ORDINANCE NO. 2029

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, TO REPEAL SECTION 8.35.130 ("POSSESSION OF TOBACCO AND CANNABIS BY PERSONS UNDER 21 YEARS OF AGE") OF "THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA"

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, smoking remains the single largest cause of preventable disease and death in the United States;

WHEREAS, while smoking and exposure to secondhand smoke have decreased since 1965, both remain public health issues as there is no safe level of exposure and many continue to be affected by their adverse impacts;

WHEREAS, on February 5, 2019, City Council adopted Chapter 8.35 of the Code of the City of Santa Clara ("SCCC") addressing the regulations of smoking and tobacco to expand smoking restrictions in public spaces, multi-unit residents, and prohibit possession for persons under the age of 21;

WHEREAS, since the adoption of the ordinance, the Police Department conducted a review of citation data related to Section 8.35.130 in the first year of implementation; which revealed only one instance in which Section 8.35.130 was applied. The Police Department also revisited the County Coalition Steering Committee and NAACP's concerns regarding the provision; and the need for more equitable policies; and

WHEREAS, the City Council deems it to be in the best interests of the City to repeal SCCC section 8.35.130.

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NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA, AS FOLLOWS:

SECTION 1: That Section 8.35.130 (entitled " Possession of tobacco and cannabis by persons under 21 years of age") of Chapter 8.35 (entitled "Smoking and Tobacco Regulations") of Title 8 (entitled "Health and Safety") of "The Code of the City of Santa Clara, California" ("SCCC") is hereby repealed in its entirety.

SECTION 2: Ordinances repealed. With exception of the provisions protected by the savings clause, all ordinances (or parts of ordinances) in conflict with or inconsistent with this ordinance are hereby repealed.

SECTION 3: Savings clause. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

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SECTION 4: Effective date. This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of "The Charter of the City of Santa Clara, California."

PASSED FOR THE PURPOSE OF PUBLICATION this day 9TH of February 2021, by the following vote:

AYES:	COUNCILORS:	Becker, Chahal, Hardy, Jain, Park, and Watanabe and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST: _____
For NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

FINALLY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA this 23RD day of FEBRUARY, 2021, by the following vote:

AYES:	COUNCILORS:	Becker, Chahal, Hardy, Jain, Park, and Watanabe and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST: _____
For NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None