

ORDINANCE NO. _____
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

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AN ORDINANCE AMENDING THE TOBACCO RETAILER PERMIT REQUIREMENTS
CONTAINED IN SECTIONS 4.98.100, 4.98.110, 4.98.130, 4.98.150, AND ADDING
SECTION 4.98.145 TO CHAPTER 4.98 OF TITLE 4 AND AMENDING THE TOBACCO
RETAILERS PERMIT FEE SET FORTH IN ORDINANCE CODE SECTION 5.64.070 OF
CHAPTER 5.64 OF TITLE 5 OF THE SAN MATEO COUNTY ORDINANCE CODE

The Board of Supervisors of the County of San Mateo, State of California, **ORDAINS** as follows:

SECTION 1. Section 4.98.100 of Chapter 4.98 of Title 4 is hereby amended to read as follows:

Section 4.98.100 Requirement For A Permit.

It shall be unlawful for any retailer, individual, or entity to sell or offer for sale any tobacco products without first obtaining and maintaining a valid tobacco retailer's permit from San Mateo County for each location where such sales are conducted. Permits issued after October 1, 2003 are valid for one year and shall be renewed annually.

SECTION 2. Section 4.98.110 of Chapter 4.98 of Title 4 is hereby amended to read as follows:

Section 4.98.110 Application, Issuance And Renewal Procedure.

- (a) Application for a tobacco retailer's permit shall be submitted in the name of the entity or person proposing to conduct retail tobacco sales on the business premises and shall be signed by such person or an authorized agent thereof. All applications shall be submitted on a form supplied by the San Mateo County Health Services Agency and contain the following information:
1. The name, address, and telephone number of the applicant.
 2. The business name, address, and telephone number of each establishment where tobacco is retailed; and
 3. Such other information as the Director of the Health Services Agency or his or her designee determines is necessary for implementation of this ordinance.
- (b) Applicants for renewal must follow the application procedures set forth in (a). A renewal for a tobacco retailers permit will be denied if the application is for a person or location for which a suspension is in effect and or if there are any outstanding fines.

SECTION 3. Section 4.98.130 of Chapter 4.98 of Title 4 is hereby amended to read as follows:

Section 4.98.130 Fees For Permit.

The fee for a tobacco retailer's permit shall reflect the cost of processing the permit and shall be contained in Ordinance Code section 5.64.070.

SECTION 4. Section 4.98.145 of Chapter 4.98 of Title 4 is hereby added and shall read as follows:

Section 4.98.145 Enforcement Of Applicable Law.

If an agent or employee of the tobacco retailer violates any provisions of this Chapter or any federal or state tobacco related law, the tobacco retailer shall immediately report the violation to the Sheriff.

SECTION 5. Section 4.98.150 of Chapter 4.98 of Title 4 is hereby amended to read as follows:

Section 4.98.150 Suspension Of Permit.

- (a) Grounds for Suspension. A tobacco retailer's permit may be suspended, as set forth below in subdivision (b), by the Director of Health Services or his or her designee upon a finding, after notice and opportunity to be heard, that:
 - (1) after the permit was issued it was determined that the application for the permit is incomplete or inaccurate.
 - (2) the permittee or his or her agent has violated this Chapter or any or any federal or state tobacco related law.
- (b) Time Period of Suspension of Permit.
 - (1) Upon the first time that the Health Director or his or her designee makes the finding that either (a) (1) or (2) exist, the permit to sell tobacco products shall be suspended for up to 30 days.
 - (2) Upon the second time that the Health Director or his or her designee makes the finding set forth in subdivision (a)(1) and (2) within twelve months of the first determination, the permit to sell tobacco products shall be suspended for up to 90 days.
 - (3) Upon the third and each subsequent time that the Health Director or his or her designee makes the finding set forth in subdivision (a)(1) and (2) within twelve months of the prior determination, the permit to sell tobacco products shall be suspended for up to one year.
- (c) Appeal of Suspension. The decision of the Director of Health Services or his or her designee is appealable to the Board of Supervisors and shall be heard at a noticed public hearing.

SECTION 6. Section 5.64.070 of Chapter 5.64 of Title 5 is hereby amended to read as follows:

	Effective on/after 10/01/2003	Effective on/after 01/01/2004	Effective on/after 01/01/2005	Effective on/after 01/01/2006
Tobacco sales permit	35.00	35.00	35.00	35.00

SECTION 7. This Ordinance shall be effective thirty (30) days from the passage date thereof.

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