

ORDINANCE NO.

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA, ESTABLISHING A MORATORIUM ON THE ISSUANCE OF NEW TOBACCO RETAIL ESTABLISHMENT PERMITS WITHIN THE CITY.

WHEREAS, the City of Riverside ("City") is a municipal corporation and charter city duly organized under the constitution and laws of the State of California; and

WHEREAS, pursuant to the City's police power, the City Council of the City of Riverside ("City Council") has the authority to enact and enforce ordinances and regulations to protect the public health, safety, and general welfare of the community; and

WHEREAS, California Government Code section 65858 authorizes the City Council to adopt, as an urgency measure, an interim ordinance that prohibits uses which may conflict with a contemplated general plan, specific plan, or zoning proposals that is being considered by the City Council, Planning Commission, or planning staff; and

WHEREAS, the City has observed increasing negative impacts as a result of Tobacco Retailers, as defined herein, operating throughout the City, including the attraction of transient activity, increased criminal incidents in and around such establishments and deteriorating neighborhood character; and

WHEREAS, pursuant to Chapter 6.24 of the Riverside Municipal Code, it is unlawful for any person, business, or tobacco retailer to sell, permit to be sold, offer for sale, or display for sale any tobacco product or tobacco paraphernalia within the City of Riverside without first obtaining and maintaining a valid Tobacco Retail Establishment Permit from the City; and

WHEREAS, the City Council finds that the current operation of Tobacco Retailers within the City contributes to public nuisances and quality-of-life issues that disproportionately impact vulnerable neighborhoods and burden law enforcement; and

WHEREAS, the City Council is further concerned that new Tobacco Retail establishments will exacerbate these issues, absent a thorough policy review and regulatory framework; and

WHEREAS, in light of these concerns, the City Council finds it necessary to conduct a study on the impacts of Tobacco Retailers within the City and consider comprehensive zoning and regulatory measures to address their potential effects on the community; and

1 WHEREAS, to preserve the public peace, health, safety, and welfare during this study period,
2 the City Council desires to adopt a temporary, citywide moratorium on the issuance of new Tobacco
3 Retail Establishment Permits within the City; and

4 WHEREAS, during the moratorium period, as that may be extended by law, City staff will
5 conduct a study on the impacts of Tobacco Retailers and consider comprehensive zoning and
6 regulatory measures to address their potential effects on the community; and

7 WHEREAS, if necessary, this moratorium may be extended as provided by law; and

8 WHEREAS, this Ordinance is an interim urgency ordinance adopted pursuant to the authority
9 granted to the City by Government Code section 65858 and is for the immediate preservation of the
10 public health, safety and welfare. The facts constituting the urgency are:

11 1. The City is concerned with the observed illegal actions and repeated permit violations of
12 Smoke Shops, as defined herein, operators within the City, involving the following:

- 13 a. Illegal sales of psilocybin mushroom products; and
- 14 b. Illegal sales of cannabis/cannabinoid products; and
- 15 c. Illegal sales of nitrous oxide for prohibited purposes; and
- 16 d. Illegal sales of narcotics/narcotic paraphernalia.

17 2. The City is concerned with the public nuisance and negative secondary impacts caused
18 by the permit violations of Tobacco Retailers within the City, involving the following:

- 19 a. City staff and law enforcement have observed that Tobacco Retailers are
20 frequently associated with increased police calls for service related to theft,
21 loitering, vandalism, and other criminal activity; and
- 22 b. Smoke Shops operate in excess of allowed activities issued by their permits so as
23 to constitute a public nuisance.

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- 1 3. The City Council desires to investigate and study the land use and public safety impacts
2 of Tobacco Retailers within the City of Riverside and to develop potential zoning,
3 permitting, or other regulatory tools to address community concerns.
- 4 4. The City Council desires to investigate and study the implications of new state legislation
5 under Health & Safety Code § 104559.5, including the effects of the legislation on
6 Tobacco Retailer operations and regulation thereof.
- 7 5. The City Council desires to investigate and study the regulation of Tobacco Retailers to
8 include the possible effect on and consistency with the City's continued implementation
9 of policies intended to protect the public health, safety and welfare, including Blue Zone
10 policies.
- 11 6. Absent the adoption of this Ordinance, the issuance of new Tobacco Retailer
12 Establishment Permits within the city, may pose a serious threat to the public health,
13 safety, and welfare.
- 14 7. As a result, it is necessary to establish a temporary, forty-five (45) calendar day
15 moratorium on the issuance of new Tobacco Retail Establishment Permits within the City,
16 pending the completion of the City's study.
- 17 8. In addition, it is necessary to prohibit, as a public nuisance, the issuance of new Tobacco
18 Retail Establishment Permits for the duration of this Ordinance, or any extension thereof;
19 and

20 WHEREAS, the City has a compelling interest in protecting the public health, safety, and
21 welfare of its residents and businesses, and preserving the peace and integrity of neighborhoods
22 within the City; and

23 WHEREAS, the City finds that the issuance of Tobacco Retail Establishment permits would
24 pose a current and immediate threat to the public health, safety, and welfare, since such uses could
25 potentially create conflicts with surrounding land uses, and could conflict with the City's long-

1 term planning goals to be implemented through the City's General Plan, Specific Plans, and Zoning
2 Code; and

3 WHEREAS, in order to address concerns regarding the establishment of new Tobacco Retail
4 establishments, it is necessary for the City to study the impact such uses will have on the public
5 health, safety and welfare, and potentially revise the City's existing regulations or adopt new
6 regulations; and

7 WHEREAS, to protect the City's investment in its planning efforts, ensure that the City's
8 long-term planning goals and strategies can be achieved in an effective and timely manner, and
9 to avoid a current and immediate threat to the public health, safety, and welfare, the City proposes
10 adopting a moratorium on the issuance of new Tobacco Retail Establishment Permits; and

11 WHEREAS, it is necessary to protect the health, safety and welfare, specifically the City
12 and the public's interests in the City's aesthetic, economic, health, safety and community character,
13 until additional staff review has been completed and any necessary local regulations or code
14 revisions have been revised, adopted and otherwise made effective; and

15 WHEREAS, there is an immediate need to prevent increased criminal incidents including
16 but not limited to, theft, loitering, and vandalism, and dangerous illegal sales activities in the City,
17 which have the potential to affect the character, aesthetic, safety and welfare of the community;
18 and

19 WHEREAS, the California Constitution, Article XI, section 7, provides cities with the
20 authority to enact ordinances to protect the health, safety, and welfare of their citizens, and adoption
21 of zoning regulations are a permissible exercise of this authority; and

22 WHEREAS, Government Code section 65858 authorizes the City Council to adopt as an
23 urgency measure an interim ordinance, effective immediately upon a four-fifths vote of the City
24 Council, to protect the public health, safety, and welfare. The interim ordinance is effective for
25 a period of forty-five (45) days, unless extended pursuant to Government Code section 65858,

1 subdivision (c); and

2 WHEREAS, this interim urgency ordinance is necessary, as stated above, in that there is a
3 current and immediate threat to the public health, safety, and welfare from Tobacco Retail activities;
4 and

5 WHEREAS, an interim moratorium on the issuance of new Tobacco Retail Establishment
6 Permits is required to allow the City the opportunity to consider the various policy implications of
7 authorizing new Tobacco Retail establishments in the City and to develop a comprehensive approach
8 to addressing the threats to the public health, safety, and welfare from Tobacco Retail activities; and

9 WHEREAS, the existing rules, regulations and ordinances regarding tobacco retailer activities
10 remain in full force and effect.

11 The City Council of the City of Riverside does ordain as follows:

12 Section 1. Incorporation of Recitals.

13 The above recitals are hereby declared to be true and correct and represent the findings of the
14 City Council, made in the exercise of its independent judgment and that based on the above recitals,
15 there is an immediate threat to the public health, safety and welfare. The adoption of this ordinance
16 is necessary for the immediate protection of the public health, safety and welfare. Said findings are
17 hereby incorporated by reference and made a part of this ordinance.

18 Section 2. Definitions.

19 For the purposes of this ordinance, the following definitions shall apply:

20 (1) "Smoke Shop" means a business with sales of tobacco, either loose or prepared as
21 cigarettes and products for the smoking of tobacco constituting more than 30 percent of gross sales
22 and/or 30 percent of net lease area.

23 (2) "Tobacco Retailer" means any person who sells, offers for sale, or does or offers to
24 exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia, or who
25 distributes free or low-cost samples of tobacco products or tobacco paraphernalia. "Tobacco Retailing"

1 shall mean the doing of any of these things. This definition is without regard to the quantity of tobacco,
2 tobacco products, or tobacco paraphernalia sold, offered for sale, exchanged, or offered for exchange.

3 (3) "Tobacco Retail Establishment Permit" or "Permit" means the certificate issued by
4 the City which allows a facility to sell tobacco, tobacco products, and tobacco paraphernalia. Tobacco
5 product means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars,
6 pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation
7 of tobacco; and any product or formulation of matter containing biologically active amounts of
8 nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that
9 the product or matter will be introduced into the human body but does not include any product
10 specifically approved by the United States Food and Drug Administration for use in treating nicotine
11 or tobacco dependence.

12 Section 3. Purpose.

13 The purpose of this interim ordinance is to establish a moratorium on the issuance of new
14 Tobacco Retail Establishment Permits within the City for the immediate preservation of the public
15 health, safety and welfare.

16 Section 4. Authority and Findings.

17 Based on the findings set forth in the Recitals and incorporated herein in Section 1, Smoke
18 Shop activities pose a current and immediate threat to the public health, safety and welfare on the
19 citizens of the City and as such the City Council hereby enacts this interim ordinance by not less than
20 a four-fifths vote, under the authority granted to it by Article XI, Section 7 of the California
21 Constitution and section 65858 of the California Government Code, which allows the City to adopt an
22 interim ordinance prohibiting land uses which may be in conflict with a contemplated general plan,
23 specific plan, or zoning proposal that the City Council, planning commission or the planning
24 department is considering or studying or intends to study within a reasonable time. The City Council
25 hereby directs the Riverside Police Department and the Planning Division of the Community &

1 Economic Development Department to work together to consider and study impacts of tobacco retail
2 activities and to create new or revised regulations and/or ordinances that addresses such impacts.

3 Section 5. Moratorium Imposed.

4 In accordance with the authority granted to the City under Article XI, section 7 of the
5 California Constitution and California Government Code section 65858, from and after the date
6 of this ordinance, a temporary moratorium is hereby established on the City's issuance of new
7 Tobacco Retail Establishment Permits.

8 Section 6. Exemption.

9 The City's renewal of Tobacco Retail Establishment Permits is specifically exempt from this
10 moratorium. The issuance of new Tobacco Retail Establishment Permits which pertain exclusively to
11 a change in ownership of a pre-existing and lawfully operating Tobacco Retailer are specifically
12 exempt from this moratorium.

13 Section 7. Authority; Urgency Statement.

14 This ordinance is an interim ordinance, adopted as an urgency measure pursuant to
15 Government Code section 65858 and is for the immediate and long-term preservation of the public
16 safety, health, and welfare. The City Council hereby finds, by a four-fifths vote, that there is a
17 current and immediate threat to the public health, safety and welfare that warrants the establishment
18 of a temporary moratorium on the issuance of new Tobacco Retail Establishment Permits as
19 described in this ordinance. The City Council hereby finds that the approval of new Tobacco Retail
20 Establishment Permits would result in that threat to public health, safety, or welfare. These
21 findings are based upon all of the facts recited in this ordinance, in the staff report accompanying
22 this ordinance, all matters and information presented to this City Council at its meeting on September
23 16, 2025.

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1 Section 8. Effective Date and Duration.

2 This ordinance shall become effective immediately upon adoption if adopted by at least four-
3 fifths vote of the City Council, and shall remain in full force and effect for a period of forty-five (45)
4 days from the date of its adoption unless extended by the City Council in accordance with the
5 provisions of California Government Code section 65858.

6 Section 9. Severability.

7 If any provision of this ordinance or the application thereof to any person or circumstance is
8 held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such invalidity
9 shall not affect other provisions or applications of this ordinance which can be implemented without
10 the invalid provision or application and to this end the provisions of this ordinance are declared to be
11 severable.

12 Section 10. California Environmental Quality Act.

13 The City hereby finds that this ordinance is not subject to review under the California
14 Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060, subdivision (c)(2)
15 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the
16 environment) and 15061, subdivision (b)(3) (there is no possibility the activity in question may have
17 a significant effect on the environment). In addition to the foregoing general exemptions, the City
18 Council further finds that this ordinance is categorically exempt from review under CEQA under the
19 Class 8 Categorical Exemption (regulatory activity to assure the protection of the environment),
20 CEQA Guidelines section 15308.

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1 ADOPTED by the City Council this _____ day of _____, 2025.

3 _____
PATRICIA LOCK DAWSON
4 Mayor of the City of Riverside

5 Attest:

6 _____
7 DONESIA GAUSE
City Clerk of the City of Riverside

8 I, Donesia Gause, City Clerk of the City of Riverside, California, hereby certify that the
9 foregoing ordinance was duly and regularly introduced and adopted at a meeting of the City Council
10 on the _____ day of _____, 2025, by the following vote, to wit:

12 Ayes:

13 Noes:

14 Absent:

15 Abstain:

16
17 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
18 City of Riverside, California, this _____ day of _____, 2025.

19 _____
20 DONESIA GAUSE
21 City Clerk of the City of Riverside

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25 09/04/25