



Tobacco Retailers Permit

Statement of Understanding-Rules and Regulations

The Chula Vista Police Department municipal code 5.56 requires retailers to be permitted, inspected, and regulated by the City of Chula Vista Police Department. Retailers must have a permit from the California Department of Tax and Fee Administration to sell tobacco. This permit is non-transferable, and specific to the location listed on the permit. The purpose of this program is to regulate tobacco businesses and prevent the selling of tobacco and tobacco paraphernalia to individuals (under the age of 21).

PLEASE READ CAREFULLY

State Tobacco Law

- California state law prohibits the sale of tobacco products to individuals younger than 21 years of age. Initials
- The minimum legal age of sale for active duty military personnel in the United States (U.S.) Armed Forces is 18 years of age upon presentation of a valid identification (ID) card used by the U.S. Armed Forces indicating that the individual is in the Armed Forces. [Penal Code section 308 (a)] Initials
- California state law defines “tobacco product” as any product containing, made or derived from tobacco or nicotine that is intended to for human consumption. Tobacco product is also defined to include an electronic smoking device that delivers nicotine or other vaporized liquids to the person inhaling from the device such as an electronic cigarette, cigar, pipe, or hookah. The definition of “tobacco product” includes the components, parts, and accessories of tobacco products, whether or not sold separately. (Business and Professions Code Section 22950.5) Initials

Local Tobacco Law

5.56.020 Tobacco retailer’s permit required

It shall be unlawful for any Person to act as a Tobacco Retailer in the City without first obtaining and maintaining, for each location at which Tobacco Retailing is to occur, a valid Tobacco Retailer’s permit pursuant to this chapter, a valid business license pursuant to Chapter 5.02 CVMC, and any and all required state licenses, including but not limited to a California Cigarette and Tobacco Products Retailer’s License. (Ord. 3417 § 1, 2018). Initials



**CITY OF
CHULA VISTA
POLICE DEPARTMENT**

5.56.090 Tobacco retailer operating requirements and prohibitions

A. Compliance with All Laws Required. In the course of Tobacco Retailing or in the operation of the business or maintenance of the location for which a permit issued, it shall be a violation of this chapter for a permittee, or any of the permittee's agents or employees, to violate any local, state, or federal law applicable to Tobacco Products, Tobacco Paraphernalia, or Tobacco Retailing.

B. Fixed Location Required. No Person shall engage in Tobacco Retailing at other than a fixed location. For example, Tobacco Retailing by Persons on foot or from vehicles is prohibited.

C. Display of Permit. Each Tobacco Retailer permit shall be prominently displayed in a publicly visible location at the permitted location.

D. Positive Identification Required. No Person engaged in Tobacco Retailing shall sell or transfer a Tobacco Product or Tobacco Paraphernalia to another Person who appears to be under the age of 27 years without first examining the identification of the recipient to confirm that the recipient is at least the minimum age under state law to purchase and possess the Tobacco Product or Tobacco Paraphernalia.

E. Self-Service Displays Prohibited. Tobacco Retailing by means of a Self-Service Display is prohibited.

F. Tobacco Display Prohibited without Valid Permit. A Tobacco Retailer without a valid Tobacco Retailer permit shall not display Tobacco Products or Tobacco Paraphernalia in public view. A Tobacco Retailer without a valid Tobacco Retailer permit shall not display any advertisement relating to Tobacco Products or Tobacco Paraphernalia that promotes the sale or distribution of such products from the Tobacco Retailer's location or that could lead a reasonable consumer to believe that such products can be obtained at that location.

G. Drug Paraphernalia. It shall be a violation of this chapter for any permittee or any of the permittee's agents or employees to violate any local, state, or federal law regulating controlled substances or Drug Paraphernalia, except that conduct authorized pursuant to state law shall not be a violation of this chapter.

H. Windows.

1. In the course of Tobacco Retailing or in the operation of a business or maintenance of a location for which a permit issued, it shall be a violation of this chapter for a permittee, or any of the permittee's agents or employees, to cover more than 20 percent of the window area with window signs in accordance with CVMC 19.60.500.

2. All windows shall be maintained to ensure law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from exterior public rights-of-way or from the entrance. However, this subsection shall not apply to premises where there are no windows, or where the design or location of windows or landscaping precludes a view of the interior of the premises from exterior public rights-of-way or from the entrance.

I. Change in Information. A Tobacco Retailer shall inform the Police Department in writing of any change in the information submitted on an application for a Tobacco Retailer's permit within 10 business days of a change. (Ord. 3417 § 1, 2018).

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5.56.100 Compliance monitoring

A. Compliance with this chapter shall be monitored by the Police Department. In addition, any peace and/or code enforcement officer may enforce the provisions of this chapter.

B. The Police Department shall inspect each Tobacco Retailer at least one time per 24-month period. Nothing in this subsection shall create a right of action in any permittee or other Person against the City or its agents.

C. Right of Access. The Police Department and/or their authorized representatives shall have full access to enter a permitted Tobacco Retailer location to conduct an inspection during the operating hours of the Tobacco Retailer. Failure to cooperate with any Police Department inspection may result in a permit violation subject to suspension or revocation. This subsection shall not be construed to deprive a licensee of any privilege guaranteed by the Fifth Amendment to the Constitution of the United States, or any other constitutional or statutory privileges. (Ord. 3417 § 1, 2018).

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5.56.110 Suspension or revocation of permit.

A. Suspension or Revocation of Permit for Violation. In addition to any other penalty authorized by law, a Tobacco Retailer's permit may be suspended or revoked if any court of competent jurisdiction determines, or the Chief of Police finds, based on a preponderance of the evidence, after the permittee is afforded notice and an opportunity to be heard, that the permittee, or any of the permittee's agents, officers, partners, representatives, managers, or employees, has violated any of the requirements, conditions, or prohibitions of this chapter, or has pleaded guilty, "no contest" or its equivalent, or 5.56.120 Violations – Penalties.

A. It shall be unlawful for any Person to violate any provision, or to fail to comply with the requirements, of this chapter or any regulation adopted hereunder. Any person violating any of the provisions or failing to comply with any of the requirements of this chapter or any regulation adopted hereunder shall be guilty of a misdemeanor punishable by a fine of not more than \$1,000 or imprisonment for a period of not more than six months, or by both a fine and imprisonment. Each day that a violation continues is deemed to be a new and separate offense. No proof of knowledge, intent, or other mental state is required to establish a violation.

B. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall also constitute a violation of this chapter.

C. Any condition caused or allowed to exist in violation of any of the provisions of this chapter or any regulation adopted hereunder is a public nuisance and may be abated by the City, or by the City Attorney on behalf of the people of the State of California, as a nuisance by means of a restraining order, injunction, or any other order or judgment in law or equity issued by a court of competent jurisdiction. The City, or the City Attorney on behalf of the people of the State of California, may seek injunctive relief to enjoin violations of, or to compel compliance with, this chapter or seek any other relief or remedy available at law or equity, including the imposition of monetary civil penalties. Each day that a violation continues is deemed to be a new and separate offense and subject to a maximum civil penalty of \$2,500 for each and every offense.

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