

ORDINANCE NO. \_\_\_\_\_

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING SANTA ROSA CITY CODE SECTIONS 6-20.020 – DEFINITIONS, 6-20.140 – SUSPENSION OF REVOCATION OF LICENSE, AND 6-20.260 – APPEAL PROCEDURE

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

WHEREAS, on August 6, 2024, the City Council adopted Ordinance No. ORD-2024-010 amending Chapter 6 of the Santa Rosa City Code and adding a new Chapter 6-20 entitled “Regulation of Retail Tobacco Sales”; and

WHEREAS, Section 6-20.140 of the Santa Rosa City Code addresses the appeals processes for suspensions and revocations of tobacco retail licenses and section 6-20.260 addresses the appeals processes for denials of tobacco retail licenses; and

WHEREAS, this Ordinance will clarify tobacco retail license appeals processes by striking “hearing officer” from section 6-20.020, striking “hearing officer” from section 6-20.140 and replacing it with “City Manager or their designee,” and repealing and replacing section 6-20.260 to clarify the appeal process for denial, revocation or suspension of tobacco retail licenses and to designate the City Manager or their designee as the review authority for such appeals.

Section 1. Amend Section 6-20.020 of the Santa Rosa City Code by deleting the definition of “Hearing Officer.”

Section 2. Amend sub-section (B) of Section 6-20.140 of the Santa Rosa City Code to read as follows:

“B. Revocation of License Wrongly Issued. A tobacco retailer’s license shall be revoked if, after administrative review, the City Manager or their designee finds, after the licensee is afforded notice and an opportunity to be heard, that one or more of the bases for denial of a license under Section 6.20.080(B) existed at the time application was made or at any time before the license issued. The decision by the City Manager or their designee shall be the final decision of the City.”

Section 3. Repeal and replace Section 6-20.260 of the Santa Rosa City Code to read as follows:

**“6-20.260 Appeal Procedure.** A decision of the department to deny, revoke or suspend a license is appealable to the City Manager or their designee and any appeal must be filed in writing with the City Clerk within 15 calendar days of the mailing of the decision or determination. The City Clerk shall schedule the appeal hearing and give 15 days' written notice to the appellant of the time and place of hearing by serving the notice personally or by depositing in the United States Post Office in the City, postage prepaid, addressed as shown on the appeal papers or, if none, such other address as is known to the City. The City Manager or their designee shall have authority to determine all questions raised on such appeal. The City Manager

or their designee shall issue a final written decision on whether to uphold or overturn the denial, revocation or suspension and give written notice to the tobacco retailer within thirty days of the appeal hearing. Within five days of the mailing of the notice of upheld revocation or suspension, the tobacco retailer shall cease operation of the business for which the license was issued.”

Section 4. Environmental Determination. This Ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., “CEQA,” and 14 Cal. Code Reg. §§ 15000 et seq., “CEQA Guidelines”). Pursuant to CEQA Guidelines section 15378 (b), the Ordinance is not a project within the meaning of CEQA because it creates a licensing and government funding mechanism that will not result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

In the alternative, adoption and implementation of the proposed ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that this ordinance may have a significant effect on the environment. Adoption and implementation of the standards, license requirements, and other measures contained in the ordinance will not in and of themselves result in any direct physical change to the environment subject to CEQA.

In addition, the adoption and implementation of the proposed ordinance is exempt from CEQA pursuant to Sections 15307 and 15308 of the State CEQA Guidelines as actions taken to assure the maintenance, restoration, enhancement, and protection of natural resources and the environment as authorized by state law where the regulatory process involves procedures for protection of the environment. The basis for this determination is that the proposed ordinance establishes standards, license requirements, and other measures that regulate the licensure of tobacco retailers more stringently than existing codes and will result in reduced sales of tobacco products to minors. These standards, license requirements, and other measures will protect human health, which is an aspect of the environment under Public Resources Code Section 21083(b)(3), by strengthening existing standards for preventing the sale of tobacco products to youth and establishing new limitations on tobacco retailer licensure. Reduced sale of tobacco products will reduce the harmful environmental effects of disposal of tobacco products.

Section 45. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

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Section 6. Effective Date. This ordinance shall take effect on the 31st day following its adoption.

This ordinance was introduced by the Council of the City of Santa Rosa on October 21, 2025.

IN COUNCIL DULY PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2025.

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
City Clerk Mayor

APPROVED AS TO FORM: \_\_\_\_\_  
City Attorney