

6-20.060 Limits on Eligibility for a Tobacco Retailer License.

C. Population and Density. The issuing of tobacco retailer licenses is limited as follows:

1. The total number of retailer licenses within the city shall be limited to ~~the lesser of 11&the number of state licensed retailers at the time of adoption of this ordinance, or to one for each two thousand five hundred, or fraction thereof, of residents of the city, whichever is less.~~ the lesser of 11&the number of state licensed retailers at the time of adoption of this ordinance, or to one for each two thousand five hundred, or fraction thereof, of residents of the city, whichever is less.

6-20.065 Transferability of License.

A. A license that is exempt from the restrictions of 6-20.060(C)(1) may be transferred from one (1) proprietor to another proprietor.

B. A licensee may not transfer a license:

- a. To any a new location that does not meet the requirements of this chapter; or
- b. To a new proprietor ~~that has violated this Chapter or any other tobacco control law three (3) or more times~~ that has had a license revoked within the previous five-year period.
- c. To a new proprietor that has had a tobacco retail license from another jurisdiction revoked within the previous five-year period.

6-20.160 Penalties for Violation.

B. *Administrative fine for licensed retailers.* In addition to any other penalty authorized by law, a tobacco Retailer shall pay a fine if the Tobacco Retailer or Retailer's agents or employees violate any of the requirements, conditions, or prohibitions of this Chapter. The amount of the administrative fine for each violation of this Chapter shall be in accordance with ~~Government Business and Professions~~ Government Business and Professions Code Section ~~36900-22958~~ and incorporated as follows:

1. A fine not to exceed \$~~4~~400 for each violation identified during the first instance in which the Retailer has committed a violation or violations; and
2. A fine not to exceed \$~~9~~200 for each violation identified during the second instance in which the Retailer has committed a violation or violations within 60-months of a first violation; and
3. A fine not to exceed \$~~1,2~~500 for each violation identified during a third instance in which the Retailer has committed a violation or violations within 60-months of a first violation, and the license shall be revoked.

3-4. The total fine per instance shall not exceed \$10,000.