

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA, TO EXTEND URGENCY ORDINANCE NO. 7733 ESTABLISHING A MORATORIUM ON THE ISSUANCE OF NEW TOBACCO RETAIL ESTABLISHMENT PERMITS WITHIN THE CITY.

WHEREAS, on September 16, 2025, the City Council for the City of Riverside adopted an urgency ordinance, Ordinance No. 7733, establishing a moratorium on the issuance of new Tobacco Retail Establishment Permits within the City of Riverside ("City") pursuant to California Government Code section 65858; and

WHEREAS, since the adoption of the moratorium, staff has continued to meet internally to explore and review the impacts of Tobacco Retailers within the City and consider comprehensive zoning and regulatory measures to address their potential effects on the community; and

WHEREAS, staff supports the decision to extend the moratorium while City Council considers the various options and to allow staff to prepare any necessary code amendments for future consideration; and

WHEREAS, additional time is needed in order to thoroughly develop appropriate regulations as dictated by the City Council; and

WHEREAS, this Ordinance shall extend the existing moratorium for a period of no more than 10 months and 15 days with an expiration date of September 15, 2026; and

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

WHEREAS, this Ordinance extension of the moratorium is necessary based on the following findings:

1. The City is concerned with the observed illegal actions and repeated permit violations of Smoke Shops, as defined herein, operators within the City, involving the following:
 - a. Illegal sales of psilocybin mushroom products; and
 - b. Illegal sales of cannabis/cannabinoid products; and
 - c. Illegal sales of nitrous oxide for prohibited purposes; and
 - d. Illegal sales of narcotics/narcotic paraphernalia.

2. The City is concerned with the public nuisance and negative secondary impacts caused by the permit violations of Tobacco Retailers within the City, involving the following:
 - a. City staff and law enforcement have observed that Tobacco Retailers are frequently associated with increased police calls for service related to theft, loitering, vandalism, and other criminal activity; and
 - b. Smoke Shops operate in excess of allowed activities issued by their permits so as to constitute a public nuisance.
3. The City Council desires to investigate and study the land use and public safety impacts of Tobacco Retailers within the City of Riverside and to develop potential zoning, permitting, or other regulatory tools to address community concerns.
4. The City Council desires to investigate and study the implications of new state legislation under Health & Safety Code § 104559.5, including the effects of the legislation on Tobacco Retailer operations and regulation thereof.
5. The City Council desires to investigate and study the regulation of Tobacco Retailers to include the possible effect on and consistency with the City's continued implementation of policies intended to protect the public health, safety and welfare, including Blue Zone policies.
6. Absent the adoption of this Ordinance, the issuance of new Tobacco Retailer Establishment Permits within the city, may pose a serious threat to the public health, safety, and welfare.
7. As a result, it is necessary to extend the moratorium on the issuance of new Tobacco Retail Establishment Permits within the City for an additional 10-months and 15-days, pending the completion of the City's study.

1 8. In addition, it is necessary to prohibit, as a public nuisance, the issuance of new Tobacco
2 Retail Establishment Permits for the duration of this Ordinance, or any extension thereof;
3 and

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

7 WHEREAS, the City finds that the issuance of Tobacco Retail Establishment permits would
8 pose a current and immediate threat to the public health, safety, and welfare, since such uses could
9 potentially create conflicts with surrounding land uses, and could conflict with the City's long-
10 term planning goals to be implemented through the City's General Plan, Specific Plans, and Zoning
11 Code; and

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

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

20 WHEREAS, California Government Code section 65858 authorizes the City Council to, after
21 notice and public hearing, extend the interim ordinance for 10 months and 15 days and subsequently
22 extend the interim ordinance for one year by a four-fifths vote for adoption; and

23 WHEREAS, the City Council held a duly noticed public hearing on October 21, 2025, and
24 considered all oral and written evidence presented regarding the extension of the interim ordinance.
25

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

2 Section 1. Incorporation of Recitals.

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

8 Section 2. Purpose.

9 The purpose of this ordinance is to is to continue a moratorium established by Ordinance No.
10 7733, adopted on September 16, 2025, on the issuance of new Tobacco Retail Establishment Permits
11 within the City for the immediate preservation of the public health, safety and welfare.

12 Section 3. Authority and Findings.

13 Based on the findings set forth in the Recitals and incorporated herein in Section 1, the
14 City has a compelling interest to protect the health, safety and welfare, specifically the City and the
15 public's interests, in the City's aesthetic, economic, health, safety and community character, and as
16 such the City Council hereby desires to extend the interim urgency ordinance, by not less than a four-
17 fifths vote, under the authority granted to it by Article XI, Section 7 of the California Constitution and
18 section 65858 of the California Government Code, which allows the City to extend an interim
19 ordinance prohibiting land uses which may be in conflict with a contemplated general plan, specific
20 plan, or zoning proposal that the City Council, planning commission or the planning department is
21 considering or studying or intends to study within a reasonable time. The City Council hereby finds
22 that the approval of new Tobacco Retail Establishment Permits would result in that threat to public
23 health, safety, or welfare. These findings are based upon all of the facts recited in this ordinance,
24 in the staff report accompanying this ordinance, all matters and information presented to this City
25 Council at its meeting on October 21, 2025. The City Council hereby directs the Riverside Police

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

4 Section 4. Moratorium Imposed.

5 The moratorium on the City's issuance of new Tobacco Retail Establishment Permits is
6 hereby extended until September 15, 2026. All terms, definitions and findings from Ordinance No.
7 7733 are hereby incorporated into this Ordinance and made a part of this Ordinance.

8 Section 5. Effective Date and Duration.

9 This ordinance shall become effective immediately upon adoption if adopted by at least four-
10 fifths vote of the City Council and shall extend the interim ordinance for 10 months and 15 days until
11 September 15, 2026, unless extended by the City Council in accordance with the provisions of
12 California Government Code section 65858.

13 Section 6. Severability.

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

19 Section 7. California Environmental Quality Act.

20 The City hereby finds that this ordinance is not subject to review under the California
21 Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060, subdivision (c)(2)
22 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the
23 environment) and 15061, subdivision (b)(3) (there is no possibility the activity in question may have
24 a significant effect on the environment). In addition to the foregoing general exemptions, the City
25

Council further finds that this ordinance is categorically exempt from review under CEQA under the

1 Class 8 Categorical Exemption (regulatory activity to assure the protection of the environment),
2 CEQA Guidelines section 15308.

3 Section 8: The City Clerk shall certify to the adoption of this ordinance and cause
4 publication once in a newspaper of general circulation in accordance with Section 414 of the Charter
5 of the City of Riverside.

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

7
8 _____
9 PATRICIA LOCK DAWSON
Mayor of the City of Riverside

10 Attest:

11 _____
12 DONESIA GAUSE
City Clerk of the City of Riverside

13
14 I, Donesia Gause, City Clerk of the City of Riverside, California, hereby certify that the
15 foregoing ordinance was duly and regularly introduced and adopted at a meeting of the City Council
16 on the _____ day of _____, 2025, by the following vote, to wit:

17 Ayes:

18 Noes:

19 Absent:

20 Abstain:

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

23
24 _____
25 DONESIA GAUSE
City Clerk of the City of Riverside

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