

**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SARATOGA  
AMENDING CITY CODE SECTION 4-90.020 (TOBACCO RETAILER  
LICENSE DEFINITIONS)**

The City Council of the City of Saratoga finds that:

1. The City of Saratoga wishes to amend the provisions of the City Code concerning the definition of flavored tobacco in Tobacco Retailer License regulations to prohibit sale of all flavored tobacco products, including menthol.
2. The City of Saratoga seeks to further protect minors and underage individuals from tobacco by prohibiting the sale of all flavored tobacco products as these products appeal to youth and make tobacco products more palatable, serving as a gateway to lifelong tobacco addiction.
3. The City Council of the City of Saratoga held a duly noticed public hearing on December 15, 2021, and after considering all testimony and written materials provided in connection with that hearing introduced this ordinance and waived the reading thereof.

Therefore, the City Council of the City of Saratoga hereby ordains as follows:

**Section 1. Adoption.**

Effective May 1, 2022, the Saratoga City Code is amended as set forth in Exhibit A.

**Section 2. Severance Clause.**

The City Council declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this ordinance is held invalid, the City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated.

**Section 3. California Environmental Quality Act**

The proposed amendments and additions to the City Code are Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline section 15061(b)(3). CEQA applies only to projects which have the potential of causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance the amendments to the existing City Code and related sections and additions of provisions and reference appendices to the existing Code; the amendments and additions would have a de minimis impact on the environment.

**Section 4. Publication.**

A summary of this ordinance shall be published in a newspaper of general circulation of the City of Saratoga within fifteen days after its adoption.

Following a duly noticed public hearing the foregoing ordinance was introduced at the regular meeting of the City Council of the City of Saratoga held on the 15<sup>th</sup> day of December 2021 and was adopted by the following vote on January 19, 2021.

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED:

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Tina Walia  
MAYOR, CITY OF SARATOGA, CALIFORNIA

ATTEST:

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Britt Avrit, MMC  
CITY CLERK

DATE: \_\_\_\_\_

APPROVED AS TO FORM:

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Richard Taylor  
CITY ATTORNEY

DATE: \_\_\_\_\_

**Exhibit A – City Code Section 4-90.020 Tobacco Retailer License Definitions Amendments**

*The provisions of the Saratoga Municipal Code set forth below are amended or adopted as follows:*

*Text added to existing provisions is shown in bold double-underlined text (**example**) and text to be deleted is shown in strikethrough (~~example~~). Text in italics is explanatory and is not an amendment to the Code except in cases where it directs renumbering of subsections not otherwise amended. Where a section being amended includes subsections that are not shown those subsections are unchanged by this ordinance.*

4-90.020 – Definitions.

- (b) Flavored tobacco product means any tobacco product that imparts a taste or aroma, other than the taste or aroma of tobacco ~~or menthol~~, imparted either prior to or during consumption of a tobacco product or any byproduct produced by the tobacco product, including, but not limited to, tastes or aromas relating to mint, wintergreen, fruit, **menthol**, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, or spice; provided, however, that a tobacco product shall not be determined to be flavored tobacco solely because of the use of additives or flavorings or the provision of ingredient information.

**End of Amendments**