

ORDINANCE No. 11771 C. M. S.

**AN ORDINANCE AMENDING CHAPTER 4,
ARTICLE 12 OF THE OAKLAND MUNICIPAL
CODE, TO PROHIBIT TOBACCO PRODUCT
VENDING MACHINES IN AREAS ACCESSIBLE
PERSONS UNDER 21 YEARS OF AGE.**

WHEREAS, the requirements of the California Environmental Quality Act (CEQA) of 1970, the guidelines prescribed by the Secretary for Resources, and the provisions of the Statement of Objectives, Criteria and Procedures for the Implementation of the California Quality Act: City of Oakland, as amended, have been satisfied, and that in accordance with Section 15061 (b) (3) of the California Code of Regulations, it can be seen with certainty that there is no possibility that the proposed ordinance may have a significant effect on the environment, and therefore the project is not subject to the California Environmental Quality Act.

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

Section 1. That the following section of Chapter 4, Article 12 of the Oakland Municipal Code is amended to read as set forth below:

"ARTICLE"

PROHIBITION OF VENDING MACHINES

SEC. 4-12.01 TITLE. This Article shall be known as the Ordinance to Prohibit Tobacco Product Vending Machines in Areas Accessible to Persons Under 21 Years of Age.

Section 2. That the following section of Chapter 4, Article 12 of the Oakland Municipal Code is amended to read as set forth below:

SEC. 4-12.03 DEFINITIONS.

- E. A "six-month owner" shall mean a person who purchased a tobacco product vending machine with an **approved electronic security device** fewer than six months prior to the effective date of this Article for the purpose of using the machines to sell or distribute tobacco products exclusively within the City of Oakland and who on the effective date of this Article was using the vending machines in an areas accessible to minors and who has not, or will not have, recovered his or her investment therein by the date on which discontinuance of use is required pursuant to Section 4-12.04 (B).

Section 3. That the following section of Chapter 4, Article 12 of the Oakland Municipal Code is amended to read as set forth below:

SEC. 4-12.04 REGULATION OF TOBACCO PRODUCT VENDING MACHINES IN PLACES ACCESSIBLE TO MINORS PROHIBITION OF TOBACCO PRODUCT VENDING MACHINES.

- A. No person shall place, maintain, use, or permit the placement, maintenance, or use, of any tobacco product vending machine ("machine") on his or her premises for the purpose of selling or distributing any tobacco products or tobacco accessories when persons under ~~eighteen (18)~~ **twenty-one (21)** years of age have access to the premises.

Section 4. That this Ordinance complies with the requirements of the California Environmental Quality Act, and that the Review Officer is hereby directed to file a Notice of Exemption with the Alameda County Clerk.

INTRODUCED: 2/28/95

IN COUNCIL, OAKLAND, CALIFORNIA, **MAR 14 1995**, 19 _____

PASSED BY THE FOLLOWING VOTE:

AYES— BAYTON, DE LA FUENTE, JORDAN, MILEY, ~~MOORE, OGAWA~~ ^{RUSO, CHANG}, SPEES, WOODS-JONES, and PRESIDENT HARRIS — **8**

NOES— **None**

ABSENT— **Jordan - 1**

ABSTENTION— **None**

ATTEST:



ARRECE JAMESON

City Clerk and Clerk of the Council
of the City of Oakland, California

MPW

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE
12 OF THE OAKLAND MUNICIPAL CODE, THE
TOBACCO PRODUCT VENDING MACHINE ORDINANCE,
TO PROHIBIT TOBACCO PRODUCT VENDING
MACHINES IN AREAS WHERE PERSONS UNDER
TWENTY-ONE YEARS OF AGE HAS ACCESS.

N O T I C E A N D D I G E S T

This ordinance will amend Chapter 4,
Article 12 of the Oakland Municipal Code, The Tobacco
Product Vending Machine Ordinance, to prohibit tobacco
product vending machines in areas accessible to persons
under twenty-one years of age.

The Oakland Tribune.

66 Jack London Square, Oakland, CA 94607
(510) 208-6300

LEGAL NO. 3909

ORD # 117710MS

PUBLIC NOTICE

NOTICE AND DIGEST

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE 12 OF THE OAKLAND MUNICIPAL CODE, THE TOBACCO PRODUCT VENDING MACHINE ORDINANCE, TO PROHIBIT TOBACCO PRODUCT VENDING MACHINES IN AREAS WHERE PERSONS UNDER TWENTY-ONE YEARS OF AGE HAS ACCESS.

This ordinance will amend Chapter 4, Article 12 of the Oakland Municipal Code, The Tobacco Product Vending Machine Ordinance, to prohibit tobacco product vending machines in areas accessible to persons under twenty-one years of age.

This Ordinance was introduced at the regular council meeting, Tuesday, evening, February 28, 1995, and passed to print 8 Ayes, 0 Noes. Hearing on final adoption is set for regular Council Meeting at the Lakeside Park Garden Center, 888 Bellevue Avenue, Oakland, California, Tuesday March 14, 1995 at 7:30 p.m.

Three full copies are available for use and examination by the public in the office of the City Clerk at 505 14th Street, Suite 609, Oakland, California.

CEDA FLOYD, City Clerk

Oakland Tribune, Legal No. 3909
Mar. 9, 1995

PROOF OF PUBLICATION

Case No.

In the matter of

City of Oakland

Samantha Allen.....deposes and says that he/she was the Public Notice Advertising Clerk of THE OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.

That the.....

Notice & Digest.....

.....of which the annexed is a printed copy, was published in every issue of THE OAKLAND TRIBUNE on the following dates:

March 9, 1995

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date... March 9, 1995.....
at Oakland, California.

Samantha Allen

Public Notice Advertising Clerk