



City of South San Francisco

P.O. Box 711 (City Hall,
400 Grand Avenue)
South San Francisco, CA

City Council

Ordinance: ORD 1588-2019

File Number: 19-842

Enactment Number: ORD 1588-2019

ORDINANCE AMENDING TITLE 8, CHAPTER 8.50 AND TITLE 20, CHAPTER 20.420, AND ADDING TITLE 6, CHAPTER 6.47, OF THE SOUTH SAN FRANCISCO MUNICIPAL CODE PERTAINING TO SALE OF TOBACCO, FLAVORED TOBACCO, AND ELECTRONIC SMOKING DEVICES

WHEREAS, the U.S. Center for Disease Control and Prevention estimates that approximately 480,000 people die each year in the United States due to smoking, and more than 16 million people are living with disease caused by smoking; and

WHEREAS, studies have shown that electronic smoking devices contain high levels of toxic chemicals; and

WHEREAS, the Surgeon General has reported a more than a 900% increase in the use of electronic smoking devices among middle school and high school students between 2011 and 2015; and

WHEREAS, the liquid nicotine solutions consumed in electronic smoking devices are marketed in a variety of flavors that appeal to youth including cotton candy, bubble gum, and fruit; and

WHEREAS, the U.S. Food and Drug Administration and the U.S. Surgeon General have stated that flavored tobacco products in electronic smoking devices help establish smoking habits in youth that can lead to long-term addiction; and

WHEREAS, traditional tobacco products including cigarettes, cigarillos, and chewing tobacco are also sold in flavors (such as menthol and wintergreen) that appeal to young people, with data from the National Youth Tobacco survey indicating that over two-fifths of U.S. middle school and high school smokers report using flavored cigarillos or flavored cigarettes; and

WHEREAS, a local prohibition against the sale of flavored tobacco products and against the sale of all electronic smoking devices is an effective means to reduce the availability of these products to youth, thereby protecting the public health by discouraging tobacco initiation and continued use; and

WHEREAS, State law contains various tobacco control laws including: the prohibition against the sale or furnishing of tobacco products and smoking paraphernalia to minors (Cal. Pen. Code, § 308); the sale or furnishing of electronic smoking devices to minors (Cal. Health & Safety Code, § 119405); and the sale of loose or single cigarettes; and

WHEREAS, State law requires tobacco retailers check the identification of tobacco purchasers who

appear to be under 21 years of age (Cal. Bus. & Prof. Code, § 22956); and

WHEREAS, flavored tobacco products, including liquid solutions for electronic smoking devices and traditional flavored products, are commonly sold to young people by California retailers. For example, statewide, California retailers violate the federal prohibition against underage tobacco sales at a rate of 19.1%. Convenience stores have a violation rate of 25.3%, while small markets have a rate of 24.8%.

WHEREAS, the failure of retailers to comply with tobacco control laws and other smoking laws, particularly laws prohibiting sale to minors, presents an imminent threat to the public health, safety, and welfare of the residents of South San Francisco; and

WHEREAS, the City seeks to ensure compliance with state laws relating to tobacco retailing and discourage violations of tobacco-related laws, particularly those that prohibit the sale or distribution of smoking and tobacco products to minors; and

WHEREAS, in 2008 the City added Chapter 6.46 “Tobacco Retailer Permit” which adopted by reference and made effective Chapter 4.98 “Tobacco Retailer Permit” of Title 4 of the San Mateo County Code to establish a local licensing system for tobacco retailers and authorize enforcement by San Mateo County personnel as an effective means to ensure that retailers comply with existing tobacco and smoking control laws in order to protect the public health, safety, and welfare; and

WHEREAS, in 2012 the City added Chapter 20.420 “Prohibition on New Significant Tobacco Retailers” to preclude the opening, establishment, and/or operation of new significant tobacco retailers in the City; and

WHEREAS, in 2018 the County of San Mateo adopted Chapter 4.99 of Title 4 of the San Mateo County Code, entitled “Sales of Flavored Tobacco Products and Pharmacy Sales of Tobacco Products Prohibited”, prohibiting the sale of flavored tobacco products; and

WHEREAS, the City desires to add Chapter 6.47 “Sales of Flavored Tobacco Products, Pharmacy Sales of Tobacco Products, and Sales of Electronic Smoking Devices Prohibited”, which will be modeled after Chapter 4.99 of the San Mateo County Code, to prohibit the sale of flavored tobacco products by any person, tobacco retailer, or pharmacy, as well as authorize enforcement by San Mateo County personnel; and

WHEREAS, the City also desires to amend Chapter 20.420 to prohibit the sale of flavored tobacco products and all electronic smoking devices; and

WHEREAS, the City further desires to amend Chapter 8.50 to provide internally consistent definitions for electronic smoking devices and regulations of permitted locations for smoking activities;

WHEREAS, the Planning Commission of the City of South San Francisco held a duly noticed public hearing on September 5, 2019 to solicit public comment and consider the proposed entitlements and environmental effects of the project, take public testimony, and make a recommendation that the City Council adopt the amendments to Chapter 20.420; and

WHEREAS, based upon the recitals above, the City Council finds that the proposed amendments are necessary for the protection of the public health, safety, and welfare; and

WHEREAS, based on all of the information presented at the September 25, 2019 City Council meeting, both written and oral, including without limitation the public comment, staff reports, minutes, and other relevant materials (hereafter the "Record"), the City Council finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2) of the CEQA Guidelines because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and Section 15060(c)(3) of the CEQA Guidelines because the activity is not a "project" as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH SAN FRANCISCO, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Findings The City Council of South San Francisco, finds that all Recitals are true and correct and are incorporated herein by reference.

SECTION 2. Amendments to Title 8

Title 8, Chapter 8.50 of the South San Francisco Municipal Code is hereby amended to read as follows. Sections and subsections that are not amended by this Ordinance are not included below, and shall remain in full force and effect.

Section 8.50.020 Definitions

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

"Common area" means every enclosed and every unenclosed area of a multi-unit residence where residents of more than one unit and/or their guests are entitled to enter or use, including, but not limited to, elevators, hallways, stairways, lobbies, lounges, recreation rooms, exercise facilities, shared restrooms, shared cooking or eating facilities, shared laundry rooms, community rooms, parking garages, swimming pools, playgrounds, pathways, and courtyards.

"Employee" means any person who is employed or retained as an independent contractor by any employer.

"Employer" means any person, partnership, corporation, association, nonprofit, city or other entity who employs or retains the service of one or more employees.

"Enclosed" means any covered or partially covered space having more than fifty percent of its perimeter area walled in or otherwise closed to the outside (e.g., a covered porch with more than two walls); or any

space open to the sky having more than seventy-five percent of its perimeter area walled in or otherwise closed to the outside (e.g., a courtyard).

“Enclosed common area” means every enclosed area of a multi-unit residence where residents of more than one unit and/or their guests are entitled to enter or use, including, but not limited to, elevators, hallways, stairways, lobbies, lounges, recreation rooms, exercise facilities, shared restrooms, shared cooking facilities, and shared laundry rooms.

“General public” includes shoppers, customers, patrons, patients, students, clients and other similar invitees of a for-profit or nonprofit entity.

“Lobby” means the public common area of an establishment in which the establishment’s guests and members of the public typically congregate and in which registration and other related transactions are conducted.

“Multi-unit residence” means any property with two or more units and has at least one or more shared walls, floors, or ceilings. Additionally, a property that has two or more units and has a shared ventilation system is considered a multi-unit residence. A multi-unit residence does not include the following:

- (1) A single-family residence with a detached in-law or secondary dwelling unit;
- (2) A single, contiguous residence in which rent is shared by the residents; and
- (3) A hotel or motel that meets the requirements of California Civil Code Section 1940, subdivision (b)(2).

“Open to the public” means available for use by or accessible to the general public during the normal course of business conducted by either private or public entities.

“Place of employment” means any area under the legal or de facto control of an employer that an employee may have cause to enter in the normal course of operations, regardless of the hours of operation, including, for example, vehicles used in employment or for business purposes, taxis, public transit buses, ferries and trains, and warehouses. A private residence is not a place of employment, unless it is used as a child care or health care facility.

“Public place” means any place, public or private, open to the general public regardless of any fee or age requirement, including, but not limited to, bars, restaurants, clubs, stores, stadiums, theaters, museums, libraries, galleries, bowling alleys, parks, sidewalks, benches, playgrounds, hospitals, health care facilities, gymnasiums, taxis, and buses.

“Smoke” or “smoking” means and includes inhaling or exhaling upon, or burning or carrying any lighted smoking equipment for tobacco, or any other plant or product used for the personal habit commonly known

as smoking, and includes possessing a lighted pipe, lighted cigar, lighted hookah, or lighted cigarette of any kind, or the lighting of a pipe, cigar, hookah, or cigarette of any kind.

“Transient lodging establishment” means a bed and breakfast, hostel, hotel, motel or other, similar short-term lodging establishment.

“Unenclosed” means any area that is not an enclosed area as defined in this chapter.

“Unit” means an apartment, condominium, detached home, townhouse, room in a single room occupancy facility, room in a homeless shelter, mobilehome, camper vehicle, tent or other personal dwelling space, even where lacking cooking facilities or private plumbing facilities.

Section 8.50.040 Smoking permitted.

- (a) Unless otherwise affirmatively protected by state or federal law, smoking is permitted in the following places within the city:
- (1) Hookah bars/Smoking lounges. Smoking is permitted in hookah bars/smoking lounges as defined by Chapter 20.620 of this Code.
 - (2) Transient Lodging Establishments. Smoking is permitted in up to sixty-five percent of transient lodging establishment guest rooms. Nothing in this section shall prohibit transient lodging establishments from choosing to be one hundred percent smoke-free.
 - (3) Designated Lobby Areas. Smoking is permitted in areas of the lobby in a transient lodging establishment designated for smoking by the establishment. An establishment may permit smoking in a designated lobby area that does not exceed twenty-five percent of the total floor area of the lobby or, if the total area of the lobby is two thousand square feet or less, that does not exceed fifty percent of the total floor area of the lobby, provided that the smoking area of the lobby is not used primarily for the sale and service of food or beverages.
 - (4) Theatrical Performances. Smoking is permitted in theatrical performances if smoking is an integral part of the story in the theatrical production.
 - (5) Medical Research or Treatment Sites. Smoking is permitted in medical research or treatment sites if smoking is integral to the research and treatment being conducted.
 - (6) Employee Break Rooms. Smoking is permitted in enclosed employee break rooms designated by employers for smoking, provided that they meet all of the following criteria: (A) air from the room is exhausted directly to the outside by an exhaust fan; (B) the employer complies with applicable state and federal ventilation standards; (C) the room is located in a non-work area; (D) the employer does not store or maintain any item necessary or related to the performance of any employee’s duties in the smoking break room such that non-smoking employees are required to enter or pass through the room in order to access said items; and (E) there are sufficient non-smoking break rooms to accommodate non-smokers

Section 8.50.090 Use of electronic smoking devices-Restricted.

- (a) Purpose and Intent. It is the intent of this section to provide individuals with a reasonable degree of protection from involuntary exposure to secondhand electronic smoking device vapor and to limit exposure of minors to an activity that may increase social acceptance of smoking activity by prohibiting smoking in certain specified areas. The compelling purpose and intent of this chapter includes, but is not limited to, generally promoting the health, safety, and welfare of all people in the community against the unknown health and societal effects of the use of electronic smoking devices.
- (b) Definition— Electronic Smoking Device. “Electronic smoking device” means any electronic device or product that delivers nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, electronic cigar, electronic pipe, or electronic hookah. This term includes every variation and type of such electronic smoking devices whether they are manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, a vapor pen, or any other product name or descriptor. This term does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose, such as any medical inhaler prescribed by a licensed doctor.
- (c) Use of Electronic Smoking Devices Prohibited. The use of electronic smoking devices is prohibited in the following places within the city:
- (1) City Buildings. The use of electronic smoking devices is prohibited in all enclosed areas of any building or facility owned and occupied or leased and occupied by the city.
 - (2) City-Owned Parking Structures. The use of electronic smoking devices is prohibited in all city-owned parking structures.
 - (3) City Vehicles. The use of electronic smoking devices is prohibited in all city-owned, leased and/or controlled vehicles.
 - (4) Parks and Recreation Areas. The use of electronic smoking devices is prohibited in all parks and recreation areas within the city, designated as parks and recreation (PR) on the South San Francisco Zoning Map.

- (5) Outside of City Buildings. The use of electronic smoking devices is prohibited within twenty feet of a main exit, entrance or operable window of any city facility or building covered by subsection (c)(1).
- (6) City-Owned Parking Lots. The use of electronic smoking devices is prohibited at all city-owned parking lots.
- (7) Downtown Core. The use of electronic smoking devices is prohibited on all outdoor property along Grand Avenue between Spruce Avenue and Airport Boulevard. This prohibition extends in both directions down Cypress, Linden, Maple and Walnut Avenues where those streets intersect Grand Avenue, up to the beginning of Third Lane and Fourth Lane, respectively. Such prohibition includes, but is not limited to, sidewalks, benches, walkways, streets, and outdoor eating areas that are situated within the area prohibited by this subsection (b)(4).
- (8) Designated Public Places. The use of electronic smoking devices is prohibited in any open-air public places on city-owned property not otherwise covered by this section when designated by the city manager.
- (9) Units within Multi-Unit Residences. Use of electronic smoking devices is prohibited in all dwelling units contained within a multi-unit residence. Units within multi-unit residences with existing leases are exempt from this prohibition until the date the existing lease agreement expires, or six months after the effective date of the ordinance codified in this section, whichever is sooner.
- (10) Common Areas. The use of electronic smoking devices is prohibited in all common areas of multi-unit residences, except for outdoor designated smoking areas which shall be located more than thirty feet from an entrance/doorway and marked by conspicuous signage, or designated interior smoking areas in an area that is fully enclosed, separately ventilated, and not the only space available for a particular activity or service.
- (d) Unlawful Acts. It is unlawful for any person to use an electronic smoking device in a place within the city where such use is prohibited by this section.
- (e) Violations. Any violation of this section shall be subject to the same penalties and enforcement as provided in Section 8.50.080.

SECTION 3. Amendment to Title 6

Title 6, Chapter 6.47 is hereby added to the South San Francisco Municipal Code to read as follows. Sections and subsections that are not amended by this Ordinance are not included below, and shall remain in full force and effect.

Chapter 6.47
Sales of Flavored Tobacco Products, Pharmacy Sales of Tobacco Products, and Sales of Electronic Smoking Devices Prohibited

Section 6.47.010	Definitions
Section 6.47.020	Sale or offer for sale of flavored tobacco products prohibited
Section 6.47.030	Sale or offer for sale of electronic smoking devices prohibited
Section 6.47.040	Sale or offer for sale of tobacco products by a pharmacy prohibited
Section 6.47.050	Exemptions
Section 6.47.060	Public nuisance
Section 6.47.070	No conflict with federal or state law
Section 6.47.080	Authorization of enforcement by San Mateo County personnel
Section 6.47.090	Violation and Enforcement
Section 6.47.100	Severability

Section 6.47.010 Definitions

For the purposes of this chapter, the following definitions shall govern unless the context clearly requires otherwise:

- (a) "Adult" means, for the purposes of this chapter, an individual over the age of twenty-one (21) or older.
- (b) "Adult-only retailer" means any retailer or businesses that allow entry only by adults onto the entire premises of the business or retailer, or that require minors to be accompanied by a parent, guardian, or another adult in order to enter the entire premises of the business or the retailer. The definition of an "adult-only retailer" does not include any retailer or business that only prohibits minor from entering certain sections, divisions, or a part of the premises that are marked or otherwise restricted as adult-only and allows minors to otherwise enter the remainder of its premises unaccompanied by a parent, guardian or another adult.
- (c) "Characterizing flavor" means a distinguishable taste or aroma or both, other than the taste or aroma of tobacco, imparted by a tobacco product or any byproduct produced by the tobacco product. Characterizing flavors include, but are not limited to, tastes or aroma relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb, or spice. A tobacco product shall not be determined to have a characterizing flavor solely because of the use of additives or flavorings or the provision of ingredient information. Rather, it is the presence of a distinguishable taste or aroma, or both, as described in the first sentence of this definition, that constitutes a characterizing flavor.
- (d) "Constituent" means any ingredient, substance, chemical, or compound, other than tobacco, water, or reconstituted tobacco sheet that is added by the manufacturer to a tobacco product during the processing, manufacture, or packing of the tobacco product.
- (e) "Distinguishable" means perceivable by either the sense of smell or taste.
- (f) "Flavored tobacco product" means any tobacco product that contains a constituent that imparts a

characterizing flavor.

(g) "Labeling" means written, printed, pictorial, or graphic matter upon any tobacco product or any of its packaging.

(h) "Minor" means, for the purposes of this chapter, an individual under the age of twenty-one (21).

(i) "Packaging" means a pack, box, carton, or container of any kind or, if no other container, any wrapping (including cellophane) in which a tobacco product is sold, or offered for sale, to a consumer.

(j) "Pharmacy" means any retail establishment in which the profession of pharmacy is practiced by a pharmacist licensed by the State of California in accordance with the Business and Professions Code and where prescription pharmaceuticals are offered for sale, regardless of whether the retail establishment sells other retail goods in addition to prescription pharmaceuticals.

(k) "Tobacco product" is defined as set forth in section 20.420.002 of this Code.

(l) "Tobacco retailer" means any store, stand, booth, concession or any other enterprise that engages in the retail sale of tobacco products or tobacco paraphernalia as defined in section 20.420.002 of this Code, including but not limited to stores that engage in the retail sale of food items.

Section 6.47.020 Sale or offer for sale of flavored tobacco products prohibited.

(a) Except for adult-only retailers as defined in this Chapter, no person or tobacco retailer as defined in this Chapter shall sell, or offer to sell, any flavored tobacco product.

(b) There shall be a rebuttable presumption that a tobacco product is a flavored tobacco product if a manufacturer or any of the manufacturer's agents or employees, in the course of their agency or employment, has made a statement or claim directed to consumers or to the public that the tobacco product has or produces a characterizing flavor including, but not limited to, text, color, and/or images on the product's labeling or packaging that are used to explicitly or implicitly communicate that the tobacco product has a characterizing flavor.

Section 6.47.030 Sale or offer for sale of electronic smoking devices prohibited;

Except for adult-only retailers as defined in this Chapter, no person or tobacco retailer as defined under this Chapter shall sell, or offer to sell, any electronic smoking device as defined in Section 8.50.090 of this Code.

Section 6.47.040 Sale or offer for sale of tobacco products by a pharmacy prohibited.

(a) Notwithstanding any provisions of this Chapter, no pharmacy or pharmacy employee or agent shall sell or offer for sale any tobacco product.

(b) No new tobacco retailer permit may be issued to a pharmacy under Chapter 6.46 of this Code.

(c) No existing tobacco retailer permit issued under Chapter 6.46 of this Code may be renewed by a pharmacy.

Section 6.47.050 Exemptions

Notwithstanding any other provision of this section, the following retailers and businesses shall be exempt from the requirements of this chapter provided that such retailers and businesses qualify as an adult-only retailer as defined in this Chapter:

(a) Significant tobacco retailers as defined in Chapter 20.420 of this Code that were lawfully established prior to the effective date of Ordinance No. 1455 prohibiting significant tobacco retailers.

(b) Hookah bars/Smoking lounges as defined by Chapter 20.620 of this code that serve flavored tobacco or other products for on-site smoking.

Section 6.47.060 Public nuisance.

Any violation of this ordinance is hereby declared a public nuisance.

Section 6.47.070 No conflict with federal or state law.

Nothing in this chapter shall be interpreted or applied so as to create any requirement, power, or duty that is preempted by federal or state law.

Section 6.47.080 Authorization of enforcement by San Mateo County personnel

The City Manager, or his or her designee may enforce the provisions of this Chapter. Additionally, the County’s Health System Chief, or his or her designee, may enforce the provisions of this Chapter.

Section 6.47.090 Violation and Enforcement

Notwithstanding authorization of enforcement by San Mateo County personnel in this chapter, the violation of, or noncompliance with, any of the requirements of this chapter or applicable provisions of this code, shall be subject to any administrative, civil, or criminal enforcement remedies available under the law and/or the City’s Municipal Code. In addition, the City may enforce the violation of this chapter by means of civil enforcement through a restraining order, a preliminary or permanent injunction or by any other means authorized by the law.

Section 6.47.100 Severability

If any provision, section, subsection, sentence, clause, phrase, or word of this Chapter 6.47, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of the chapter. The City Council hereby declares that it would have passed this chapter, and each provision, section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this chapter or application thereof would be subsequently declared invalid or unconstitutional.

SECTION 4. Amendment to Title 20

Title 20, Chapter 20.420 of the South San Francisco Municipal Code is hereby amended to read as follows. Sections and subsections that are not amended by this Ordinance are not included below, and shall remain in full force and effect.

20.420.002 Definitions

The words and phrases included in this section shall have the following meanings, unless it is clearly apparent from the context that another meaning is intended:

“Significant tobacco retailer” means any tobacco retailer whose principal or core business is selling tobacco products, tobacco paraphernalia, or both, as evidenced by any of the following: 20 percent or more of floor area and display area is devoted to the sale or exchange of tobacco products, tobacco paraphernalia, or both; 67 percent or more of gross sales receipts are derived from the sale or exchange of tobacco products, tobacco paraphernalia, or both; or 50 percent or more of completed sales transactions include a tobacco product or tobacco paraphernalia.

“Tobacco paraphernalia” means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, any electronic cigarette and any other item designed for the smoking or ingestion of tobacco products.

“Tobacco products” mean (1) any substances containing any tobacco leaf, including, but not limited to, cigarettes, cigars, bidis, pipe tobacco, snuff, chewing tobacco, flavored tobacco as defined under Chapter 6.47 of this Code, and smokeless tobacco; and (2) any electronic device that delivers nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, electronic cigar, electronic pipe, or electronic hookah. Notwithstanding the foregoing, “tobacco product” includes any component, part, or accessory intended or reasonably expected to be used with a tobacco product, whether or not sold separately. “Tobacco product” does not, however, include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

20.420.003 Significant Tobacco Retailers Prohibited

A. Unless otherwise exempted under Chapter 6.47 of this Code, significant tobacco retailers are not a permitted use and are prohibited in all zones throughout the City. No permit or any other applicable license or entitlement for use, nor any business license, shall be approved or issued for the establishment, maintenance or operation of a significant tobacco retailer within the City.

B. The establishment, maintenance or operation of a significant tobacco retailer within the City is declared to be a public nuisance and may be abated by the City either pursuant to the South San Francisco Municipal Code or any other available legal remedies, including, but not limited to, declaratory relief and civil injunctions.

20.420.004 Violation and Enforcement

The establishment, maintenance or operation of a significant tobacco retailer in violation of, or in noncompliance with, any of the requirements of this chapter or applicable provisions of the Zoning Code or South San Francisco Municipal Code, shall be subject to any enforcement remedies available under the law and/or the City’s Municipal Code. In addition, the City may enforce the violation of this chapter by means of civil enforcement through a restraining order, a preliminary or permanent injunction or by any other means authorized by the law.

SECTION 5. Severability

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 6. Publication and Effective Date

Pursuant to the provisions of Government Code Section 36933, a summary of this Ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this Ordinance is scheduled to be adopted, the City Clerk shall (1) publish the Summary, and (2) post in the City Clerk’s Office a certified copy of this Ordinance. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk’s Office a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against this Ordinance or otherwise voting.

This Ordinance shall become effective on January 1, 2020.

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Introduced at a regular meeting of City Council of the City of South San Francisco held the 25th day of September 2019.

At a meeting of the City Council on 10/9/2019, a motion was made by Richard Garbarino, seconded by Mark Addiego, that this Ordinance be adopted. The motion passed.

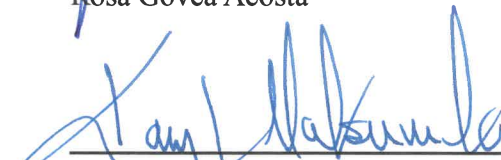
Yes: 4 Vice Mayor Garbarino, Councilmember Addiego, Councilmember Nagales, and Councilmember Nicolas

No: 1 Mayor Matsumoto

Attest by



Rosa Govea Acosta



Karyl Matsumoto, Mayor