ORDINANCE NO. 2020-0038

Adopted by the Sacramento City Council

October 27, 2020

An Ordinance Amending Sections 5.138.040 and 5.138.060 of the Sacramento City Code, Relating to Tobacco Retailers

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

A. Subsection B of section 5.138.040 of the Sacramento City Code is amended to read as follows:

B. No license shall issue, and no existing license shall be renewed, to authorize tobacco retailing within 1,000 feet of a tobacco retailer already licensed pursuant to this chapter as measured by a straight line from the nearest point of the property line of the parcel on which the applicant’s business is located to the nearest point of the property line of the parcel on which an existing licensee’s business is located. This section does not apply to:

1. A person who submitted a planning application to the Community Development Department before January 1, 2020, provided the application does not include a legislative change request pursuant to section 17.808.230, unless a corresponding conditional use permit was subsequently denied or the planning application was withdrawn.

2. A licensee that devotes no more than 5% of total shelf space to tobacco products and at least 10% of shelf space to all of the following: fresh or healthy food; fresh fruits and vegetables; juice and dairy products; meat, fish or poultry; and fresh baked goods, breads, and cereals.

B. Except as amended by subsection A above, all provisions of section 5.138.040 remain unchanged and in full effect.

SECTION 2.

A. Section 5.138.060 of the Sacramento City Code is amended to read as follows:

1. Subsection B is amended to read as follows:

B. A license is valid for one year and must be renewed not later than 30 days prior to the expiration of the license, but no earlier than 60 days prior to the expiration of the license. Unless revoked on an earlier date, all licenses expire one year after the date of issuance. A license may be renewed for additional one-year periods by submitting an
application to the city manager and paying the applicable license fee; provided, however, a license that has been revoked or is subject to revocation proceedings shall not be renewed. The application and license fee shall be submitted at least 30 days, but not more than 60 days, prior to the expiration of the current valid license. The applicant shall follow all of the procedures and provide all of the information required by section 5.138.050. The city manager shall process the application according to the provisions of this section.

2. Subsection C is amended to read as follows:

C. Notwithstanding section 5.138.040.B, a tobacco retailer operating lawfully on January 1, 2020 that would otherwise be eligible for a tobacco retailer license for the location for which a license is sought may receive or renew a license for that location so long as all of the following conditions are met:

1. The license is timely obtained and is renewed without lapse or permanent revocation (as opposed to temporary suspension);

2. The tobacco retailer is not closed for business or has not ceased tobacco retailing for more than 60 consecutive days. However, a tobacco retailer may be closed for business or may cease tobacco retailing for up to one year if the closure or cessation is due to new construction or renovation;

3. The tobacco retailer does not substantially change the business premises or business operation for the purpose of increasing the sale or display of tobacco products; and

4. The tobacco retailer retains the right to operate under all other applicable laws.

B. Except as amended by subsection A above, all provisions of section 5.138.060 remain unchanged and in full effect.
Adopted by the City of Sacramento City Council on October 27, 2020, by the following vote:

Ayes: Members Ashby, Carr, Hansen, Harris, and Warren

Noes: Members Guerra, Harris, Schenirer and Mayor Steinberg

Abstain: None

Absent: None

Attest: Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.

Passed for Publication: October 13, 2020
Published: October 16, 2020
Effective: November 26, 2020