



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 11/07/2023

ITEM NO: 9

DATE: October 26, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution Approving Changes to the Town's Comprehensive Fine Schedule Amending the Fines for Violations of the E-Bike Ordinance and Tobacco Retailing Ordinance and Correcting Outdated References to Town Code Sections for Other Violations

RECOMMENDATION:

Adopt a resolution (Attachment 1) approving changes to the Town's Comprehensive Fine Schedule amending the fines for violations of the e-bike ordinance and tobacco retailing ordinance and correcting outdated references to Town Code sections for other violations.

BACKGROUND:

"Fines" are the amounts of the penalties for Town Code violations imposed pursuant to Section 1.30.025 of the Los Gatos Town Code. The Town's FY 2023/24 Comprehensive Fine Schedule was presented and approved at the March 21, 2023, Town Council meeting. The Town establishes fines to monitor and discourage the behavior, not as a significant revenue generator.

DISCUSSION:

Tobacco Retailing Ordinance Fines

At the October 3, 2023 Town Council meeting, Council introduced an Ordinance titled, "An Ordinance of the Town Council of the Town of Los Gatos amending Section 18.60.020, 'Permits for Retailers of Tobacco Products,' of Article VI, 'Smoking Regulations,' of Chapter 18, 'Miscellaneous Provisions,' of the Town Code to increase fine amounts and amend the definition of 'Tobacco Products' to align with the Santa Clara County Ordinance."

PREPARED BY: Melissa Ynegas
Finance Administrative Analyst

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

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DISCUSSION (continued):

The existing Ordinance requires tobacco retailers to obtain permits, prohibits the sale of flavored and electronic cigarette products, prohibits the sale of tobacco to minors, and provides for periodic monitoring to detect sales to minors. To align with the County's current Tobacco Retailing Ordinance and the introduced Town Ordinance, the Fine Schedule should be amended as follows:

- 1) Increase the dollar amount of fines for violations of the Ordinance by a retailer with a permit from:
 - a. \$100 to \$1,000 for violation of first instance;
 - b. \$200 to \$2,500 for a second violation within a 60-month period; and
 - c. \$500 to \$5,000 for a third violation within a 60-month period.

- 2) Increase the dollar amount of the fine for retailing tobacco products without a tobacco retailing permit from:
 - a. \$100 to \$2,500 for violation of first instance;
 - b. \$200 to \$5,000 for a second violation within a 60-month period; and
 - c. \$500 to \$10,000 for a third violation within a 60-month period.

E-Bike Ordinance Fines

Earlier this year, the Town Council adopted an e-bike ordinance and the following fines associated with violations of the e-bike ordinance should be included in the Comprehensive Fine Schedule:

- 1) \$50 for a first violation
- 2) \$75 for a second violation
- 3) \$100 for a third violation

Outdated References

The fine schedule also needs to be updated to correct several outdated references to Town Code sections for other violations.

Attachments 1 and 2 reflect these changes that would be effective immediately, pending Council consideration of this item.

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CONCLUSION:

It is recommended that Town Council approve the resolution to the Comprehensive Fine Schedule. If the Council approves the resolution, the changes become effective immediately.

FISCAL IMPACT:

The Town has an agreement with the County to enforce the tobacco retail regulations and collect fines. The Los Gatos-Monte Sereno Police Department enforces the e-bike ordinance. The fiscal impact will be an increase in revenue if fines are charged.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Resolution approving Comprehensive Fine Schedule FY 2023/24, including Exhibit A Proposed FY 2023/24 Comprehensive Fine Schedule (Redline)
2. Proposed FY 2023/24 Fine Adjustments, Reclassifications, and Deletions