

<b>REQUEST FOR COUNCIL ACTION</b>				CERTIFICATE NUMBER (FOR COMPTROLLER'S USE ONLY)	
CITY OF SAN DIEGO					
TO: CITY COUNCIL		FROM (ORIGINATING DEPARTMENT): Police Department		DATE: 1/28/2014	
SUBJECT: Tobacco Retailers Ordinance Update					
PRIMARY CONTACT (NAME, PHONE): Dan Plein, Lieutenant, 619 531-2973 MS 724			SECONDARY CONTACT (NAME, PHONE): Kevin Moyna, Sergeant, 619 531-2282 MS724		
COMPLETE FOR ACCOUNTING PURPOSES					
FUND					
FUNCTIONAL AREA					
COST CENTER					
GENERAL LEDGER ACCT					
WBS OR INTERNAL ORDER					
CAPITAL PROJECT No.					
AMOUNT	0.00	0.00	0.00	0.00	0.00
FUND					
FUNCTIONAL AREA					
COST CENTER					
GENERAL LEDGER ACCT					
WBS OR INTERNAL ORDER					
CAPITAL PROJECT No.					
AMOUNT	0.00	0.00	0.00	0.00	0.00
COST SUMMARY (IF APPLICABLE): No Cost Associated - Informational Report Only					
ROUTING AND APPROVALS					
CONTRIBUTORS/REVIEWERS:		APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	
Liaison Office		ORIG DEPT.	Ramirez, David	03/03/2014	
		CFO			
		DEPUTY CHIEF			
		COO			
		CITY ATTORNEY	Peter, Linda		
		COUNCIL PRESIDENTS OFFICE			
PREPARATION OF:	<input type="checkbox"/> RESOLUTIONS	<input type="checkbox"/> ORDINANCE(S)	<input type="checkbox"/> AGREEMENT(S)	<input type="checkbox"/> DEED(S)	
This is an Information Only Item. This report is being presented at the request of PS&LN.					
STAFF RECOMMENDATIONS: No Action Requested - Informational Only for PS&LN					
SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION)					
COUNCIL DISTRICT(S):	ALL				
COMMUNITY AREA(S):	All				
ENVIRONMENTAL IMPACT:	None				
CITY CLERK	None - Reporting out to PS&LN per their request				

INSTRUCTIONS:	
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**COUNCIL ACTION  
EXECUTIVE SUMMARY SHEET  
CITY OF SAN DIEGO**

DATE: 1/28/2014

ORIGINATING DEPARTMENT: Police Department

SUBJECT: Tobacco Retailers Ordinance Update

COUNCIL DISTRICT(S): ALL

CONTACT/PHONE NUMBER: Dan Plein, Lieutenant/619 531-2973 MS 724

**DESCRIPTIVE SUMMARY OF ITEM:**

This is an informational report from the San Diego Police Department regarding the Tobacco Retailer Ordinance enacted in November 2007. At that time, Sections 33.4501 through 33.4519 of the San Diego Municipal Code were added regarding the permits for Tobacco Product Sales to regulate and license retail businesses that sold or distributed tobacco products. Per the Ordinance, the Police Department is to provide status reports to Committee upon request.

**STAFF RECOMMENDATION:**

No Action Requested - Informational Only for PS&LN

**EXECUTIVE SUMMARY OF ITEM BACKGROUND:**

On November 15, 2007, the San Diego City Council added Sections 33.4501 through 33.4519 to the San Diego Municipal Code regarding the permits for Tobacco Product Sales. The purpose was to regulate and license retail businesses that sold or distributed tobacco products. The permit fees would be used to enforce laws aimed at discouraging the sales of tobacco products to juveniles. It was the intent of this section to have all costs associated with the administration and enforcement to be borne by the retailer applicants and permit holders.

Part of the ordinance states that the San Diego Police Department will present a report to the committee on the status of the tobacco ordinance upon request.

**Administration Information -**

The San Diego Police Department has identified 1,264 businesses that sell or distribute tobacco products in the City of San Diego. (California State Board of Equalization)

Since our last status report (June, 2013) the Department has been able to gain compliance from 1,130 of the businesses within the City of San Diego. The Department has continued to work with the other 162 business owners to confirm their status and gain compliance. In the continuing efforts to maintain compliance, the Department has simplified the application by reducing it from four pages down to two pages.

**Inspections and Enforcement -**

The San Diego Police Department's Vice, Permits and Licensing office conducted 94 overt field inspections from January 2013 to January 2014. These inspections were used as an opportunity to educate and gain voluntary compliance from the business owners.

In addition to the overt inspections, the San Diego Police Department; Vice, Permits and Licensing Police Officers also conducted five undercover juvenile operations in the City of San Diego. A total of 169 covert (undercover) inspections were completed during these operations. All of these inspections were used to educate the business owners. The results are as follows:

Date	Number of Inspections	Results	Council Districts
1-2-13	36	4 Arrested	1 & 3
3-20-13	27	4 Arrested	7
5-21-13	31	6 Arrested	6
7-31-13	29	3 Arrested	1
9-17-13	20	4 Arrested	2, 3, & 9
11-26-13	26	2 Arrested	3 & 8

The location of the inspection sites were randomly selected by Council District and include all types and sizes of stores (including Hookah Lounges) selling tobacco products. All operations were conducted during normal working hours and utilized volunteers for the decoy operations. No overtime was used to complete these operations. The Operations netted 23 sales of tobacco products to our minor decoys. Those 23 store operators were arrested and released with a citation.

#### Estimated Illegal Sales Rate -

Based on the 169 undercover inspections that resulted in 23 violations, the estimated rate of illegal sales to juveniles is 13.6%.

#### Fees and Fines -

In 2013, the Police Department, Vice, Permits and Licensing Unit collected \$108,599 in regulatory fees and \$17,816 in application fees for a total of \$126,415. This represents a decrease of \$10,593 from 2012 totals. All monies were sent to the City's general fund.

FISCAL CONSIDERATIONS: None

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE):

N/A

PREVIOUS COUNCIL and/or COMMITTEE ACTION: No prior actions. This presentation was requested as an annual update by the former PS&NS Committee.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Stakeholders include all current and future permit holders

Ramirez, David

Originating Department

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Deputy Chief/Chief Operating Officer