exercise of its police powers, including the power to impose restrictions on land use; and

WHEREAS, the City Council finds the zoning text amendments to be Categorically Exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), which states CEQA applies only to projects which have the potential for causing a significant adverse effect on the environment.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RICHMOND
DOES ORDAIN AS FOLLOWS:**

SECTION 1 – A new subsection 15.04.865 titled Tobacco Sales is hereby created with the following text:

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| 15.04.865 | Tobacco Sales. |
| 15.04.865.010 | Purpose. |
| 15.04.865.020 | Definitions. |
| 15.04.865.030 | Tobacco Sales Limited to Certain Land Uses. |
| 15.04.865.040 | Restriction on Amount of Tobacco Sales. |
| 15.04.865.050 | Termination of Nonconforming Tobacco Sales. |

15.04.865.010 Purpose.

The purpose of this Section is to limit the types of uses that may sell tobacco products in the City.

15.04.865.020 Definitions.

The terms used in this Section shall have the meanings stated in the Definitions, Section 15.04.020 and Definitions, Section 7.105.010 of this Code.

15.04.865.030 Tobacco Sales Limited to Certain Land Uses

The sale of tobacco products shall only be allowed in an automobile service station, convenience store, grocery store, or supermarket.

15.04.865.040 Restriction on Amount of Tobacco Sales

Uses where the sale of tobacco products is allowed shall devote not more than ten percent of sales or product display area to the sale or exchange of tobacco products.

15.04.865.050 Termination Nonconforming Tobacco Sales

Tobacco sales that were in lawful existence at uses other than an automobile service station, convenience store, grocery store, or supermarket prior to this Section's adoption shall terminate upon the change of business ownership.

SECTION 3 – SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases of this Ordinance or the rules adopted hereby. The City Council of the City of Richmond hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 4 – EFFECTIVE DATE

This ordinance shall become effective 30 days after its final passage and adoption.

I certify that the foregoing was first read at a regular meeting of the City Council of the City of Richmond held on May 18, 2010 and finally passed and adopted at a regular meeting thereof held on June 1, 2010 by the following vote:

AYES: Councilmembers Bates, Butt, Lopez, Vice Mayor Ritterman, Rogers, Viramontes, and Mayor McLaughlin

NOES: None

ABSTENTIONS: None

ABSENT: None

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND

[Seal]

Approved:

GAYLE MCLAUGHLIN
MAYOR

RANDY RIDDLE
CITY ATTORNEY

I certify that the foregoing is a true copy of Ordinance No. **19-10 N.S.**, finally passed and adopted by the Council of the City of Richmond at a regular meeting on June 1, 2010.