



Public Works Department

Memo

To: City Council
From: Jessica Kahn, Public Works Director
Date: August 28, 2025
Re: Item 9A: First Reading of an Ordinance Prohibiting the Sale of Cigarettes and Cigars with Filters

Staff has revised the proposed ordinance to conform with the ordinance adopted by the County of Santa Cruz. In preparing the earlier draft, staff attempted to simplify the wording, but in doing so broadened the scope beyond that adopted by both the County and the City of Santa Cruz. The County subsequently contacted the City and recommended use of the County's exact language to ensure regional consistency and facilitate enforcement.

The revised ordinance, now printed for Council and included in the meeting packet for attendees, incorporates the County's definition of "partially inconsumable cigarette or cigar," limits the prohibition to embedded filters, and clarifies that the restriction applies regardless of the material used.

The revised ordinance maintains the County's enforceability date of January 1, 2027. Because the City of Capitola is the second jurisdiction to adopt, the enforcement of the City's ordinance will take effect on that date consistent with the County's ordinance.

At the meeting, staff will provide this clarification and recommend adoption of the revised version.

Attachments:

1. Revised Ordinance – Redline/Tracked Changes
2. Revised Ordinance – Clean Version

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF CAPITOLA AMENDING SECTION 5.38.030 OF
CAPITOLA MUNICIPAL CODE TO PROHIBIT THE SALE OF PARTIALLY INCONSUMABLE
TOBACCO PRODUCTS CIGARETTES AND CIGARS**

WHEREAS, cigarette and cigar filters are made of non-biodegradable materials, primarily cellulose acetate, which break down into microplastics and leach toxic chemicals into the environment;

WHEREAS, these materials are consistently among the most collected litter items on California's beaches, including those in the City of Capitola;

WHEREAS, filtered tobacco products serve no health purpose and instead increase harm by encouraging deeper inhalation and promoting environmental pollution;

WHEREAS, Santa Cruz County adopted Ordinance No. 5461 prohibiting the sale of partially consumable ~~tobacco products cigarettes and cigars~~, and enforcement is contingent upon adoption of similar ordinances by at least two incorporated cities within the county or January 1, 2027, whichever is later;

WHEREAS, the City of Santa Cruz adopted a substantially similar ordinance on June 24, 2025;

WHEREAS, the City Council finds that adopting this ordinance is in the interest of public health, environmental protection, and regional consistency;

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

Section 1. The above findings are adopted and incorporated herein.

Section 2. Section 5.38.030 of Chapter 5.38 of the Capitola Municipal Code is hereby amended to add a new subsection D, to read as follows:

D. No tobacco retailer or any of the tobacco retailer's agents or employees shall sell or offer for sale, or possess with intent to sell or offer for sale, any partially consumable ~~tobacco product~~ cigarette or cigar.

1. "Partially consumable ~~tobacco product~~cigarette or cigar" means any ~~tobacco product~~cigarette or cigar that contains, or is intended to be used with, a component not intended to be consumed, including but not limited to embedded filters, whether made of plastic, cellulose acetate, other fibrous plastic material, or any other inorganic, organic, or biodegradable material. ~~plastic tips, or mouthpieces that are attached to or embedded in the tobacco product.~~

~~2. This prohibition includes, but is not limited to, cigarettes with cellulose acetate filters and cigars with plastic or non-biodegradable tips.~~

~~3.2.~~ This subsection shall become enforceable on January 1, 2027, ~~or on the effective date of a substantially similar ordinance adopted by at least two incorporated cities in Santa Cruz County, whichever occurs first.~~

4.3. Violations of this subsection shall be subject to penalties, suspension, or revocation as provided in Sections 5.38.090 through 5.38.130.

Section 3. Environmental Review.

The City Council finds that this ordinance is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Section 4. Effective Date.

This Ordinance shall be in full force and effect thirty (30) days from its passage and adoption.

Section 5. Severability.

The City Council hereby declares every section, paragraph, sentence, cause, and phrase of this ordinance is severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses, or phrases.

Section 6. Certification.

The City Clerk shall cause this ordinance to be posted and/or published in the manner required by law.

This Ordinance was introduced at the meeting of the City Council on the ____ day of _____ 2025, and was adopted at a regular meeting of the City Council on the ____ day of _____ 2025, by the following vote:

AYES:
NOES:
ABSENT:

Joe Clarke, Mayor

Attest: _____
Julia Gautho, City Clerk

Approved as to form:

Samantha W. Zutler, City Attorney

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF CAPITOLA AMENDING SECTION 5.38.030 OF
CAPITOLA MUNICIPAL CODE TO PROHIBIT THE SALE OF PARTIALLY INCONSUMABLE
CIGARETTES AND CIGARS**

WHEREAS, cigarette and cigar filters are made of non-biodegradable materials, primarily cellulose acetate, which break down into microplastics and leach toxic chemicals into the environment;

WHEREAS, these materials are consistently among the most collected litter items on California's beaches, including those in the City of Capitola;

WHEREAS, filtered tobacco products serve no health purpose and instead increase harm by encouraging deeper inhalation and promoting environmental pollution;

WHEREAS, Santa Cruz County adopted Ordinance No. 5461 prohibiting the sale of partially inconsumable cigarettes and cigars, and enforcement is contingent upon adoption of similar ordinances by at least two incorporated cities within the county or January 1, 2027, whichever is later;

WHEREAS, the City of Santa Cruz adopted a substantially similar ordinance on June 24, 2025;

WHEREAS, the City Council finds that adopting this ordinance is in the interest of public health, environmental protection, and regional consistency;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CAPITOLA DOES ORDAIN AS
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Section 1. The above findings are adopted and incorporated herein.

Section 2. Section 5.38.030 of Chapter 5.38 of the Capitola Municipal Code is hereby amended to add a new subsection D, to read as follows:

D. No tobacco retailer or any of the tobacco retailer's agents or employees shall sell or offer for sale, or possess with intent to sell or offer for sale, any partially inconsumable cigarette or cigar.

1. "Partially inconsumable cigarette or cigar" means any cigarette or cigar that contains, or is intended to be used with, a component not intended to be consumed, including but not limited to embedded filters, whether made of plastic, cellulose acetate, other fibrous plastic material, or any other inorganic, organic, or biodegradable material.
2. This subsection shall become enforceable on January 1, 2027.
3. Violations of this subsection shall be subject to penalties, suspension, or revocation as provided in Sections 5.38.090 through 5.38.130.

Section 3. Environmental Review.

The City Council finds that this ordinance is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section

15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

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