

ORDINANCE NO. 210-2018

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF CLEARLAKE ADOPTING A 45 DAY
MORATORIUM ON THE ESTABLISHMENT OF TOBACCO
RETAILING BUSINESSES, SMOKE SHOPS, OR HOOKAH OR
VAPOR LOUNGES

TO BE EFFECTIVE IMMEDIATELY AS AN URGENCY
MEASURE

The City Council of the City of Clearlake does ordain as follows:

Section 1. The City Council of the City of Clearlake finds and determines that:

A. There is a public urgency and a need to immediately protect the public health, safety and welfare by placing a moratorium on and prohibiting the opening of tobacco retailers, smoke shops, hookah lounges, or vapor lounges at any location in the City of Clearlake.

B. The facts constituting the urgency are that a business has expressed intent to proceed with opening a smoke shop. The City's zoning code does not currently regulate the location of these types of businesses.

C. There is insufficient time for the City to adopt a regular, non-urgency ordinance applicable to these types of businesses. This ordinance both complies with applicable state law (California Government Code §36937) and preserves the status quo, so that the City may either prohibit such uses or establish reasonable rules and regulations protecting the public health, safety and welfare of Clearlake residents and businesses regarding the sales of tobacco products, smoke shops, hookah lounges, and vapor lounges.

D. The potential adverse direct and secondary effects of tobacco retailers, smoke shops, hookah lounges, and vapor lounges present a clear and present danger to the immediate preservation of the public health, safety, and welfare of the community as these businesses may be incompatible with existing businesses and neighborhoods located in the City.

E. This ordinance is hereby found to be categorically exempt from environmental review pursuant to CEQA Guidelines Section 15061 (b)(3).

Section 2. The City Council of the City of Clearlake adopts this ordinance as an urgency ordinance, necessary for the protection of the public health, safety, and welfare to become effective immediately upon its adoption; and to protect the health, safety and welfare of the residents and students of the City, hereby institute a 45 day moratorium and prohibition on new tobacco retailers, smoke shops, hookah lounges, or vapor lounges at any location in the City of Clearlake. This ordinance may be extended by further action of the City Council consistent with the requirements of California Government Code sec. 65858.


Section 3. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective immediately upon its adoption. The publication of a summary of the ordinance in lieu of the full text of the ordinance is authorized only where the requirements of Government Code section 36933(c)(1) are met.

I hereby certify that the foregoing Ordinance was PASSED, APPROVED and ADOPTED this 16th day of August, 2018.


AYES: Mayor Sabatier, Vice Mayor Harris, Councilmembers Overton, Bennett and Cremer

NOES: None

ABSENT OR NOT VOTING: None


MAYOR

ATTEST:


CITY CLERK

