

A black and white photograph of a hand holding a lit cigarette. The cigarette is held between the fingers, and a plume of smoke is rising from the tip. The background is blurred.

Request for Extension of Urgency Ordinance no. 2025-03-04-1504

**Stockton City Council Meeting
April 15, 2025
Item 16.1**

Background



Per City Council Direction:

The City Attorney's Office, Police Department, Administrative Services, and Community Development Department convened to address the ongoing health and safety concerns caused by:

- Proliferation of tobacco retailers and smoke shops
- Illegal businesses operating as smoke shops

Staff collaborated to identify key updates needed in the current Tobacco Ordinance.

Core Considerations Under Review



Licensing & Fees

- Review and revise current application fees
- Introduce an annual retail tobacco license fee
- Amend SMC 5.104.040 to require a Safety and Security Plan as part of the application

Definitions & Land Use

- Provide clear definitions distinguishing between:
 - Pure smoke shops
 - Retailers with ancillary tobacco sales
- Reevaluate minimum distance requirements (currently 600 ft)
- Consider new distance requirements ranging from 1,000 ft to 2,500 ft
- Establish separate distance requirements for smoke shops vs. retailers with ancillary sales

Core Considerations Under Review



Review and Update current enforcement program

- Compliance Check and Monitoring
 - Annual compliance check
 - 3 month recheck for violators
 - Code enforcement efforts to inspect for window / door covering violations

Update penalties for violations

- Penalties are applicable to Owner / Operator
- Selling Flavored Tobacco
 - 1st offense - \$2,500
 - 2nd offense - 15-day suspension of license to sell
 - 3rd offense - License may be put up for revocation
- Selling to minors
 - 1st violation - 30-day suspension of license to sell
 - 2nd violation - 60-day suspension of license to sell
 - 3rd violation - License may be put up for revocation

Core Considerations Under Review



Licensing Caps and Additional Review Areas

- Evaluate establishing a cap on the number of smoke shops
- Map and document smoke shop locations by district
- Analyze legal implications of a cap
- Study other jurisdictions with similar policies

Conditional Use Permits (CUP)

- Consider requiring a CUP or land use permit
- Review impacts of CUP requirements
- Benchmark against other cities' ordinances and procedures

Coordination with County

- Coordinate with County staff to ensure consistency in policy and enforcement

Summary and Recommendation



Summary

- Staff continues to explore comprehensive regulatory options, including strategies adopted by other jurisdictions, to preserve the public peace, health, safety, and general welfare of the Stockton community.

Recommendation

Adopt the extension of **Urgency Ordinance No. 2025-03-04-1504**, including:

- Findings and a temporary moratorium on the establishment, relocation, or expansion of tobacco retail businesses (smoke shops) within Stockton.