

ORDINANCE NO. 2765

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT AMENDING SECTION 817-13 OF CHAPTER 7 OF TITLE VIII, DIVISION 1 OF THE HUMBOLDT COUNTY CODE "TOBACCO RETAILER LICENSING" REGULATING TOBACCO PRODUCT SALES AND REQUIRING THE LICENSURE OF TOBACCO RETAILERS.

The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. Section 817-13 of Chapter 7 of Division 1 of Title VII of the Humboldt County Code is amended as shown on the attached page.


SECTION 2. This ordinance shall take effect and be in force thirty (30) days from the date of its adoption. A summary shall be published at least five (5) days before the date set for adoption and again fifteen (15) days after passage of this ordinance. It shall be published once with the names of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Humboldt, State of California.

PASSED, APPROVED AND ADOPTED this 3rd day of June 2025.

AYES: Supervisors— Arroyo, Bohn, Bushnell, Wilson, and Madrone

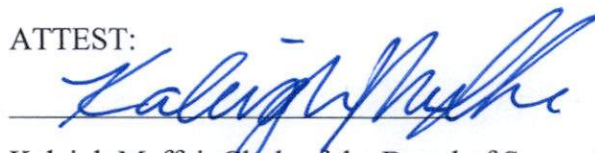
NOES: Supervisors-- None

ABSENT: Supervisors— None


Chair of the Board of Supervisors of the
County of Humboldt, State of California

(SEAL)

ATTEST:


Kaleigh Maffei, Clerk of the Board of Supervisors
County of Humboldt

CHAPTER 7

TOBACCO RETAILER LICENSING

Sections:

§ 817-13. Suspension or Revocation of License.

817-13.

Suspension or Revocation of License.

(a) In addition to any other remedy authorized by law after notice and opportunity to be heard pursuant to Sections 817-14 and 817-15, a tobacco retailer's license may be suspended or revoked as provided in this section if the Department finds that:

- (1) The licensee or any of the licensee's agents or employees have violated any of the requirements, conditions or prohibitions of this chapter;
- (2) The original or renewal application contained incorrect, false, or misleading information; or
- (3) A licensee is convicted of a misdemeanor or felony violation of any Federal, State, or local tobacco retailing law or regulation including any provision of this chapter.

(b) During any period of suspension or revocation, the licensee:

(1) Shall remove all tobacco products from public view. Failure to do so may be considered a subsequent violation.

(2) Shall not display any advertisement relating to tobacco products that promotes the sale or distribution of such products from the tobacco retailer's location or that could lead a reasonable consumer to believe that such products can be obtained at that location. Failure to comply may be considered a subsequent violation.

(c) When the Department finds a violation as set forth in subsection (a) of this section, the license shall be suspended or revoked as follows:

(1) Upon finding by the Department of a first license violation within any sixty (60) month period, the license shall be suspended for sixty (60) consecutive days;

(2) Upon finding by the Department of a second license violation within any sixty (60) month period, the license shall be suspended for one hundred twenty (120) consecutive days;

(3) Upon finding by the Department of a third license violation within any sixty (60) month period, the license shall be suspended for one hundred eighty (180) consecutive days;

(4) Upon a finding by the Department of a fourth license violation within any sixty (60) month period, the license shall be revoked and no new license shall issue for the location until five (5) years have passed from the date of revocation.

(d) Notwithstanding any other provision of this chapter, prior violations at a location shall continue to be counted against a location and license ineligibility periods shall continue to apply to a location unless:

(1) The location has been fully transferred to an entirely new proprietor(s); and

(2) The new proprietor(s) provides the Department with clear and convincing evidence that the new proprietor(s) has acquired or is acquiring the location in an arm's length transaction. A sale between relatives, related companies, or partners, or a sale for which a significant purpose is avoiding the effect of the violations of this chapter is not an arm's length transaction.

(e) Violation by a licensee at one (1) location shall not be construed as a violation at another location of the same licensee.

(f) A tobacco retailer's license shall be revoked if the Department finds that one (1) or more of the bases for denial of a license under Section 817-7 existed at the time the application was made or at any time before the license was issued. (Ord. 2718, 7/11/2023)

(g) A tobacco retailer's license shall be revoked if the retailer violates Chapter 5 of Title V, Division 11 of the Humboldt County Code by selling or attempting to sell, offer, distribute, or otherwise provide any person Nitrous Oxide in violation of that chapter.