

Huntington Park Municipal Code

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TITLE 4 PUBLIC SAFETY

Chapter 19 TOBACCO RETAILER LICENSE

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4-19.03 Limits on eligibility for a tobacco retailer license.

- (a) No license may be issued to authorize tobacco retailing at other than a fixed location. For example, tobacco retailing by persons on foot or from vehicles is prohibited.
- (b) No license may be issued to authorize tobacco retailing by a significant tobacco retailer.
- (c) No license may be issued to authorize tobacco retailing at any location that is not licensed under State law to sell alcoholic beverages for consumption off the premises (e.g., an “off-sale” license issued by the California Department of Alcoholic Beverage Control).
- (d) No license may be issued to authorize tobacco retailing at any location where smoking is permitted inside the premises or in any adjacent outdoor area owned, leased, or operated by the person applying for a license to engage in tobacco retailing. In addition, no license may issue to authorize tobacco retailing at any location where smoking is permitted within a reasonable distance of any doorway, window, opening, or other vent into the licensed premises.
- (e) No license may be issued to authorize tobacco retailing at any location that is exclusively zoned for residential use.
- (f) No license may be issued to authorize tobacco retailing within 500 feet of a youth-populated area as measured by a straight line from the nearest point of the property line of the site of a youth-populated area to the nearest point of the property line of the site of the applicant’s business premises. For the purposes of this subsection, a “youth-populated area” means a parcel in the City that is:
- (1) Occupied by a private or public kindergarten, elementary, middle, junior high, or high school;
 - (2) Occupied by a licensed child-care facility or preschool as defined in California Health and Safety Code Section 1596.78;
 - (3) Occupied by a library open to the public;
 - (4) Occupied by a playground open to the public;
 - (5) Occupied by a youth center;
 - (6) Occupied by a recreational facility open to the public;
 - (7) Occupied by an arcade open to the public; or
 - (8) Occupied by a park open to the public or to all the residents of a private community.
- (g) No license may be issued to authorize tobacco retailing within 200 feet of another tobacco retailer location as measured by a straight line from the nearest point of the property line on which the license applicant’s business premises are located to the nearest point of the property line on which another tobacco retailer’s business premises are located.
- (h) The issuing of tobacco retailer licenses is limited as follows:
- (1) The total number of tobacco retailer licenses within the City shall be limited to one for each 1,000, or fraction thereof, inhabitants of the City. Except as provided in Title 9, Chapter 3, Article 6 of this Code regarding nonconforming uses, so long as the number of tobacco retailer licenses issued (or license applications received) equals or exceeds the total number authorized pursuant to this subsection, no new licenses may be issued.

(2) For the purposes of this section, the total population of the City shall be determined by the most current published total available from the U.S. Census Bureau or the California State Department of Finance, whichever has been more recently updated, as of the date the license application is filed.

(i) Notwithstanding the eligibility restrictions of this section, any tobacco retailer or significant tobacco retailer operating legally as of the effective date of the ordinance codified in this chapter and that would otherwise be entitled to receive a license may continue to operate as a nonconforming use subject to termination pursuant to Title 9, Chapter 3, Article 6 of the Huntington Park Municipal Code, as that article may be amended from time to time, so long as the use is not deemed discontinued or abandoned for a period of six (6) months.

(§ 2, Ord. 878-NS, eff. December 21, 2011)

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