ORDINANCE NO. 7733

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

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

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

WHEREAS, if necessary, this moratorium may be extended as provided by law; and WHEREAS, this Ordinance is an interim urgency ordinance adopted pursuant to the authority granted to the City by Government Code section 65858 and is for the immediate preservation of the public health, safety and welfare. The facts constituting the urgency are:

- 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 psylocibin 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 establish a temporary, forty-five (45) calendar day moratorium on the issuance of new Tobacco Retail Establishment Permits within the City, pending the completion of the City's study.
- 8. In addition, it is necessary to prohibit, as a public nuisance, the issuance of new Tobacco Retail Establishment Permits for the duration of this Ordinance, or any extension thereof; and

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

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

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

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

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

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

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

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

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

subdivision (c); and

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

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

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

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

Section 1. <u>Incorporation of Recitals.</u>

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

Section 2. Definitions.

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

- (1) "Smoke Shop" means a business with sales of tobacco, either loose or prepared as cigarettes and products for the smoking of tobacco constituting more than 30 percent of gross sales and/or 30 percent of net lease area.
- (2) "Tobacco Retailer" means any person who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia, or who distributes free or low-cost samples of tobacco products or tobacco paraphernalia. "Tobacco Retailing"

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

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

Section 3. Purpose.

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

Section 4. Authority and Findings.

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

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

Section 5. Moratorium Imposed.

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

Section 6. Exemption.

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

Section 7. Authority; Urgency Statement.

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

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Section 8. Effective Date and Duration.

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

Section 9. Severability.

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

Section 10. California Environmental Quality Act.

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

	1
1	ADOPTED by the City Council this 16th day of September, 2025.
2	shuck onder
3	CHUCK CONDER
4	Mayor Pro Tem of the City of Riverside
5	Attest:
6	DONESIA GAUSE
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 at a meeting of the City Council on the
10	
11	19th day of August, 2025, and adopted at a meeting of the City Council on the 16th day of September,
12	2025, by the following vote, to wit:
	Ayes: Falcone, Cervantes, Conder, Mill, Perry, and Hemenway
13	Noes:
14	Absent: Robillard
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 19th day of September, 2025.
19	HALL -
20	DONESIA GAUSE City Clerk of the City of Riverside
21	
22	
23	
24	25-0565TAT
25	09/04/25
26	

THE PRESS-ENTERPRISE KEEP YOUR EYES ON THE 'PRISE

The Press-Enterprise 3512 14 Street Riverside, California 92501 (951) 368-9229

City of Riverside 3900 Main Street Riverside, California 92522

Publication: The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc: 0011756690

FILE NO. 0011756690

PROOF OF PUBLICATION

I am a citizen of the United States, I am over the age of eighteen years and not party to or interested in the aboveentitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper of general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

09/24/2025

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Date: September 24, 2025. At: Riverside, California

Signature

ORDINANCE NO. 7732

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA, AMENDING CHAPTER 5.15 OF THE RIVERSIDE MUNICIPAL CODE REGARDING THE REGULATION FOR THE OPERATION OF OFFICIAL RIVERSIDE POLICE TOWING SERVICE.

Ayes: Falcone, Cervantes, Conder, MIII, Perry and Hemenway Absent: Robillard

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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.

Ayes: Falcone, Cervantes, Conder, MIII, Perry, and Hemenway Absent: Robillard

ORDINANCE NO. 7734

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA, AMENDING SECTIONS 3.48.050 AND 3.48.070 OF THE RIVERSIDE MUNICIPAL CODE REGARDING THE ARLINGTON BUSINESS IMPROVEMENT DISTRICT.

Ayes: Falcone, Cervantes, MIII, Perry and Hemenway Noes: Conder Absent: Robillard

Full copies of the ordinances adopted by the City Council on September 16, 2025, are available at www.riversideca.gov and in the Office of the City Clerk, City Hall, 3900 Main Street, Riverside, California.

> DONESIA GAUSE City Clerk

The Press-Enterprise Published: 9/24/25