

ORDINANCE NO. 2206-C-S

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
AMENDING SECTION 9-5.3843(E) OF THE ANTIOCH MUNICIPAL CODE TO
MODIFY THE DISTANCE BETWEEN NEW TOBACCO BUSINESSES AND
SPECIFIED USES AND TO CLARIFY THE LIMIT ON NEW TOBACCO RETAILERS**

The City Council of the City of Antioch does ordain as follows:

SECTION 1:

The City Council is committed to taking the steps necessary to provide a healthy, safe environment for all City residents. Towards that goal, the City is concerned about the adverse effect of cigarettes and related tobacco products on its residents, especially youth.

SECTION 2:

Over the years, the City Council has adopted various ordinances relating to the use of tobacco to protect the health of its residents. The Council received a detailed presentation from community youth concerned about the effects of tobacco and requesting additional restrictions on tobacco and tobacco products.

SECTION 3:

Consistent with the goal referenced above and the presentation, the Council wishes to take additional steps restricting the location and number of new tobacco retailers in the City.

SECTION 4: Section 9-5.3843(E) is amended as follows:

Section 9-5.3843 TOBACCO AND PARAPHERNALIA RETAILERS.

[Subsections A-D, inclusive, unchanged]

E. Exceptions:

(1) The prohibition described in division (B) above shall not apply to the following:

(a)-(c) [no change]

(d) Any tobacco retailer or drug paraphernalia retailer operating with a valid use permit issued by the City prior to the effective date of Ordinance 2125-C-S. Consistent with Ordinance 2125-C-S, such tobacco retailer or drug paraphernalia retailer shall continue to be a nonconforming use and subject to all provisions of this section and the Municipal Code.

(2) The following business types shall be permitted to sell tobacco products subject to approval of a use permit in zoning districts where such business types are allowed under the Zoning Code:

(a) Convenience stores when ancillary to a gas station and having less than 20% of their sales area devoted to tobacco products.

(i) The sale of drug paraphernalia is prohibited.

(b) Retail businesses larger than 5,000 square feet with less than 5% of their sales area devoted to tobacco product.

(c) A new use permit shall not be issued for a business that is located within 1,000 feet of any school, public park, playground, recreational center, or childcare center.

SECTION 5: Severability.

If any section, subsection, provision or part of this ordinance, or its application to any person or circumstance, is held to be unconstitutional or otherwise invalid, the remainder of this ordinance, and the application of such provision to other person or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this ordinance are severable.

SECTION 6. CEQA.

The above amendments to the City's Municipal Code are not considered a project under the California Environmental Quality Act under the common sense exemption (CEQA Guidelines §15061(b)(3) because the proposed amendments will not have a direct or reasonably foreseeable indirect physical change or effect on the environment.

SECTION 7:

This ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption and shall be published once within fifteen (15) days upon passage and adoption in a newspaper of general circulation printed and published in the City of Antioch.

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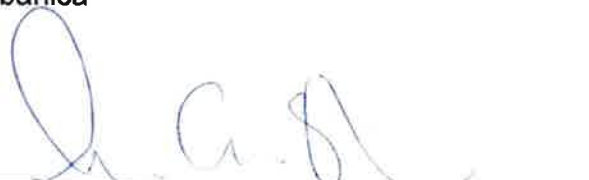
I HEREBY CERTIFY that the forgoing ordinance was introduced and adopted at a regular meeting of the City Council of the City of Antioch, held on the 22nd of February 2022, and passed and adopted at a regular meeting thereof, held on the 8th day of March 2022, by the following vote:

AYES: Council Members District 1 Torres-Walker, District 3 Ogorchock, District 4 Wilson, and Mayor Thorpe

NOES: Mayor Pro Tem (District 2) Barbanica

ABSENT: None

ABSTAIN: None



LAMAR A. THORPE
MAYOR OF THE CITY OF ANTIOCH

ATTEST:



ELIZABETH HOUSEHOLDER
CITY CLERK OF THE CITY OF ANTIOCH

ORDINANCE NO. 2207-C-S

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
AMENDING SECTION 6-8.02 OF THE ANTIOCH MUNICIPAL CODE TO ADD THE
DEFINITIONS OF CHARACTERIZING FLAVOR, CIGAR, AND LITTLE CIGAR
(INCLUDING CIGARILLO) AND AMENDING SECTION 6-8.14 OF THE ANTIOCH
MUNICIPAL CODE BOTH TO RESTRICT TOBACCO RETAILERS OR BUSINESSES
FROM SELLING OR PROVIDING TOBACCO WITH CHARACTERIZING FLAVOR,
SELLING OR PROVIDING ELECTRONIC CIGARETTE OR E-CIGARETTE AND TO
REGULATE THE SIZE AND PRICE OF SPECIFIED PACKAGES OF CIGARETTES,
LITTLE CIGARS, AND CIGARS**

The City Council of the City of Antioch does ordain as follows:

SECTION 1:

The City Council is committed to taking the steps necessary to provide a healthy, safe environment for all City residents. Towards that goal, the City is concerned about the adverse effect of cigarettes and related tobacco products on its residents, including minors.

SECTION 2:

Over the years, the City Council has adopted various ordinances relating to the use of tobacco to protect the health of its residents. The Council received an information presentation by community youth concerned about the effects of tobacco and requesting additional restrictions on tobacco and tobacco products.

SECTION 3:

Consistent with the goal referenced above, the Council wishes to take additional steps restricting tobacco and tobacco products in the City.

SECTION 4:

Section 6-8.02 is modified to add the following definitions:

CHARACTERIZING FLAVOR. A taste or aroma other than the taste or aroma of tobacco, imparted either prior to or during consumption of tobacco product or any byproduct produced by the tobacco product, including, but not limited to, tastes or aromas relating to menthol, mint, wintergreen, fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverages, herb, or spice, provided, however, that a tobacco product shall not be determined to have a characterizing flavor solely because of the use of additives or flavorings or the provision of ingredient information.

CIGAR. Any roll of tobacco, other than a cigarette, wrapped entirely or in part in tobacco or in any substance containing tobacco and weighing more than three pounds per thousand.

LITTLE CIGAR. Any roll of tobacco, with or without a filter, other than a cigarette, wrapped entirely or in part in tobacco or in any substance containing tobacco and weighing no more than three pounds per thousand. "Little cigar" includes, but is not limited to, any tobacco product known or labeled as "small cigar" or "cigarillo."

SECTION 5:

Section 6-8.14 is modified to state:

Section 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 twenty 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 ten dollars per package, including applicable fees and taxes.

SECTION 6: Severability.

If any section, subsection, provision or part of this ordinance, or its application to any person or circumstance, is held to be unconstitutional or otherwise invalid, the remainder of this ordinance, and the application of such provision to other person or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this ordinance are severable.

SECTION 7. CEQA.

The above amendments to the City's Municipal Code are not considered a project under the California Environmental Quality Act under the common sense exemption (CEQA Guidelines §15061(b)(3)) because the proposed amendments will not have a direct or reasonably foreseeable indirect physical change or effect on the environment. The proposed ordinance does not change the existing zoning in the affected areas; rather, the proposed ordinance is an overlay on the existing zoning, already approved and adopted by the City.

SECTION 8:

This ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption and shall be published once within fifteen (15) days upon passage and adoption in a newspaper of general circulation printed and published in the City of Antioch.

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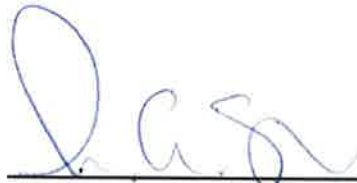
I HEREBY CERTIFY that the forgoing ordinance was introduced and adopted at a regular meeting of the City Council of the City of Antioch, held on the 22nd of February 2022, and passed and adopted at a regular meeting thereof, held on the 8th day of March 2022, by the following vote:

AYES: Council Members District 3 Ogorchock, District 4 Wilson, and Mayor Thorpe

NOES: Council Members District 1 Torres-Walker and Mayor Pro Tem (District 2) Barbanica

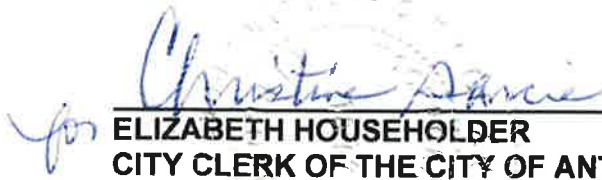
ABSENT: None

ABSTAIN: None



LAMAR A. THORPE
MAYOR OF THE CITY OF ANTIOCH

ATTEST:



ELIZABETH HOUSEHOLDER
CITY CLERK OF THE CITY OF ANTIOCH



ORDINANCE NO. 2215-C-S

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
MODIFYING ORDINANCE 2207-C-S (RELATING TO THE SALE, POSSESSION, OR
PROVISION OF SPECIFIED PRODUCTS BY TOBACCO RETAILERS OR
BUSINESSES) BY PROVIDING A GRACE PERIOD PRIOR TO THE EFFECTIVE
DATE OF ORDINANCE 2207-C-S**

The City Council of the City of Antioch does ordain as follows:

SECTION 1:

The City Council is committed to taking the steps necessary to provide a healthy, safe environment for all City residents. Towards that goal, the City is concerned about the adverse effect of cigarettes and related tobacco products on its residents, including minors.

SECTION 2:

Over the years, the City Council has adopted various ordinances relating to the use of tobacco to protect the health of its residents. Consistent with this goal, the Council took additional steps restricting certain types of tobacco and tobacco products in the City by adopting Ordinance 2207-C-S with a second reading on March 8, 2022.

SECTION 3:

Immediate implementation of Ordinance 2207-C-S could cause a temporary economic hardship for tobacco retailers and businesses which have already purchased inventory that would otherwise be prohibited by Ordinance 2207-C-S. Accordingly, the Council is willing to provide a reasonable grace period prior to the effective date of Ordinance 2207-C-S.

SECTION 4:

Section 8 of Ordinance 2207-C-S regarding that Ordinance's effective date is hereby modified to state:

This ordinance shall take effect and be enforced on December 1, 2022 and shall be published once within fifteen (15) days upon passage and adoption in a newspaper of general circulation printed and published in the City of Antioch.

SECTION 5: Severability:

If any section, subsection, provision or part of this ordinance, or its application to any person or circumstance, is held to be unconstitutional or otherwise invalid, the remainder of this ordinance, and the application of such provision to other person or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this ordinance are severable.

SECTION 6. CEQA.

The above amendment is not a project under the California Environmental Quality Act under the commonsense exemption (CEQA Guidelines §15061(b)(3) because the proposed amendment will not have a direct or reasonably foreseeable indirect physical change or effect on the environment.

SECTION 7:

This ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption and shall be published once within fifteen (15) days upon passage and adoption in a newspaper of general circulation printed and published in the City of Antioch.

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I HEREBY CERTIFY that the forgoing ordinance was introduced and adopted at a regular meeting of the City Council of the City of Antioch, held on the 24th of May 2022, and passed and adopted at a regular meeting thereof, held on the 14th day of June 2022, by the following vote:

AYES: Council Members District 1 Torres-Walker, District 3 Ogorchock, District 4 Wilson, Mayor Pro Tem (District 2) Barbanica, Mayor Thorpe

NOES: None


ABSENT: None

ABSTAIN: None



LAMAR A. THORPE
MAYOR OF THE CITY OF ANTIOCH

ATTEST:



ELIZABETH HOUSEHOLDER
CITY CLERK OF THE CITY OF ANTIOCH