



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of May 9, 2023

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Forrest Ebbs, Acting City Manager *FE*

SUBJECT: Proposed Ordinance Amending Section 6-8.14 of the Antioch Municipal Code Regarding Restrictions on the Sale of Tobacco Products – Second Reading

RECOMMENDED ACTION

It is recommended that the City Council adopt the ordinance amending Section 6-8.14 of the Antioch Municipal Code Regarding Restrictions on the Sale of Tobacco Products.

FISCAL IMPACT

There are no direct fiscal impacts incurred by the City for the approval of this ordinance.

DISCUSSION

The adoption of an ordinance requires two separate readings. The subject ordinance was introduced at the April 25, 2023 City Council meeting. This second reading will finalize the adoption of the ordinance. The ordinance will take effect 30 days after its final passage (Gov't Code § 36937).

ATTACHMENT

A. Ordinance to the City Council

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
AMENDING SECTION 6-8.14 OF THE ANTIOCH MUNICIPAL CODE REGARDING
RESTRICTIONS ON THE SALE OF TOBACCO PRODUCTS**

The City Council of the City of Antioch does ordain as follows:

SECTION 1. AMENDMENT. Section 6-8.14 of the Antioch Municipal Code is amended as follows (additions in underline italics; deletions in double strikethrough):

§ 6-8.14 RESTRICTIONS ON TOBACCO RETAILERS

A. No tobacco retailer shall sell, offer for sale, possess with the intent to sell, offer in exchange for any form of consideration, or provide at no cost any tobacco or tobacco product *that contains a constituent or additive, other than tobacco, that imparts* ~~with~~ a characterizing flavor.

B. No tobacco retailer shall sell, offer for sale, possess with the intent to sell, offer in exchange for any form of consideration, or provide at no cost any electronic cigarette or e-cigarette for use with tobacco or tobacco products.

~~C. No tobacco retailer shall sell, offer for sale, possess with the intent to sell, offer in exchange for any form of consideration, or provide at no cost any of the following:~~

~~(1) Any package of fewer than twenty little cigars~~

~~(2) Any package of fewer than six cigars~~

~~(3) Any package of cigarettes, little cigars, or cigars at a price that is less than ten dollars per package, including applicable fees and taxes.~~

SECTION 2. SEVERABILITY. If any provision or part of this ordinance, or its application to any person or circumstance, is held to be unconstitutional or otherwise invalid, the remainder of this ordinance, and the application of such provision to other person or circumstances, shall remain in full force and effect.

SECTION 3. PUBLICATION. This ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption and shall be published once within fifteen (15) days upon passage and adoption in a newspaper of general circulation printed and published in the City of Antioch.

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I HEREBY CERTIFY that the forgoing ordinance was introduced at a regular meeting of the City Council of the City of Antioch on the 25th day of April, 2023, and adopted at a regular meeting thereof on the 9th day of May 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

LAMAR A. THORPE
MAYOR OF THE CITY OF ANTIOCH

ATTEST:

ELIZABETH HOUSEHOLDER
CITY CLERK OF THE CITY OF ANTIOCH