

NOV 25 2009

PLANNING & LAND USE MANAGEMENT

09-2870

MOTION

Chapter 1 of the Municipal Code regulates land use zoning in the City. Currently, there are no zoning regulations or local laws that prohibit tobacco sales near schools. Community advocates and concerned parents have expressed their desire for policy solutions to address tobacco sales near schools.

It would behoove the City to prepare and present an ordinance that prohibits tobacco sales near schools. A model that can be replicated to effectuate this prohibition is the City's adult entertainment zoning regulations as delineated in Section 12.70 of the Municipal Code, which prohibit the establishment of adult entertainment businesses within 500 square feet of a school or other sensitive uses.

I THEREFORE MOVE that the Council request the City Attorney, in consultation with the Planning Department, to prepare and present an ordinance that prohibits tobacco sales near schools, and which includes the following policy objectives:

1. *Sales Prohibition:* At a minimum prohibit sales of tobacco products within 600 square feet of a school, however, 1,000 square feet of a school would be preferable.

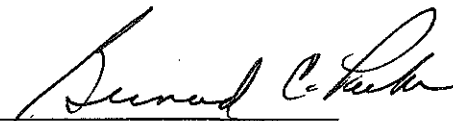
2. *Licence Revocations:*

If an ordinance grandfathers existing tobacco retailers in close proximity to schools, then those retailers should be subject to a tougher penalty schedule including license revocation after a third violation of selling tobacco to minors.

3. *Limited Hours of Operations:*

If an ordinance grandfathers existing tobacco retailers, the hours of operations/sales should include, but not limited, to prohibit sales during school hours, hours when students are walking to school, and hours when students are walking home from school.

PRESENTED BY



BERNARD PARKS
Councilmember, 8th District

SECONDED BY



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