

URGENCY ORDINANCE NO. 1850

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF GARDENA, CALIFORNIA, ESTABLISHING A
TEMPORARY MORATORIUM ON SIGNIFICANT TOBACCO
RETAILERS**

WHEREAS, Gardena Municipal Code section 5.52.010 defines a “significant tobacco retailer” as a business where “the principal or core business is selling tobacco products, tobacco paraphernalia, or both, as evidenced by any of the following: twenty percent or more of the floor or display area is devoted to tobacco products, tobacco paraphernalia, or both; sixty-seven percent or more of gross sales receipts are derived from tobacco products, tobacco paraphernalia, or both; or fifty percent or more of completed sales transactions include tobacco products or tobacco paraphernalia;” and

WHEREAS, the City has seen a proliferation of Significant Tobacco Retailer businesses within the City, going from 10 in October 2021 to 16 in March 2023; and

WHEREAS, the City Council is concerned about this proliferation of businesses and the harmful effects of tobacco on the residents of the City; and

WHEREAS, the City has no specific regulations for Significant Tobacco Retailers that would protect minors, such as distance requirements from schools and/or youth-oriented areas; and

WHEREAS, on March 14, 2023, the City Council provided a directive for staff to draft a moratorium ordinance which will allow staff the opportunity to study various options to regulate Significant Tobacco Retailer businesses; and

WHEREAS, Government Code section 65858 provides that to protect public health, safety, and welfare, the City Council may adopt as an urgency measure an interim ordinance prohibiting certain uses while the City studies the prohibited uses;

NOW, THEREFORE, the City Council of the City of Gardena does ordain as follows:

SECTION 1. That the above recitals are true and correct and are adopted as the City Council's findings.

SECTION 2. In order to protect the public health, safety and welfare of the community and pursuant to the provisions of Government Code section 65858, a moratorium is hereby established prohibiting the establishment of any new Significant Tobacco Retailer, as that term is defined in Section 5.52.020 of the Gardena Municipal Code.

SECTION 3. This ordinance is declared to be an urgency measure and interim

ordinance adopted pursuant to the provisions of Government Code section 65858. As set forth in the findings above, this ordinance is necessary for preserving the public health, safety and welfare of the community. Accordingly, upon adoption by a four-fifths vote of the City Council, this ordinance shall take effect immediately.

SECTION 4. This ordinance shall take effect immediately and be of no further force or effect upon the expiration of forty-five (45) days from the date of adoption, unless extended in accordance with California Government section 65858.

SECTION 5. The City Clerk shall cause this ordinance to be published as required by law.

SECTION 6. The City Council finds that, regarding the California Environmental Quality Act (CEQA), there is no possibility that the adoption of this ordinance may have a significant adverse effect on the environment (CEQA Guideline section 15061 (b)(3)).

PASSED AND ADOPTED by the City Council of the City of Gardena, California at a regular meeting thereof held on March 28, 2023.

Tasha Cerda

Tasha Cerda, Mayor

ATTEST:

Mina Semenza

Mina Semenza, City Clerk

APPROVED AS TO FORM:

Carmen Vasquez

Carmen Vasquez, City Attorney