

## **ORDINANCE NO. 1068**

### **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 consumable 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 cigarette or cigar.

1. "Partially consumable 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 July 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.

**Section 4.** Effective Date.

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

**Section 5.** Enforcement Date.

The City of Capitola will refrain from enforcing this Ordinance until July 1, 2027.

**Section 6.** 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 7.** 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 28<sup>th</sup> day of August, 2025, and was adopted at a regular meeting of the City Council on the 11<sup>th</sup> day of September, 2025, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Joe Clarke, Mayor

Attest: \_\_\_\_\_  
Julia Gautho, City Clerk

Approved as to form:

\_\_\_\_\_  
Samantha W. Zutler, City Attorney