

**ORDINANCE NO. 816**

**AN ORDINANCE OF THE CITY OF ANDERSON AMENDING TITLE 9 OF THE ANDERSON MUNICIPAL CODE BY ADDING CHAPTER 9.57 TO REGULATE TOBACCO USE AND POSSESSION BY UNDERAGED PERSONS WITHIN THE ANDERSON CITY LIMITS**

WHEREAS; SB 7 (in the 2015-2016 cycle), removed Penal Code Section 308(b), making it **LEGAL** for underage juveniles to use or possess any tobacco product; and

WHEREAS; SB 7 provides that local jurisdictions are able to adopt a local standard for possession of tobacco as noted in Business and Professional Code Section 22964; and

WHEREAS; previously Penal Code Section 308(b) stated: *"Every person under the age of 18 years who purchases, receives, or possesses any tobacco, cigarette, or cigarette papers, or any other preparation of tobacco, or any other instrument or paraphernalia that is designed for the smoking of tobacco, products prepared from tobacco, or any controlled substance shall, upon conviction, be punished by a fine of seventy-five dollars (\$75) or 30 hours of community service work."*

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ANDERSON DOES HEREBY ORDAIN AS FOLLOWS:**

**Chapter 9.57**

**TOBACCO USE AND POSSESSION**

<b>9.57.010</b>	<b>Authority and Title</b>
<b>9.57.020</b>	<b>Definitions.</b>
<b>9.57.030</b>	<b>Restrictions on Use and Possession of Tobacco and Tobacco Products.</b>
<b>9.57.040</b>	<b>Penalties.</b>
<b>9.57.050</b>	<b>Exceptions.</b>
<b>9.57.060</b>	<b>Reserved for Future Use.</b>
<b>9.57.070</b>	<b>Severability Clause.</b>
<b>9.57.080</b>	<b>Cumulative Remedy.</b>

**9.57.010 Authority and Title**

Under the authority granted in Section 22964 of the California Business and Professions Code, the City of Anderson, by and through its City Council, does enact this Chapter of its Municipal Code, which shall be known as the Tobacco Use and Possession Ordinance.

**9.57.070 Severability Clause**

If any provision, paragraph, word or section of this article is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, and sections shall not be affected and shall continue in full force and effect.

**9.57.080 Cumulative Remedy.**

Nothing herein is intended to limit the City from pursuing any other remedy available at law or in equity against any person or entity maintaining, committing, or any other violation of the Code or State or Federal law.

This ordinance shall take effect 30 days after its final passage.

The City Clerk shall certify to the adoption of this ordinance and shall cause it to be posted and/or published in accordance with the law.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Anderson held on May 1, 2018, and enacted at a regular meeting of the City Council of the City of Anderson held on May 15, 2018, by the following vote:

AYES: Councilmembers Hunt, Neutze, Browning, Baugh, & Mayor Cornick.  
NOES: None.  
ABSTAIN: None.  
ABSENT: None.

---

Norma Cornick, Mayor of the City of Anderson

ATTEST:

---

Juanita Barnett, City Clerk

**9.57.070 Severability Clause**

If any provision, paragraph, word or section of this article is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, and sections shall not be affected and shall continue in full force and effect.

**9.57.080 Cumulative Remedy.**

Nothing herein is intended to limit the City from pursuing any other remedy available at law or in equity against any person or entity maintaining, committing, or any other violation of the Code or State or Federal law.

This ordinance shall take effect 30 days after its final passage.

The City Clerk shall certify to the adoption of this ordinance and shall cause it to be posted and/or published in accordance with the law.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Anderson held on May 1, 2018, and enacted at a regular meeting of the City Council of the City of Anderson held on May 15, 2018, by the following vote:

AYES: Councilmembers Hunt, Neutze, Browning, Baugh, and Mayor Comnick.  
NOES: None.  
ABSTAIN: None.  
ABSENT: None.

  
\_\_\_\_\_  
Norma Comnick, Mayor of the City of Anderson

ATTEST:

  
\_\_\_\_\_  
Juanita Barnett, City Clerk