

City of Piedmont
COUNCIL AGENDA REPORT

DATE: September 19, 2022

TO: Mayor and Council

FROM: Sara Lillevand, City Administrator

SUBJECT: Consideration of Fines for Violations of the City's Regulations of Tobacco Use and Sales

RECOMMENDATION

Approve the attached resolution establishing fines for violations of the City's regulations of tobacco use and sales.

BACKGROUND:

In 2014, the City Council approved an ordinance prohibiting the use of tobacco in certain enclosed and unenclosed spaces in Piedmont. Upon the second reading of that ordinance, the Council set fines for violations of these restrictions of \$100 for a first violation, \$200 for a second violation within one year, and \$500 for each additional violation within one year.

At its meeting of September 6, 2022, the City Council approved the first reading of Ord. 765 N.S., which prohibits the sale of flavored tobacco within Piedmont. This ordinance is before Council at this meeting for a second reading. Ord. 765 N.S. places the flavored tobacco restrictions in the same portion of the City Code (Chapter 12, Article 2) that the tobacco use restrictions are established. At the time of the first reading, staff indicated that Council would set the fines for violations at the time of the second reading.

Proposition 31 on the November 8, 2022 ballot is a referendum on a statewide prohibition of the sale of flavored tobacco, similar to Ordinance 765 N.S. and sets a fine of \$250 per violation. Based on this, staff recommends setting the fine for violations of the city's restrictions on the use and sale of tobacco at \$250 per violation.

ATTACHMENTS:

- A Resolution setting fines for violations of the City's regulations of tobacco use and sales

By: John O. Tulloch, City Clerk

Resolution # _____

A Resolution Setting Fines for Violations of Ord. 715 N.S.

WHEREAS, The City of Piedmont has adopted Ordinances 715 N.S. and 765 N.S. regulating the use and sale of tobacco products in the City of Piedmont; and

WHEREAS, Ord. 715 N.S. and Ord. 765 N.S. authorize the City Council to set fines for violations of the Section 12.26 through 12.29 of the City Code;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Piedmont does hereby declare, determine, and order as follows:

SECTION 1. A fine of \$250 per violation shall be imposed for violations of Sections 12.26, 12.27, 12.28, and/or 12.29 of the Piedmont City Code or their successor sections.

SECTION 2. Resolution 129-14 is hereby superseded.

SECTION 3. This resolution takes effect on the date that Ord. 765 N.S. becomes effective. If Ord. 765 N.S. does not take effect, this resolution is void in its entirety and the fines set by Resolution 129-14 remain in force.

[END OF RESOLUTION]