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(O-94-56)

ORDINANCE NUMBER O-18048 (NEW SERIES)

ADOPTED ON MAR 08 1994

AN ORDINANCE AMENDING THE SAN DIEGO MUNICIPAL CODE BY CREATING A NEW DIVISION 11 IN CHAPTER IV, ARTICLE 3, ENTITLED "PROHIBITION OF TOBACCO VENDING MACHINES," AND BY ADDING SECTIONS 43.1101, 43.1102, 43.1103 AND 43.1104, ALL RELATING TO REGULATIONS AFFECTING TOBACCO VENDING MACHINES.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter IV, Article 3 of the San Diego Municipal Code be, and the same is hereby amended by creating a new Division 11, to read as follows:

DIVISION 11

Prohibition of Tobacco Vending Machines

Section 2. That Chapter IV, Article 3 of the San Diego Municipal Code be and the same is hereby amended by adding Sections 43.1101, 43.1102, 43.1103 and 43.1104 to Division 11, to read as follows:

SEC. 43.1101 Purpose and Intent

Because smoking is responsible for the premature deaths of Americans each year from lung cancer, heart disease, respiratory illnesses, and other diseases; environmental tobacco smoke is reportedly responsible for the additional deaths of nonsmokers; and the U.S. Surgeon General has declared that nicotine is as addictive as cocaine or heroin; that no other addictive

product, drug or cancer-causing product or drug is sold through vending machines; the declared purpose of this Division is to prohibit the sale of tobacco products through vending machines to protect the health and welfare of the public.

SEC. 43.1102 Definitions

For purposes of this Division, "Tobacco Vending Machine" means any machine or device designed for or used for the vending of cigarettes, cigars, tobacco, or tobacco products upon the insertion of coins, bills, trade checks or slugs.

SEC. 43.1103 Prohibitions

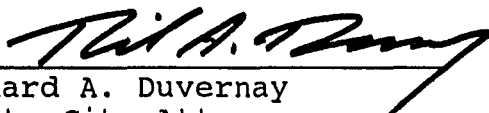
It is unlawful for any person to sell or distribute, or cause to be sold or distributed, any cigarettes, cigars or other tobacco products from a Tobacco Vending Machine.

SEC. 43.1104 Penalty

Any person who violates any provision of this Division is guilty of a misdemeanor and subject to any enforcement option or penalty provision set forth in Chapter One of this Code to address violations of law.

Section 3. This ordinance shall take effect and be in force
on July 1, 1994.

APPROVED: JOHN W. WITT, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

RAD:lc:ps
01/10/94
Or.Dept:Clerk
O-94-56
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STRIKEOUT ORDINANCE

NEW LANGUAGE: Shaded

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CITY CLERKS OFFICE
SAN DIEGO, CA

Passed and adopted by the Council of The City of San Diego on
by the following vote:

MAR 08 1994

Council Members	Yeas	Nays	Not Present	Ineligible
Harry Mathis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Christine Kehoe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barbara Warden	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

SUSAN GOLDING
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Brandon B. Barnes* Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

FEB 22 1994

MAR 08 1994

, and on

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Brandon B. Barnes* Deputy.

Office of the City Clerk, San Diego, California

Ordinance *018048*
Number.....

MAR 08 1994

Adopted.....

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CITY CLERKS OFFICE
SAN DIEGO, CA

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94-1000

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FEB 28 1994

94-1000

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CERTIFICATE OF PUBLICATION

31 MAR 23 PM 3:35
SAN DIEGO, CALIF.

OFFICE OF THE CITY CLERK
CITY ADMIN. BLDG.
202 C STREET, 2ND FLOOR
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

REGULATIONS AFFECTING TOBACCO VENDING MACHINES.

I, Corey Donahue, am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

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This ordinance creates a new Division 11 in Article 3, Chapter IV of the San Diego Municipal Code and adds new regulations prohibiting the sale or distribution of tobacco products through vending machines. This ordinance goes into effect on July 1, 1994.
A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.
INTRODUCED ON February 22, 1994. Passed and adopted by the Council of the City of San Diego on March 8, 1994.
AUTHENTICATED BY:
SUSAN GOLDING
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA
(SEAL)
By ESTHER CERREZO, Deputy
Pub. Mar. 23 289166

ORDINANCE NUMBER O-18048 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

MAR. 23

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 23rd day of MAR., 1994.

Corey Donahue

(Signature)

2 1/2" x 2 = \$ 64.00