

ORDINANCE NO. 2025-17

AN ORDINANCE OF THE CITY OF SANTA CRUZ AMENDING CHAPTER 6.07 OF THE
SANTA CRUZ MUNICIPAL CODE PERTAINING TO TOBACCO RETAILER LICENSES

WHEREAS, cigarette butts are the most littered item on the planet and a significant contributor to plastic pollution, particularly in coastal communities like the City of Santa Cruz; and

WHEREAS, cigarette butts are an unsightly blight on Santa Cruz City sidewalks, parks, playgrounds, recreation trails, and other public spaces; and

WHEREAS, cigarette butts are made from non-biodegradable materials, such as cellulose acetate, which breaks down into microplastics that contaminate the environment, harm wildlife, and pose emerging threats to human health; and

WHEREAS, cigarette butts are not just litter but toxic waste, leaching dangerous chemicals such as lead, arsenic, and nicotine into the environment; and

WHEREAS, improperly discarded cigarette butts can poison small children, pets, wildlife, and marine life; and

WHEREAS, improperly discarded cigarette butts are a fire hazard, responsible for burning more than roughly 88,898 acres in California since 1980; and

WHEREAS, cigarette butts are the remnants of a deadly product that is responsible for killing almost half a million people in the United States each year, including 40,000 Californians; and

WHEREAS, emerging forms of tobacco waste include electronic cigarettes or vaping devices, and the e-juice, cartridges, batteries, and accessories associated with them; and

WHEREAS, tobacco waste is a health equity issue, disproportionately found in lower income communities and communities of color; and

WHEREAS, Big Tobacco takes no responsibility for its toxic waste, forcing the physical and financial burden of cleanup onto local government agencies and volunteer organizations; and

WHEREAS, previous approaches including anti-litter laws, anti-smoking signage, increased waste disposal containers, and robust cleanup efforts have failed to solve the problem; and

WHEREAS, on April 27, 2021, City council adopted Resolution No. NS-29,807, recognizing the public health and environmental threat tobacco product waste (TPW) poses to the City and its residents; and

WHEREAS, on September 27, 2022, the City Council received an informational presentation from the Santa Cruz County Tobacco Education Program regarding policy options being explored to address the public health and environmental threat posed by TPW; and

WHEREAS, on April 25, 2023, the City Council received a presentation update from staff and Councilmembers from the Health in All Policies (HiAP) Committee and directed staff to continue working with the Committee, the County, and stakeholders on community engagement, and provide feedback as needed; and

WHEREAS, on May 16, 2023, the Santa Cruz County Board of Supervisors (Board) passed a resolution recognizing TPW as an environmental and public health threat and establishing a County-led Tobacco Waste Ad Hoc Subcommittee (Subcommittee) to develop policies and outreach initiatives across jurisdictions; and

WHEREAS, on October 29, 2024, the Board approved the Subcommittee's recommendation to ban the sale of filtered tobacco products, with enforcement of the ban beginning on January 1, 2027, or on a date that two additional jurisdictions in the County approve a similar ordinance, whichever date is later.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Santa Cruz as follows:

SECTION 1. Chapter 6.07 "Tobacco Retailer Licenses" of the Santa Cruz Municipal Code is amended as follows:

A. Section 6.07.010 "Definitions" is hereby amended to read as follows:

"6.07.010 DEFINITIONS.

The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

- (a) "Chief of police" shall refer to the city of Santa Cruz chief of police or the person designated by the chief of police.
- (b) "Cigarette" means:
 - (1) any roll of tobacco wrapped in paper or in any substance not containing tobacco; and
 - (2) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described herein.

- (c) “Cigar” means any roll of tobacco wrapped entirely or in part in leaf tobacco or any substance containing tobacco.
- (d) “Drug paraphernalia” shall have the definitions set forth in California Health and Safety Code Section 11014.5, as that section may be amended from time to time.
- (e) “E-cigarette” means any electronically or battery-operated device, often shaped like a cigarette, containing a nicotine-based liquid, sometimes flavored, that is vaporized and inhaled, and which is used to simulate the experience of smoking tobacco or other combustible substances.
- (f) “Partially Inconsumable Cigarette” means any Cigarette containing an embedded component or part commonly referred to or marketed as a filter that is not intended to be consumed, whether it is made of any material including, but not limited to, plastic, cellulose acetate, other fibrous plastic material, or any other inorganic, organic, or biodegradable material.
- (g) “Partially Inconsumable Cigar” means any Cigar containing an embedded component or part commonly referred to or marketed as a filter that is not intended to be consumed, whether it is made of any material including, but not limited to, plastic, cellulose acetate, other fibrous plastic material, or any other inorganic, organic, or biodegradable material.
- (h) “Person” shall mean any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.
- (i) “Proprietor” shall mean a person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a person has a ten percent or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a person can or does have or share ultimate control over the day-to-day operations of a business.
- (j) “Tobacco paraphernalia” shall mean cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking, preparation, storing, or consumption of tobacco products.
- (k) “Tobacco product” shall mean as set forth in Section 6.06.020.
- (l) “Tobacco retailer” shall mean any person or business which sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products, tobacco paraphernalia, or e-cigarettes, or who distributes free or low-cost samples of tobacco, tobacco products, tobacco paraphernalia, or e-cigarettes.

- (m) “Tobacco retailing” shall mean the doing of any of these things. This definition is without regard to the quantity of tobacco, tobacco products, tobacco paraphernalia, or e-cigarettes sold, offered for sale, exchanged, or offered for exchange.”

B. Section 6.07.020 “Tobacco retailer license – Violations” is hereby amended to read as follows:

“6.07.020 Tobacco retailer license – Violations.

- (a) It shall be unlawful for any person to act as a tobacco retailer, or to display or advertise the sale of tobacco products, tobacco paraphernalia, or e-cigarettes, without obtaining and maintaining a valid tobacco retailer’s license pursuant to this chapter for each location at which that activity is to occur.
- (b) It shall be a violation of this chapter for any tobacco retailer or any of the tobacco retailer’s agents or employees to sell or offer for sale, or to possess with intent to sell or offer for sale, Partially Inconsumable Cigarettes or Partially Inconsumable Cigars.
 - (1) There shall be a rebuttable presumption that a tobacco retailer in possession of four or more packages containing any Partially Inconsumable Cigarettes or Partially Inconsumable Cigars possesses such packages of Partially Inconsumable Cigarettes or Partially Inconsumable Cigars is with the intent to sell or offer for sale.
 - (2) Enforcement of subsection (b) of SCMC 6.07.020 will begin January 1, 2027, or on a date that two other jurisdictions within the County, aside from the City, have approved a similar ordinance, whichever date is later.
- (c) Tobacco retailing by persons on foot or from vehicles is prohibited.
- (d) Each tobacco retailer license shall be prominently displayed in a publicly visible location at the licensed location.
- (e) In the course of tobacco retailing or in the operation of a business or maintenance of a location for which a tobacco retailer’s license has been issued, it shall be a violation of this chapter for a licensee, or any of the licensee’s agents or employees, to violate any local, state, or federal law applicable to tobacco products, tobacco paraphernalia, tobacco retailing, narcotics, or e-cigarettes.
- (f) Tobacco retailing in violation of Section 6.06.030 is prohibited.”

SECTION 2. Environmental Review. This action is not a “project” under CEQA pursuant to CEQA Guidelines Sections: 15378(b)(2) (“general policy and procedure making”) and 15378(b)(5) (“[o]rganizational and administrative activities” that do not result in physical changes to the environment). And, even if it were considered a CEQA “project”, this action is exempt from CEQA review pursuant to CEQA Guidelines Section: 15307 (action “to assure the maintenance,

restoration, or enhancement of a natural resource”); 15308 (action “to assure the maintenance, restoration, enhancement, or protection of the environment”); and 16061(b)(3) (common sense exemption).

SECTION 3. This ordinance shall take effect and be in force thirty (30) days after final adoption. Enforcement of subsection (b) of SCMC 6.07.020 will begin January 1, 2027, or on a date that two other jurisdictions, aside from the City, within the County have approved a similar ordinance, whichever date is later, as set out in SCMC 6.07.020(b)(2).

PASSED FOR PUBLICATION this 10th day of June 2025, by the following vote:

AYES: Councilmembers Brunner, Newsome, Golder, O’Hara; Vice Mayor Kalantari-Johnson; Mayor Keeley.

NOES: None.

ABSENT: Councilmembers Trigueiro.

DISQUALIFIED: None.

APPROVED: _____
Fred Keeley, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

ORDINANCE NO. 2025-17

PASSED FOR FINAL ADOPTION this 24th day of June 2025, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Fred Keeley, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2025-17 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

Bonnie Bush, City Clerk Administrator