



TO: THE HONORABLE MAYOR AND CITY COUNCIL  
AGENDA: City Council Regular Meeting  
DATE: October 1, 2019  
ITEM #: K.16.  
SUBJECT: Ordinance Incorporating the Yolo County Tobacco Retailer Permit Ordinance by Reference to Specifically Prohibit Flavored Tobacco Products From Being Sold by Tobacco Retailers

**Recommendation for Action:** Staff recommends that the City Council:

- 1) Introduce and adopt the first reading of Ordinance Amending Section 9.28.260 of the Municipal Code incorporating by reference the Yolo County Code relating to Tobacco Retail Permits; and
- 2) Authorize the City Manager to coordinate efforts with Yolo County's Health and Human Service Agency related to administration and enforcement of the amended Code section.

**Staff Contact**

Paul Navazio, City Manager – 530 661-5800, paul.navazio@cityofwoodland.org

**Background**

In June of 2015, the City Council adopted Ordinance No. 1582, which incorporated Yolo County's Tobacco Retail Permit program, into the City's Municipal Code (former Section 15-43, current section 9.28.260). Concurrent with the adoption of Ordinance No. 1582, the City Council authorized execution of an MOU with Yolo County to administer and enforce the newly adopted Tobacco Retail Permit Program.

At that time, the focus of the Tobacco Retail Permit program was establishing regulations related to the sale of tobacco products, with an emphasis on promoting compliance with laws prohibiting the sale of tobacco products to minors. Tobacco retailers are required to obtain a permit, to be renewed annually, with a fee paid to Yolo County to support administration and enforcement efforts.

In 2016, the Yolo County Board of Supervisors amended the County's Tobacco Retail Permit Program to provide that any tobacco retailer that sells, offers for sale, or exchanges for any form of consideration any flavored tobacco product violates its Tobacco Retail Permit program. The County Board of Supervisors also banned the sale of flavored tobacco products within unincorporated Yolo County and prohibited the permitting of any new tobacco retail permits within unincorporated Yolo County.

**Discussion**

Most recently, in September of this year, the Board of Trustees of the Woodland Joint Unified School District passed a resolution urging the Woodland City Council to adopt a ban on flavored tobacco products within the City of Woodland. This recommendation was presented to the City Council, in part, due to statistics that show a significant number of students who report use of tobacco products as well as the growth of flavored tobacco-related products available in the market.

Most alarming is the concern that while the sale of tobacco products to minors (under the age of 18) is illegal, the tobacco industry is targeting young consumers through the development of flavored products (such as fruit and candy flavors), and marketing and promoting paraphernalia such as vaping devices specifically designed to appeal to young smokers. Examples include smoking paraphernalia disguised as highlighter pens, flash drives, etc. – items commonly used by school-aged youth on school campuses and classrooms.

City staff is recommending that the City Council amend Section 9.28.260 of the Municipal Code (Tobacco Retail Permit program) to incorporate the amendment the County made to its Code, making it a violation of the Tobacco Retail Permit to sell any flavored tobacco product.. If introduced this evening, a second reading and public hearing will be scheduled for the City Council meeting of November 5, 2019, with the ordinance becoming effective on January 1, 2020.

Staff will continue to work with Yolo County Health and Human Services Agency to coordinate implementation and enforcement of the ban on retailers selling flavored tobacco products within the framework of the existing MOU, which provides for Yolo County's administration and enforcement of the City's Tobacco Retail Permit program.

Separate from this recommendation, staff had previously been asked by the City Council to review other issues related to the sale of tobacco and tobacco-related products within the City. Specifically, recent concerns have been expressed related to both the number of, and location of, retail establishments selling tobacco products. Staff is evaluating possible recommendations to update regulations governing these establishments as part of the comprehensive zoning ordinance update scheduled to be presented to the City Council next spring.

### **Conclusion**

Staff recommends that the City Council: 1) introduce and adopt the first reading of Ordinance Amending Section 9.28.260 of the Municipal Code relating to the Tobacco Retail License Program to adopt and incorporate by reference Chapter 15 of Title 6 of the Yolo County Code relating to tobacco retail permits and to specifically include the amendment prohibiting tobacco retailers from selling flavored tobacco products, and 2) authorize the City Manager to coordinate efforts with Yolo County's Health and Human Service Agency related to administration and enforcement of the amended Code section.

Prepared by: Paul Navazio, City Manager



Paul Navazio  
City Manager

### **Attachments:**

1. WOODLAND\_ Ordinance re Incorporation of County Code re Tobbaco Retail Permits-c1