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Tobacco Retailer Permit Ordinance

Board of Supervisors Board Meeting

May 9, 2023

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New Changes to Proposed Chapter 4.98 Tobacco Retailer Permit

Chapter 4.98.250 Enforcement

Chapter 498.270 Compliance Monitoring

Chapter 4.94.300 Administrative Fine



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Enforcement of Retailer Permit

4.98.250 - Enforcement.

- (a) The Director or the Director's designee shall ~~may~~ enforce this Chapter consistent with the provisions herein. ~~by suspension of a Tobacco Retailer's Permit and /or imposition of administrative fines following the procedures and, in the amounts, set forth in this Chapter.~~
- (b) Violations of this Chapter may be criminally prosecuted as infraction(s) or misdemeanor(s) at the discretion of the prosecuting attorney as the interests of justice require.
- (c) This Section shall not be interpreted to limit the applicable civil or administrative remedies available under law.



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Compliance Monitoring

4.98.270 - Compliance Monitoring.

- (a) Compliance with this Chapter shall be monitored by the Director. In addition, any peace officer may enforce the provisions of this Chapter. The Director may designate additional persons to monitor and facilitate compliance with this Chapter.
- (b) Individuals designated to enforce the provisions of this Chapter shall inspect each Tobacco Retailer at least two times during each twelve-month period annually to determine if the Tobacco Retailer is complying with all applicable laws. Compliance checks shall take place during normal business hours, with or without notice. If a violation has occurred, the Tobacco Retailer shall be inspected again within three months. All permitted premises must be open to inspection by designated persons during regular business hours.



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Administrative Fine

4.98.300 - Administrative Fine.

(a) Grounds for Fine. A fine ~~shall~~may be imposed on a Tobacco Retailer upon findings made by the Director, based on a preponderance of the evidence, that any Tobacco Retailer, or any agent or employee of the Tobacco Retailer, has violated any of the requirements, conditions, or prohibitions of this Chapter. A fine shall be imposed in the maximum amounts set forth in subsection (b) of this section upon findings made by the Director that the Tobacco Retailer, or any agent or employee of the Tobacco Retailer, has Sold any Tobacco Product to any Person(s) under the age of 21 years. Any administrative fine shall be imposed solely against the Tobacco Retailer, not the Tobacco Retailer's employees or agents.



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Change to Proposed Chapter 5.64 Tobacco Related Fee Schedule

Annual Fee Schedule for the Tobacco Retailer Permit

The proposed change of mandatory inspection frequency from one time annually to at least two times during each twelve-month period increases the annual Tobacco Retailer Permit fee from \$423 to \$672.



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Thank you.



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