

ORDINANCE NO. _____

**ORDINANCE AMENDING CHAPTER 7.89 AND REPEALING
SUBDIVISION I. OF SECTION 5.50.180 OF THE SANTA CRUZ
COUNTY CODE RELATING TO TOBACCO ADVERTISING AND SALES**

The Board of Supervisors of the County of Santa ~~Cruz~~ ordains as follows:

SECTION I

Chapter 7.89 of the Santa Cruz County Code is hereby amended to read as follows:

**REGULATION OF SELF-SERVICE SALE
OF TOBACCO PRODUCTS**

Sections:

- 7.89.010 Purpose.**
- 7.89.020 Definitions.**
- 7.89.030 Restrictions on self-service sale of tobacco products.**
- 7.89.040 Enforcement; penalties; civil actions.**
- 7.89.050 Severability.**

7.89.010 Purpose.

The purpose of this chapter is to promote the welfare of minors by discouraging the commercial exploitation of potential underage tobacco users and by discouraging actions that promote the unlawful sale of tobacco products to minors as well as the unlawful purchase or possession of tobacco products by minors.

7.89.020 Definitions.

A. "Retail tobacco store" means a retail store where at least **fifty** percent of the annual gross receipts are from the sale of tobacco products and smoking accessories and in which the sale of other products is merely incidental.

B "Tobacco product" means any substance containing any tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, and smokeless tobacco.

C. "Self-service display" means an open display of tobacco products which is accessible without the intervention of a vendor, including, but not limited to a rack, shelf, or counter-top display.

D. "Vendor-assisted sale" means a purchase requiring a direct, face-to-face

exchange between the vendor and the customer, in which the vendor does not transfer possession of the product to the customer until the purchase is completed.

7.89.030 Restrictions on self-service sale of tobacco products.

It is unlawful to sell, permit to be sold, or offer for sale any tobacco product by means of self-service merchandising, or by any means other than a vendor-assisted sale. This prohibition shall not apply to a retail tobacco store, or a vending machine authorized by Chapter 7.114 of this Code.

7.89.040 Enforcement; penalties; civil actions.

A. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall constitute a violation. After notification, it shall be a separate offense for each day such violation shall continue.

B. Violations of this Chapter shall be prosecuted as infractions and shall be punishable as provided by Chapter 1.12 of this Code.

C. This chapter shall be administered and enforced by the Planning Department.

D. Violations of this chapter are hereby declared to be public nuisances.

E. In addition to other remedies provided by this Chapter, any violation of this Chapter may be enforced by a civil action brought by the County Counsel, including but not limited to administrative or judicial nuisance abatement proceedings, civil enforcement proceedings, and suits for injunctive relief. The remedies provided by this Chapter are cumulative and in addition to any other remedies available at law or in equity.

7.89.050 Severability.

If any provision of this chapter or its application to any person or circumstance is declared invalid or unenforceable by a court of competent jurisdiction, this chapter, to the extent it can be given effect, or the application of this chapter to persons other than the person to whom it is held invalid, shall not be affected thereby, and to this end, the provisions of this chapter are severable.

SECTION II

Subsection I. of Section 5.50.180 of the Santa Cruz County Code is hereby repealed.

SECTION III

This ordinance shall take effect on the 31st day after the date of final passage.

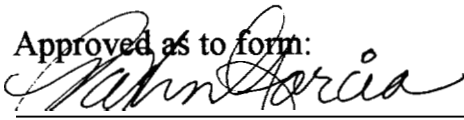
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this ____ day of _____, 2001, by the following vote:

AYES: SUPERVISORS
 NOES: SUPERVISORS
 ABSENT: SUPERVISORS
 ABSTAIN: SUPERVISORS

 TONY CAMPOS, Chairman
 Board of Supervisors

ATTEST: _____
 Clerk of said Board

Approved as to form:



 Chief Assistant County Counsel

DISTRIBUTION: County Administrative Officer
 Planning Director
 Health Services Agency Administrator