

ORDINANCE NO. _____(N.C.S)

AN EXTENSION OF URGENCY INTERIM ORDINANCE NO. 2697(NCS) OF THE CITY OF
SALINAS, ADOPTED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION
65858 TEMPORARILY PROHIBITING THE ISSUANCE OF TOBACCO RETAILERS'
LICENSES

City Attorney Summary

The proposed extension of Urgency Interim Ordinance No. 2697(NCS) will prolong the temporary moratorium on the issuance of Tobacco Retailers' Licenses citywide for an additional 10 months and 15 days. The extension would not affect existing licenses or the renewal of existing licenses. The proposed extension is pursuant to California Government Code Section 65858, which allows for extension of such interim ordinance. If adopted by the City Council, the moratorium on the issuance of Tobacco Retailers' Licenses will be extended from August 14, 2026 to June 29, 2027.

The City Council of the City of Salinas finds and declares as follows:

- A. The City of Salinas is a municipal corporation duly organized as a charter city under the California Constitution and laws of the State of California.
- B. The City Council has broad discretion pursuant to Article XI, Section 5 of the California Constitution, and the general laws of the state to adopt and enforce ordinance and regulations to protect and promote the public health, safety, and welfare of its residents.
- C. The City of Salinas is charged with the responsibility of ensuring the orderly and equitable enforcement of local, state and federal law.
- D. California Government Code Section 65858 sets forth procedures for the adoption of an urgency interim ordinance to prohibit the approval of applications for additional subdivisions, use permits, variances, building permits, and other applicable entitlements for uses that may be in conflict with a contemplated specific plan or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study.
- E. On January 6, 2015, the City of Salinas adopted an Ordinance requiring all tobacco retailers to obtain a "Tobacco Retailer License" to ensure that retailers comply with tobacco control laws and City business standards (Ord. No. 2555(NCS), § 1, 1-6-2015; Salinas Municipal Code section 16-119.1).
- F. While many tobacco retailers in the City operate as grocery stores, liquor stores, gas stations, convenience stores, in recent years the City has seen an increase in the number of standalone "Smoke Shop" tobacco retail stores.

- G. The City does not currently have any restrictions on the proximity of tobacco retail sales to youth-populated areas such as schools, parks, recreation centers, and/or childcare centers.
- H. As of June 2026, there are 125 tobacco retailers in the City of Salinas. Currently, there are no limits on the number of tobacco retailers that can operate within the City.
- I. In California, individuals under the age of 21 are prohibited from purchasing or using tobacco products. This regulation is based on evidence that smoking is the leading cause of preventable disease and mortality worldwide. Smokeless tobacco is also associated with increased risk for several cancers, including those of the mouth, esophagus, and pancreas.
- J. A 2025 California Synar Tobacco Purchase Survey shows that tobacco stores, smoke shops, and liquor stores tend to have higher violation rates as it relates to unlawful sale of tobacco products to minors.
- K. Findings from an Online California Adult Tobacco Survey (Online CATS), a survey funded by the California Department of Public Health, found that approximately half (53.3%) of Californians reported being exposed to either secondhand tobacco smoke or secondhand vape in the past two weeks in 2023.
- L. The prevalence of tobacco retail establishments in the City of Salinas may contribute to various adverse effects because of the associated health risks and density to walkable areas where minors frequent. In addition, social and economic burdens due to smoking-related illnesses place demands on community health resources and increase healthcare costs. Tobacco retailer businesses may be affiliated with the sale of illegal cannabis products and drug paraphernalia that encourage illegally activity. Marketing of tobacco products is often aimed towards children featuring colorful packaging designs and sweet candy flavors.
- M. The City is in the process of reviewing and updating its General Plan (Visión Salinas 2040) and Zoning Code (Chapter 37 of the Salinas Municipal Code), as well as its regulations on commercial cannabis businesses and tobacco retail businesses, to address the foregoing concerns with which the uses currently authorized by tobacco retailers' licenses may be in conflict.
- N. Considering the foregoing findings, the City Council finds there is a current and immediate threat to public health, safety, and welfare, and that approval of additional tobacco retailers' licenses would result in and exacerbate that threat to public health, safety, or welfare.
- O. On June 30, 2026, pursuant to California Government Code Section 65858, the Salinas City Council adopted Urgency Interim Ordinance No. 2697(NCS) prohibiting the issuance of Tobacco Retailers' Licenses for a period of 45 days.

- P. Within the 45-day period, City staff prepared a 10-day report, as required by California Government Code Section 65858, identifying key actions the City can undertake to alleviate the threat to public health, welfare, and safety posed by the adverse effects associated with tobacco products and retailers, especially as it relates to minors. This includes, but not limited to, addressing licensing enforcement; reviewing best practices from other jurisdictions; analyzing police data from crime and violation patterns; compiling and analyzing list of existing tobacco retailers in relation to population density and proximity to youth-populated areas.
- Q. Pursuant to Government Code section 65858, Urgency Interim Ordinance No. 2797(NCS) can be extended for a duration of 10 months and 15 days to allow the City additional time to study best practices and develop a more comprehensive regulatory framework for tobacco retailers.
- R. The extension of this interim ordinance is statutorily exempt from the California Environmental Quality Act because it is an urgency interim ordinance necessary to protect the City and its residents from a current and immediate threat to public health, safety, and welfare.
- S. On August 4, 2026, in accordance with State law, the City Council provided due consideration of all evidence presented and provided and held a duly noticed public hearing and took testimony regarding extension of Urgency Interim Ordinance No. 2797(NCS) which will extend the moratorium on the issuance of Tobacco Retailers' Licenses from August 14, 2026 to June 29, 2027.

SECTION 1. RECITALS.

The above recitals are true and correct and hereby adopted as the City Council's findings.

SECTION 2: PURPOSE; APPLICABILITY.

In the interest of protecting the health, safety, and welfare of the residents in the city of Salinas, it is the purpose and intent of this urgency interim ordinance to extend the temporary moratorium on the issuance of any new license, permit, or other entitlement for any tobacco retail business. This includes any new license, permit, or other entitlement for the establishment of any new tobacco retail business falling under the definition of "Tobacco retailer" engaged in "Tobacco retailing" as defined in Chapter 7.80 of the Monterey County Code.

The extension of Urgency Interim Ordinance No. 2696(NCS) applies to all areas within the limits of the City of Salinas.

The City Council has authority to extend this ordinance pursuant to California Government Code section 65858 as an urgency measure prohibiting any use that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the City is considering or studying.

SECTION 3: REGULATIONS.

Prohibition on the issuance of new Tobacco Retailers' Licenses. These regulations apply during the term of this interim ordinance and any duly adopted extension of this interim ordinance, unless a specific exemption under this ordinance is applicable. This moratorium shall not apply to the renewal of an existing Tobacco Retailers' License previously issued by the City of Salinas or the County of Monterey on behalf of the City of Salinas.

SECTION 4: ENFORCEMENT.

Any violation of this interim ordinance is unlawful and a public nuisance. In the event of a violation of this ordinance, the City may, in the discretion of the City Attorney, in addition to all other remedies, take such enforcement action as is authorized under the Salinas Municipal Code and such other enforcement action as is authorized under the law.

SECTION 5: EFFECTIVE DATE.

This ordinance becomes effective immediately upon the approval of four-fifths (4/5) of the City Council and will terminate on June 29, 2027, unless extended before then by the City Council in accordance with California Government Code Section 65858.

SECTION 6: NO TAKING OF PROPERTY RIGHT INTENDED.

Nothing in this ordinance will be interpreted to affect an unconstitutional taking of the property right of any person. If the City Council determines, based on specific evidence in the administrative records, that the applicability of one or more provisions of this ordinance to a proposed project would affect an unconstitutional taking of a property right, the City Council shall disregard such provision or provisions to the extent necessary to avoid such unconstitutional taking.

SECTION 7: SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held invalid by a court of competent, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, clauses, or phrases, be declared invalid.

SECTION 8: PUBLICATION.

The City Clerk shall cause a summary of this ordinance to be published once in a newspaper published and circulated in Salinas within fifteen (15) days after adoption. (Salinas Charter Section 11.9)

PASSED and ADOPTED this 4th day of August 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Dennis Donohue, Mayor

APPROVED AS TO FORM:

Christopher A. Callihan, City Attorney

ATTEST:

Patricia M. Soratos, City Clerk