

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA,
AMENDING CHAPTER 37A Sec. 37A-7(a) OF THE SANTA BARBARA COUNTY CODE,
PERTAINING TO FEES FOR A TOBACCO RETAILER LICENSE**

WHEREAS, California Penal Code §308a prohibits the sale or furnishing of cigarettes, tobacco products, smoking paraphernalia to minors, as well as the purchase, receipt, or possession of tobacco products by minors; and

WHEREAS, California Business and Professions Code §22957 provide the County authority to regulate lawful businesses to ensure compliance with state, federal, and local laws regulating the sale of tobacco products to minors. Business and Professions Code §22971.3 permits cities and counties to enact local tobacco retail licensing ordinances, and allows for the suspension or revocation of a local license for a violation of any state tobacco control law; and

WHEREAS, in November 2001, the County of Santa Barbara adopted Chapter 37A of the Santa Barbara County Code entitled "Licensure of Tobacco Retailers". Chapter 37A requires a retailer to obtain a tobacco retailer license before selling tobacco products. The purpose behind the tobacco retailer license is to reduce the sale of tobacco products to minors, by imposing sanctions on tobacco retailers who violate the laws prohibiting the sale of tobacco products to minors; and

WHEREAS, in 2012, the Public Health Department conducted an updated Fee Study of all fees associated with the administration and enforcement of the Tobacco Retailer Licensing program; and

WHEREAS, the 2012 Fee Study concluded that the annual tobacco retailer licensing fee set forth in Chapter 37A, Sec. 37A-7(a) should be reduced from \$435 to \$409. The \$409 fee covers the actual costs of administering the licensing program, including issuance of the licenses, investigations and the administrative enforcement and adjudication of violations. The fee provides for full cost recovery, but does not exceed the actual regulatory costs of administering the Tobacco Retailer License program; and

WHEREAS, California Health and Safety Code §101325 provides that the Board of Supervisors may adopt a resolution prescribing fees to pay the reasonable expenses of the health officer incurred in the enforcement of any statute or regulation relating to public health; and

WHEREAS, the County of Santa Barbara Public Health Department desires to put forth such a resolution prescribing all fees associated with the administration and enforcement of the Tobacco Retailer Licensing program; and

WHEREAS, the tobacco retailer licensing fee set forth within Sec. 37A-7(a) of Chapter 37A shall be amended to allow for the adoption of a tobacco retailer license by resolution. The fee resolution shall be effective on the same date that the amendment to Sec. 37A-7(a) is effective; and

WHEREAS, the amendment of Section 37A-7(a) and the corresponding adoption of a tobacco retailer license fee by resolution, shall not affect any obligation to pay any fees incurred under Chapter 37A, Sec. 37A-7(a) of the Santa Barbara County Code; and

WHEREAS, the County of Santa Barbara has, in connection with this Ordinance, held a public hearing as part of a regularly scheduled meeting and published notice of the meeting, including a general description of the matter to be considered, in accordance with Government Code §6062a;

NOW THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA ORDAINS AS FOLLOWS:

SECTION ONE

Chapter 37A Sec. 37A-7(a) of the Santa Barbara County Code is amended as follows:

Sec. 37A-7(a). Fees for tobacco retailer license.

- (a) The initial fee or renewal fee for a tobacco retailer license shall be set forth in the "Tobacco Retailer License Fee Schedule" that is adopted by resolution. The fee shall be paid to the licensing agent when a tobacco retailer license application is submitted. The fee shall be allocated between the licensing agent and the public health department for processing the licenses and administration and enforcement of this chapter.

SECTION TWO

This ordinance shall take effect and be in force thirty (30) days from the date of its passage; and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, in the Santa Barbara News Press, the Santa Maria Times and the Lompoc Record, which are newspapers of general circulation, published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2012, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

COUNTY OF SANTA BARBARA

DOREEN FARR
Chair, Board of Supervisors

ATTEST:
CHANDRA L. WALLAR
CLERK OF THE BOARD

By: _____
Deputy

APPROVED AS TO FORM:
DENNIS A. MARSHALL
COUNTY COUNSEL

APPROVED AS TO ACCOUNTING FORM:
ROBERT W GEIS, CPA
AUDITOR-CONTROLLER

By: _____
Deputy County Counsel

By: _____
Deputy

APPROVED
TAKASHI WADA, MD, MPH
DIRECTOR/HEALTH OFFICER
PUBLIC HEALTH DEPARTMENT

APPROVED
HARRY E. HAGEN, CPA
TREASURER-TAX COLLECTOR

By: _____
Director

By: _____