

ORDINANCE NO. 286-2026

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE AMENDING SECTION 6.10.111 OF THE CLEARLAKE MUNICIPAL CODE REGARDING TOBACCO RETAIL LICENSING FEES

WHEREAS, the City Council has expressed concern about tobacco use among the youth and desired to pass ordinances regulating the sale of tobacco products in 2024; and;

WHEREAS, the City of Clearlake desired to transfer the responsibility of administration and enforcement of the program to Lake County Environmental Health, and;

WHEREAS, Lake County Environmental Health has been educating retailers about the new ordinance and encouraging compliance but now desires to fully implement the program throughout Lake County, and;

WHEREAS, the ordinance needs a minor amendment to allow the County to approve and adopt program fees.

The City Council of the City of Clearlake, State of California does hereby ordain as follows:

SECTION ONE. FINDINGS

It is the intent and purpose of the City Council, in enacting this ordinance, to ensure compliance with the business standards and practices of the City of Clearlake and Lake County and to encourage responsible tobacco retailing and to discourage violations of tobacco-related laws, especially those which prohibit or discourage the sale or distribution of tobacco products to youth, but not to expand or reduce the degree to which the acts regulated by federal or state law are criminally proscribed or to alter the penalties provided therein.

SECTION TWO.

Section 6-10.111 is hereby amended to read as follows:

6-10.111 Fee for License

The fee to issue or to renew a tobacco retailer's license shall be established by resolution of the City of Clearlake and shall be reviewed annually with the master fee schedule, or the County shall establish the fee by resolution if administration of the program is transferred by Memorandum of Understanding. The fee shall be calculated so as to recover the total cost of administration and enforcement of this article, including, but not limited to, issuing a license, administering the license program, retailer education, retailer inspection and compliance checks, documentation of violations, and prosecution of violators, ensure the licensee has a hazardous waste management plan for disposal of tobacco product waste but shall not exceed the cost of the administration and enforcement of this article. All fees and interest upon proceeds of fees shall be used exclusively to fund the administration and enforcement of this article. Fees are nonrefundable except as may be required by law.

SECTION THREE. SEVERABILITY.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION FOUR. EXECUTION.

The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

Passed and adopted this _____ day of _____, 20____, by the following vote:

AYES:

NOES

ABSENT:

Mayor, City of Clearlake

ATTEST:

City Clerk, City of Clearlake