AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO AMENDING TITLE 6 (BUSINESSES, PROFESSIONS, AND TRADES) TO ADD CHAPTER 7 (TOBACCO RETAILER LICENSE) REGULATING TOBACCO PRODUCT SALES AND REQUIRING THE LICENSURE OF TOBACCO RETAILERS

WHEREAS, at its meeting of April 10, 2018, the Town Council received a presentation from Tobacco Free Marin regarding restricting the sale of flavored tobacco products through a tobacco licensing program; and

WHEREAS, the Council requested additional information about the potential impact of tobacco licensing on local retailers and on Town staff; and

WHEREAS, on February 12, 2019, the Town Council received the requested information and reviewed a draft ordinance implementing a tobacco retailer license requirement and prohibiting the sale of flavored tobacco products; and

WHEREAS, at its meeting of March 26, 2019, the Town Council conducted a duly noticed public hearing to introduce the Ordinance; and

WHEREAS, at its meeting of April 9, 2019, a motion to adopt the ordinance failed by a vote of 2-1, with two Council members absent; and

WHEREAS, at its meeting of May 14, 2019, the Town Council conducted a duly noticed public hearing and reintroduced the Ordinance; and

WHEREAS, the Town Council finds the proposed change to the Municipal Code necessary and in the best interest of the community; and

WHEREAS, the Town Council finds that a local licensing system for tobacco retailers is appropriate to ensure that retailers comply with tobacco control laws and business standards of the Town, to protect the health, safety, and welfare of our residents; and

WHEREAS, studies have shown that e-cigarettes contain high levels of toxic chemicals; an

WHEREAS, the Centers for Disease Control and Prevention has reported a more than 800% increase in e-cigarette use among middle school and high school students between 2011 and 2015; and

WHEREAS, the liquid nicotine solutions consumed in e-cigarettes 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 e-cigarettes 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, flavored tobacco products, including liquid e-cigarette solutions and traditional flavored tobacco products, are commonly sold by California retailers. For example, 97.4% of stores that sell cigarettes sell menthol cigarettes; 94.5% of stores that sell cigarillos sell flavored varieties; 84.2% of stores that sell e-cigarette devices sell flavored varieties; and 83.8% of stores that sell chewing tobacco sell flavored tobacco; and

WHEREAS, a local prohibition against the sale of flavored tobacco products 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 e-cigarettes 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 18 years of age (Cal. Bus. & Prof. Code, § 22956); and

WHEREAS, according to the California Department of Public Health, on average, 12.3% of retailers throughout the State sell tobacco products to minors; and

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 San Anselmo; and

WHEREAS, the Town 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, a local licensing system for tobacco retailers is 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, by selling tobacco products, pharmacies reinforce positive social perceptions of smoking, convey tacit approval of tobacco use, and send a message that it is not so dangerous to smoke; and

WHEREAS, tobacco-free pharmacy sales policies decrease the availability of tobacco products by reducing tobacco retailer density by up to three times compared with communities that do not have such policies, and immediately after the nationwide CVS policy change to not sell tobacco products, cigarette purchases declined; and

WHEREAS, state law explicitly permits cities and counties to enact local tobacco retail licensing ordinances, and allows for the suspension or revocation of a local license for a violation of any state tobacco control law (Cal. Bus. & Prof. Code § 22971.3); and
WHEREAS, over 130 cities and counties in California have passed tobacco retailer licensing ordinances in an effort to stop youth from using tobacco; and

WHEREAS, the Town Council has a substantial interest in protecting youth and underserved populations from the harms of tobacco use; and

WHEREAS, the Town Council finds that a local licensing system for tobacco retailers is appropriate to ensure that retailers comply with tobacco control laws and business standards of the Town of San Anselmo in order to protect the health, safety, and welfare of our residents.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DOES ORDAIN AS FOLLOWS:

SECTION 1:

It is the intent of the Town Council in enacting this ordinance, to ensure compliance with the business standards and practices of the Town and to encourage responsible tobacco retailing and to discourage violations of tobacco-related laws, especially those which prohibit or discourage the sale or distribution of tobacco and nicotine products to youth, but not to expand or reduce the degree to which the acts regulated by federal or state law are criminally proscribed or to alter the penalties provided therein.

The Town Council finds and determines that the adoption of this ordinance, which is intended limit the availability of tobacco products to youth, is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061 because it can be seen with certainty that there is no possibility that adoption of the ordinance may have a significant effect on the environment. (14 Cal. Code Regs. § 15061(3)).

SECTION 2. San Anselmo Municipal Code Title 6 is hereby amended to read as follows:

Chapter 7 Tobacco Retailer License.

6-7.01 Definitions.

The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

1. “Arm’s Length Transaction” means a sale in good faith and for valuable consideration that reflects the fair market value between two informed and willing parties, neither of which is under any compulsion to participate in the 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.

2. “Cigar” means:
   a. Any roll of tobacco wrapped entirely or in part in tobacco or in any substance containing tobacco; or
   b. Any paper or wrapper that contains tobacco and is designed for smoking or ingestion of tobacco products.
c. For the purposes of this subsection, "cigar" includes, but is not limited to, tobacco products known or labeled as "cigar," "cigarillo," "tiparillo," "little cigar," "blunt wrap," or "cigar wrap."

3. “Characterizing Flavor” means a taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a Tobacco Product or any byproduct produced by the Tobacco Product, including, but not limited to, tastes or aromas relating to menthol, mint, wintergreen, fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, or spice; provided, however, that 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.

4. “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.

5. “Department” means Finance and Administration Department and any agency or Person designated by the Department to enforce or administer the provisions of this chapter.

6. “Distinguishable” means perceivable by either the sense of smell or taste.

7. “Electronic smoking device” means an electronic device which can be used to deliver an inhaled dose of nicotine, or other substances, including any component, part, or accessory of such a device, whether or not sold separately. "Electronic smoking device" includes any such electronic smoking device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.

8. “Flavored Tobacco Product” means any Tobacco Product that imparts a Characterizing Flavor.

9. “Pharmacy” means a retail establishment in which the profession of pharmacy by a pharmacist licensed by the State of California in accordance with the Business and Professions Code is practiced and where prescriptions are offered for sale. A pharmacy may also offer other retail goods in addition to prescription pharmaceuticals.

10. “Proprietor” means a Person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a Person has a ten percent (10%) or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a Person can or does have or share ultimate control over the day-to-day operations of a business.

11. “Self-Service Display” means the open display or storage of Tobacco Products or Tobacco Paraphernalia in a manner that is physically accessible in any way to the general public without the assistance of the retailer or employee of the retailer and a direct person-to-person transfer between the purchaser and the retailer or employee of the retailer. A vending machine is a form of Self-Service Display.
12. “Tobacco Paraphernalia” means any item designed or marketed for the consumption, use, or preparation of Tobacco Products.

13. “Tobacco Product” means:
   a. any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff; and
   b. any electronic device that delivers nicotine or other tobacco-derived substances to the Person inhaling from the device, including, but not limited to, an electronic cigarette, electronic cigar, electronic pipe, or electronic hookah.
   c. Notwithstanding any provision of subsections (1) and (2) to the contrary, “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 include drugs, devices, or combination products authorized for sale by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

14. “Tobacco Retailer” means any Person who Sells, offers for Sale, or does or offers to exchange for any form of consideration, tobacco, Tobacco Products, or Tobacco Paraphernalia. “Tobacco Retailing” shall mean the doing of any of these things. This definition is without regard to the quantity of Tobacco Products or Tobacco Paraphernalia sold, offered for Sale, exchanged, or offered for exchange.

6-7.02 General Requirements and Prohibitions.

1. Tobacco Retailer’s License Requirement. It shall be unlawful for any Person to act as a Tobacco Retailer in Town without first obtaining and maintaining a valid Tobacco Retailer’s license pursuant to this chapter for each location at which Tobacco Retailing is to occur. Tobacco Retailing without a valid Tobacco Retailer’s license is a nuisance as a matter of law.

2. Lawful Business Operation. In the course of Tobacco Retailing or in the operation of the business or maintenance of the location for which a license is issued, it shall be a violation of this chapter for a licensee, or any of the licensee’s agents or employees, to violate any local, state, or federal law applicable to Tobacco Products, Tobacco Paraphernalia, or Tobacco Retailing.

3. Display of License. Each Tobacco Retailer license shall be prominently displayed in a publicly visible location at the licensed location.

4. Positive Identification Required. No Person engaged in Tobacco Retailing shall Sell a Tobacco Product or Tobacco Paraphernalia to another Person who appears to be under the age of twenty-seven (27) years without first examining the identification of the recipient to confirm that the recipient is at least the minimum age for Sale of Tobacco Products as established by state law.
5. Minimum Age for People Selling Tobacco. No Person who is younger than 18 years of age shall engage in tobacco retailing.


7. False and Misleading Advertising Prohibited. A Tobacco Retailer without a valid Tobacco Retailer license or a Proprietor without a valid Tobacco Retailer license, including, for example, a Person whose license has been suspended or revoked:
   a. shall keep all Tobacco Products and Tobacco Paraphernalia out of public view. The public display of Tobacco Products or Tobacco Paraphernalia in violation of this provision shall constitute Tobacco Retailing without a license under Section 6-7.11 and
   b. shall not display any advertisement relating to Tobacco Products or Tobacco Paraphernalia 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.

8. Sale of Flavored Tobacco Products Prohibited. No Tobacco Retailer shall sell a tobacco product containing, as a constituent or additive, an artificial or natural flavor that is a Characterizing Flavor of the tobacco product or smoke produced by the tobacco product.

9. Minimum Package Size For Cigars. Notwithstanding any other provision of this section, it shall be a violation of this section for any licensee or any of the licensee's agents or employees to sell, offer for sale, or exchange for any form of consideration
   a. Any single cigar, whether or not packaged for individual sale;
   b. Any number of cigars fewer than the number contained in the manufacturer's original consumer packaging designed for retail sale to a consumer; or
   c. Any package of cigars containing fewer than five cigars.

This subsection (9) does not apply to the sale or offer for sale of a single cigar for which the retail price exceeds five dollars ($5.00).

10. Pharmacies. Pharmacies Cannot Sell Tobacco Products. No license may be issued to authorize tobacco retailing in a pharmacy and no pharmacy shall engage in tobacco retailing at any time.

6-7.03 Application Process.

1. An application for a Tobacco Retailer's license shall be submitted in the name of each Proprietor proposing to conduct or conducting retail tobacco Sales and shall be signed by each Proprietor or an authorized agent thereof. It is the responsibility of each Proprietor to be informed regarding all laws applicable to Tobacco Retailing, including those laws affecting the issuance of a Tobacco Retailer's license. No Proprietor may rely on the issuance of a license as a determination by the Town that the Proprietor has complied
with all laws applicable to Tobacco Retailing. A license issued contrary to this chapter, contrary to any other law, or on the basis of false or misleading information supplied by a Proprietor shall be revoked pursuant to Section 6-10(3) of this chapter. Nothing in this chapter shall be construed to vest in any Person obtaining and maintaining a Tobacco Retailer’s license any status or right to act as a Tobacco Retailer in contravention of any provision of law.

a. All applications shall be submitted on a form supplied by the Department and shall contain the following information:
   a. The name, address, and telephone number of each Proprietor of the business seeking a license.
   b. The business name, address, and telephone number of the single fixed location for which a license is sought.
   c. A single name and mailing address authorized by each Proprietor to receive all communications and notices (the “Authorized person and Address”) required by, authorized by, or convenient to the enforcement of this chapter. If an Authorized Address is not supplied, each Proprietor shall be understood to consent to the provision of notice at the business address specified in subparagraph (2) above.
   d. Proof that the location for which a Tobacco Retailer’s license is sought has been issued a valid state tobacco retailer’s license by the California Board of Equalization.
   e. Such other information as the Department deems necessary for the administration or enforcement of this chapter as specified on the application form required by this section.

2. A licensed Tobacco Retailer shall inform the Department in writing of any change in the information submitted on an application for a Tobacco Retailer’s license within ten (10) business days of a change.

3. All information specified in an application pursuant to this section shall be subject to disclosure under the California Public Records Act (California Government Code section 6250 et seq.) or any other applicable law, subject to the law’s exemptions.

4. Tobacco retailers in existence on the enforcement date specified in section 6-07.13 shall apply for a license during the 2020 business license renewal process which will be due on or before January 1, 2020. Existing tobacco retailers will then apply annually during the business license renewal process.

6-7.04 Issuance of License.

1. Bases for Denial of License. Upon the receipt of a complete application for a Tobacco Retailer’s license and the license fee required by this chapter, the Department shall issue a license unless substantial evidence demonstrates that one or more of the following bases for denial exists:
   a. The information presented in the application is inaccurate or false. Intentionally supplying inaccurate or false information shall be a violation of this chapter;
b. The application seeks authorization for Tobacco Retailing at a location for which this chapter prohibits a license to be issued. However, this subparagraph shall not constitute a basis for denial of a license if the applicant provides the Town with documentation demonstrating by clear and convincing evidence that the applicant has acquired or is acquiring the location or business in an arm's length transaction.

c. The application seeks authorization for Tobacco Retailing for a Proprietor to whom this chapter prohibits a license to be issued;

2. The application seeks authorization for tobacco retailing at a location, that is unlawful pursuant to this Code, including without limitation, zoning ordinance and building code, or that is unlawful pursuant to any other law.

3. Appeal of Denial of License. Subject to 6-7.10(3), a decision of the Department to deny a license is appealable to the Town Council under Title 1, Chapter 4 of the San Anselmo Municipal Code.

6-7.05 License Renewal And Expiration.

1. Renewal of License. A Tobacco Retailer's license is invalid if the appropriate fee has not been timely paid in full or if the term of the license has expired. The term of a Tobacco Retailer license is one calendar year. Each Tobacco Retailer shall apply for the renewal of their Tobacco Retailer's license and submit the license fee no later than January 1 of each year and annually thereafter.

2. Expiration of License. Expiration of License. A tobacco retailer's license that is not timely renewed shall expire on December 31 of each year. To renew a license not timely renewed pursuant to subparagraph a., above, the proprietor must:
   a. Submit the license fee and the renewal form; and
   b. Submit a signed affidavit affirming that the proprietor has not sold and will not sell any tobacco product or tobacco paraphernalia after the license expiration date and before the license is renewed.

6-7.06 Transfer Restrictions.

1. A tobacco retailer's license may not be transferred from one location to another.

2. A new tobacco retailer's license is required whenever a tobacco retailing location has a change in proprietor(s).

3. Notwithstanding any other provision of this section, 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 the new proprietor(s) provide the Department with clear and convincing evidence that the new proprietor(s) have acquired or are acquiring the location in an arm's length transaction.

6-7.07 License Conveys A Limited, Conditional Privilege.

Nothing in this chapter shall be construed to grant any person obtaining and maintaining a tobacco retailer's license any status or right other than the limited conditional privilege to act as a tobacco retailer at the location in the Town identified on the face of the license. For example, nothing in this section shall be construed to render inapplicable, supersede,
or apply in lieu of, any other provision of applicable law, including but not limited to, any provision of this Code including, without limitation, the zoning ordinance and building codes, or any condition or limitation on smoking in an enclosed place of employment pursuant to California Labor Code Section 6404.5. For example, obtaining a tobacco retailer's license does not make the retailer a "retail or wholesale tobacco shop" for the purposes of California Labor Code Section 6404.5.

6-7.08 Fee For License.

The fee to issue or to renew a Tobacco Retailer's license shall be established from time to time by resolution of the Town Council. The fee shall be calculated so as to recover the cost of administration and enforcement of this chapter, including, for example, issuing a license, administering the license program, retailer education, retailer inspection and compliance checks, documentation of violations, and prosecution of violators, but shall not exceed the cost of the regulatory program authorized by this chapter. Fees are nonrefundable except as may be required by law.

6-7.09 Compliance Monitoring.

1. Compliance with this chapter shall be monitored by the Department. In addition, any peace officer may enforce the penal provisions of this chapter. The Department may designate any number of additional Persons to monitor compliance with this chapter.

2. The Department will work with Marin County Tobacco Program to inspect each tobacco retailer at least one time per 12-month period. Nothing in this paragraph shall create a right of action in any licensee or other Person against the Town or its agents.

6-7.10 Suspension or Revocation of License.

1. Suspension or Revocation of License for Violation. In addition to any other penalty authorized by law, a Tobacco Retailer's license shall be suspended or revoked if any court of competent jurisdiction determines, or the Department finds based on a preponderance of the evidence, after the licensee is afforded notice and an opportunity to be heard, that the licensee, or any of the licensee's agents or employees, has violated any of the requirements, conditions, or prohibitions of this chapter or has pleaded guilty, "no contest" or its equivalent, or admitted to a violation of any law designated in Section 6-07.02 above.

   a. Upon finding by the Department of a first violation, the tobacco retailer will be issued a warning.

   b. Upon a finding by the Department of a second violation of this chapter at a location within any 60-month period, the license shall be suspended for thirty (30) days.

   c. Upon a finding by the Department of a third violation of this chapter at a location within any 60-month period, the license shall be suspended for ninety (90) days.

   d. Upon a finding by the Department of a fourth violation of this chapter at a location within any 60-month period, the license shall be suspended for one year.
Upon a finding by the Department of five or more violations of this chapter at a location within any 60-month period, the license shall be revoked.

2. Appeal Of Suspension Or Revocation. A Department decision to suspend or revoke a license is appealable under Title 1, Chapter 4 of the San Anselmo Municipal Code. If such an appeal is timely made, it shall stay enforcement of the appealed action. An appeal to the Town Council is not available for a revocation made pursuant to subsection 3 below.

3. Revocation of License Wrongly Issued. A Tobacco Retailer’s license shall be revoked if the Department 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 section 6-7.07 existed at the time the application was submitted or at any time before the license issued. The decision by the Department shall be the final decision of the Town. Such a revocation shall be without prejudice to the filing of a new license application.

4. Judicial Action. Any final administrative action to suspend or revoke a tobacco retailer’s license under this section shall be subject to judicial review pursuant to California Government Code Section 53069.4, which, among other things, requires such a judicial challenge to be brought within 20 days of service of the final decision.

6-7.11 Tobacco Retailing Without a Valid License.

1. In addition to any other penalty authorized by law, if a court of competent jurisdiction determines, or the Town Council finds based on a preponderance of evidence, after notice and an opportunity to be heard, that any Person has engaged in Tobacco Retailing at a location without a valid Tobacco Retailer’s license, either directly or through the Person’s agents or employees, the Person shall be ineligible to apply for, or to be issued, a Tobacco Retailer’s license as follows:

   a. After a first violation of this section at a location within any 60-month period, no new license may issue for the Person or the location (unless ownership of the business at the location has been transferred in an Arm’s Length Transaction), until thirty (30) days have passed from the date of the violation.

   b. After a second violation of this section at a location within any 60-month period, no new license may issue for the Person or the location (unless ownership of the business at the location has been transferred in an Arm’s Length Transaction), until ninety (90) days have passed from the date of the violation.

   c. After of a third or subsequent violation of this section at a location within any 60-month period, no new license may issue for the Person or the location (unless ownership of the business at the location has been transferred in an Arm’s Length Transaction), until 60-months have passed from the date of the violation.

2. Tobacco products and tobacco paraphernalia offered for sale or exchange in violation of this section are subject to seizure by the Department or any peace officer and shall be forfeited after the licensee and any other owner of the tobacco products and tobacco paraphernalia seized is given reasonable notice and an opportunity to demonstrate that the tobacco products and tobacco paraphernalia were not offered for sale or exchange in violation of this section. The decision by the Department may be appealed pursuant to the
procedures set forth in section 6-7.10(2). Forfeited tobacco products and tobacco paraphernalia shall be destroyed after all internal appeals have been exhausted and the time in which to seek judicial review pursuant to California Code of Civil Procedure Section 1094.6 or other applicable law has expired without the filing of a lawsuit or, if such a suit is filed, after judgment in that suit becomes final.

3. For the purposes of the civil remedies provided in this section, each of the following constitutes a separate violation of this section:
   a. Each day on which a tobacco product or tobacco paraphernalia is offered for sale in violation of this section; or
   b. Each individual retail tobacco product and each individual retail item of tobacco paraphernalia that is distributed, sold, or offered for sale in violation of this section. For the purposes of the civil remedies provided in this chapter each of the following constitutes a separate violation of this section:

6-7.12 Additional Remedies.

1. The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity.

2. Whenever evidence of a violation of this chapter is obtained in any part through the participation of a Person under the age of twenty-one (21) years old, such a Person shall not be required to appear or give testimony in any civil or administrative process brought to enforce this chapter and the alleged violation shall be adjudicated based upon the sufficiency and persuasiveness of the evidence presented.

3. Violations of this chapter are subject to a civil action brought by the Town Attorney, punishable by a civil fine not less than $250 and not exceeding $1,000 per violation.

4. Violations of this chapter may, in the discretion of the Town Attorney, be prosecuted as infractions or misdemeanors when the interests of justice so require.

5. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall also constitute a violation of this chapter.

6. Violations of this chapter are hereby declared to be public nuisances.

7. In addition to other remedies provided by this chapter or by other law, any violation of this chapter may be remedied by a civil action brought by the Town Attorney including, for example, administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief.

6-7.13 Enforcement. This chapter shall not be enforced by the Town until January 1, 2020.

SECTION 3: Severability. The Town Council hereby declares every section, paragraph, sentence, clause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.
SECTION 4: Inclusion in the San Anselmo Municipal Code. It is the intention of the San Anselmo Town Council that the text in Section 2 be made a part of the San Anselmo Municipal Code and that the text may be renumbered or re-lettered and the word "Ordinance" may be changed to "Section", "Chapter", or such other appropriate word or phrase to accomplish this intention.

SECTION 5: This Ordinance shall go into effect thirty (30) days from its adoption, and shall be posted or published as required by State law.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the San Anselmo Town Council on May 14, 2019, and was adopted at a regular meeting of the San Anselmo Town Council on May 28, 2019, by the following vote:

AYES:   Greene, Coleman, Wright, Colbert

NOES:   Brown

ABSENT: None

ABSTAIN: None

[Signature]
Matt Brown, Mayor

ATTEST:

[Signature]
Carla Kacmar, Town Clerk