BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, ADDING ARTICLE 38 OF CHAPTER 9 OF THE FRESNO MUNICIPAL CODE RELATING TO TOBACCO RETAILER'S LICENSE

WHEREAS, the California Legislature recognizes the danger of tobacco use and has made reducing youth access to tobacco products a high priority; and

WHEREAS, California Penal Code Section 308 prohibits the sale or furnishing of cigarettes, tobacco products and smoking paraphernalia to minors, as well as the purchase, receipt or possession of tobacco products by minors; and

WHEREAS, the State of California faces a significant and growing illicit tobacco market with a high amount of tobacco products consumed in the state obtained through unlawful channels, creating tax revenue losses and posing a direct risk to public health and safety; and

WHEREAS, California Business and Professions Code Section 22971.3 authorizes local authorities to adopt tobacco retailer licensing laws to provide for the suspension and revocation of the local tobacco retailer license for any violation of a state tobacco control law; and

WHEREAS the City of Fresno (City) has a substantial interest in promoting compliance with federal, state and local laws intended to regulate tobacco sales and use to minors; and

Date Adopted:
Date Approved
Effective Date:
City Attorney Approval: AMK

WHEREAS, the City finds that an ordinance is necessary to establish a clear standard by which tobacco retailers that comply with applicable laws may be distinguished from those that do not, and to provide a framework that supports small businesses in understanding and maintaining compliance so they may operate successfully and responsibly; and

WHEREAS, the City of Fresno is the largest city in the State of California without a tobacco retailer's license program; and

WHEREAS, the California Health and Safety Code requires the State to maintain an Unflavored Tobacco List for tobacco product brand styles that do not have a characterizing flavor, and only tobacco products that fit within the list's criteria may be sold in California; and

WHEREAS, the lawful retail sale of tobacco products requires that all products offered for sale within the City shall have all applicable authorizations from the US Food and Drug Administration and comply with the State's Unflavored Tobacco Products List; and

WHEREAS, the failure of tobacco retailers to comply with all tobacco control laws, particularly laws prohibiting the sale of tobacco products to minors, presents an imminent threat to the public health, safety and welfare of the residents of the City of Fresno; and

WHEREAS, the City desires to add Chapter 9, Article 38 Tobacco Retailer's License Ordinance to establish local licensing requirements, procedure, and enforcement mechanisms for tobacco retailers and ensure consistency with state law.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Article 38 of Chapter 9 is added to the Fresno Municipal Code to read:

ARTICLE 38

TOBACCO RETAILER'S LICENSE

Section	9-3801	Purpose
Section	9-3802	Definitions
Section	9-3803	Tobacco Retailer's License Required
Section	9-3804	Application Procedure
Section	9-3805	Issuance of License
Section	9-3806	Displays
Section	9-3807	Fees for License
Section	9-3808	Renewal of License, Delinquency
Section	9-3809	Licenses Not Transferable
Section	9-3810	Administrative Violations
Section	9-3811	Administrative Penalties
Section	9-3812	Additional Remedies
Section	9-3813	Appeals
Section	9-3814	Inventory Requirements
Section	9-3815	Compliance Reporting
Section	9-3816	Implementation Period
Section	9-3817	Severability

SECTION 9-3801. - PURPOSE. The purpose of this article is to regulate the retail sale of tobacco products in the City of Fresno through a local tobacco retailer's license, to ensure compliance with applicable tobacco control laws, and to protect the public health, safety and welfare.

SECTION 9-3802. – DEFINITIONS. For the purpose of this article, the following definitions apply unless the context indicates or requires a different meaning.

(a) "Arm's-Length Transaction" means a sale in good faith and for valuable consideration that reflects the fair market value in the open market

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 article is not an Arm's Length Transaction.

(b) "Electronic smoking device" means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, vape pen, or e-hookah. Electronic smoking device includes any component part of or accessory to the device and also includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine.

(c) "Good Standing" means a Tobacco Retailer that:

1. Holds a valid Tobacco Retailer's License issued pursuant to this article;

2. Is not subject to a current suspension or revocation of its Tobacco Retailer's License; and

3. Has no unpaid license fees, administrative penalties, or other amounts due to the City under this article.

(d) "Person" means any natural person, partnership, cooperative association, corporation, personal representative receiver, trustee, assignee, or any other legal entity.

(e) “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 (10) percent 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 operation of a business.

(f) “Sale”, “Sell”, or “Sells” means any transaction where, for any consideration, ownership of a Tobacco Product is transferred from one person to another, including, but not limited to, any transfer or title or possession for consideration, exchange, or barter in any manner or by any means.

(g) “Tobacco Paraphernalia” means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed, marketed, or used for the smoking, consumption, use, preparation, or ingestion of tobacco products.

(h) “Tobacco Product” or “Tobacco Products” means any of the following:

(1) A 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; or as

provided in Health and Safety Code section 104559.5, including any amendments or successor statutes thereto.

(2) An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah; or

(3) Any component, part, or accessory of a tobacco product, whether or not sold separately.

(4) Tobacco Product does not include a 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 the product is marketed and sold solely for such an approved purpose.

(i) "Tobacco Retailer" means any person or entity that sells, distributes, offers for sale or distribution, exchanges, or offers to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia without regard to the quantity sold, distributed, offered for sale or distribution, exchanged, or offered for exchange.

(j) "Tobacco Retailing" means selling, distributing, offering for sale or distribution or exchange for any form of consideration, tobacco products, or tobacco paraphernalia without regard to the quantity sold, distributed, offered for sale or distribution, exchanged, or offered for exchange.

SECTION 9-3803. – TOBACCO RETAILER'S LICENSE REQUIRED.

(a) It shall be a misdemeanor for any Person or Proprietor within the City of Fresno to act as a Tobacco Retailer at a location for which a valid Tobacco Retailer's License has not been issued pursuant to this article. A separate Tobacco Retailer's License is required for each location at which Tobacco Retailing occurs or has occurred.

(b) No Tobacco Retailer's License shall be issued for residences, or locations where engaging in Tobacco Retailing is prohibited by federal, state, or local law. No Tobacco Retailer's License shall be issued to authorize Tobacco Retailing at any place other than a fixed location. Retailing from any non-permanent location, including vehicle or cart, is prohibited.

(c) All retail sales of Tobacco Products shall be conducted in-person in the location for which the Tobacco Retailer's License was issued. No Tobacco Retailer or any of the Tobacco Retailer's agents or employees may engage in the delivery sale of Tobacco Products, or knowingly or recklessly Sell or provide Tobacco Products to any person who intends to engage in the delivery sale of the Tobacco Product in the City of Fresno.

(d) Notwithstanding the possession by a person, Tobacco Retailer, or Proprietor of a license from the State of California as a Tobacco Products wholesaler or distributor, any Tobacco Retailer, Proprietor or

person who does business from a fixed location in the City of Fresno must obtain a Tobacco Retailer's License pursuant to this article.

(e) No Person or Proprietor engaged in Tobacco Retailing or the wholesale; distribution of Tobacco Products shall sell a Tobacco Product to another person without first verifying by means of government-issued photographic identification that the recipient is at least 21 years of age.

(f) No Person or Proprietor shall distribute a free or nominally priced Tobacco Product.

(g) A Person or Proprietor required to have a Tobacco Retailer's License under Subsection (a) or (d) hereof without a valid Tobacco Retailer's License, including a Person or Proprietor whose Tobacco Retailer's License has been suspended or revoked, shall keep all Tobacco Products out of public view. The public display of Tobacco Products in violation of this subsection shall constitute Tobacco Retailing without a Tobacco Retailer's License.

(h) A Person or Proprietor required to have a Tobacco Retailer's License under Subsection (a) or (d) without a valid Tobacco Retailer's License, including a Person or Proprietor whose Tobacco Retailer's License has been suspended or revoked, shall not display any advertisement relating to a Tobacco Product that promotes the Sale or distribution of such products from the Tobacco Retailer's permitted location or that would lead

a reasonable consumer to believe that such products can be obtained at the Tobacco Retailer's permitted location.

(i) No Tobacco Retailer's License shall be issued, and no existing Tobacco Retailer's License may be renewed, to authorize Tobacco Retailing at a location licensed for commercial cannabis activity by the State of California under Business and Professions Code Division 10.

(j) Each day that a Person or Proprietor Sells or offers for a Sale a Tobacco Product without a valid Tobacco Retailer's License shall constitute a separate violation of this section.

SECTION 9-3804. – APPLICATION PROCEDURE.

(a) Application for a Tobacco Retailer's License shall be submitted to the City of Fresno Finance Department (Finance Department) by any Proprietor of a business seeking a Tobacco Retailer's License. Each applicant shall be responsible for reviewing the conditions of conducting Tobacco Retailing Sales within the City of Fresno and shall agree to abide by the conditions by signing the application under penalty of perjury. All applications shall be submitted on a form supplied by the City and shall contain the following information:

(1) The business name, address, and telephone number of the location for which the Tobacco Retailer's License is sought as well as any website address, Uniform Resource Locator (URL), or social media of the business.

(2) The name, mailing address, telephone number and email address of every Proprietor and any person authorized to receive communications and notices required by or authorized by this article. If incomplete information is supplied, each Proprietor shall be deemed to consent to the provision of notice at the business address provided on the application for the Tobacco Retailer's License.

(3) Such other information as the City Attorney deems necessary for implementation and enforcement of this ordinance.

(b) A Tobacco Retailer's License must be obtained prior to the retail or wholesale sale of any Tobacco Product. A new Tobacco Retailer's License must be obtained upon change of ownership or upon change of form of ownership prior to the retail or wholesale Sale of any Tobacco Product, including but not limited to, a Proprietor becoming a corporation. A Tobacco Retailer shall provide the Finance Department with any updates within ten (10) business days following any material change in ownership, business name, mailing address, business address, contact information, or other information required in the application.

SECTION 9-3805. – ISSUANCE OF LICENSE.

(a) The Tobacco Retailer's License shall state the following on its face:

(1) The name, address, telephone number, and email address for each Proprietor;

(2) Any fictitious business name used by the owner;

(3) Business address and mailing address;

(4) Date license was issued and license expiration date; and

(5) License number.

(b) The Finance Department shall issue a Tobacco Retailer's License unless it determines that one or more of the following grounds for denial exists:

(1) The information presented in the application is incomplete, inaccurate or false; or

(2) The application seeks authorization for Tobacco Retailing by a Person or at a location for which suspension is in effect; or

(3) The application seeks authorization for Tobacco Retailing that is unlawful pursuant to this Code or any other applicable law.

(4) The application seeks authorization for Tobacco Retailing at a location for which this article prohibits issuance of a license. However, this subsection shall not constitute a basis for denial of an application if the applicant provides the department 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) Inspections. As a condition of obtaining and maintaining a Tobacco Retailer's License, a Tobacco Retailer shall permit authorized City employees to inspect the licensed premises during normal business hours to determine compliance with this article and applicable federal, state, and local tobacco control laws. Such inspections may include examination of the licensed premises and any records required to be maintained under this article.

SECTION 9-3806. – DISPLAYS.

(a) Any Tobacco Retailer's License issued pursuant to this article shall be prominently displayed in public view at the location for which it is issued. A violation of this section shall be punishable as an infraction.

(b) Tobacco Retailers shall be subject to all applicable provisions of Fresno Municipal Code Chapter 15, Article 26, except that any establishment located within 500 feet of a park, school (private or public), day care, or other youth-sensitive place (e.g. boys and girls club, youth activity centers) may not advertise smoking products (such as for tobacco, vapor, or similar projects) or related paraphernalia in a manner visible from the outside of the establishment, such as from a public thoroughfare, sidewalk, or parking lot.

SECTION 9-3807. – FEES FOR LICENSES. Fees charged for these licenses shall be set in the Master Fee Schedule. The City Council may amend the applicable fees charged for these licenses when funding sources are received to offset or support the administrative or enforcement costs associated with these license fees.

SECTION 9-3808. – RENEWAL OF LICENSE, DELINQUENCY. A Tobacco Retailer's License is invalid unless the required fee has been paid in full, and the term of the license has not yet expired. The term of a license is one (1) year beginning each fiscal year on July 1st and ending on June 30th of the following fiscal year. Each Tobacco Retailer shall apply for the renewal of his or her license and submit the license fee no later than thirty (30) calendar days prior to the expiration of the term. Delinquent renewals shall be charged an additional fee as set forth in the Master Fee Schedule. Such additional fee shall become part of the fee required by the City.

The City may deny renewal of a Tobacco Retailer's License if (1) the Tobacco Retailer's License is currently suspended; (2) the Tobacco Retailer's License has been revoked and the period of ineligibility has not expired; (3) the Tobacco Retailer has failed to pay any administrative penalties, fees or costs imposed pursuant to this article; (4) the Tobacco Retailer has otherwise failed to satisfy the requirements for license under this article; or (5) the Tobacco Retailer has been found to be in violation of the Tobacco Retailer Ordinance set forth in Chapter 9, Article 37.

SECTION 9-3809. – LICENSES NOT TRANSFERABLE.

(a) A Tobacco Retailer's License is non-transferable. A change in Proprietor, whether by sale, assignment, lease, sublease, merger or any other transfer, shall require a new Tobacco Retailer's License before any Tobacco Product may be Sold at the location.

(b) A change of more than fifty (50) percent of the ownership interest in any 12-month period shall be deemed a transfer of ownership requiring a new Tobacco Retailer's License.

(c) Notwithstanding any change in ownership, prior violations of this article at a licensed location shall continue to be counted against that location, and any license ineligibility periods shall continue to apply unless:

(1) The location has been fully transferred to a new owner or new owners; and

(2) The new owner(s) demonstrate by clear and convincing evidence that they acquired the location or business in an Arm's Length Transaction and have no direct or indirect financial relationship with any prior Proprietor during the period of ineligibility.

SECTION 9-3810. – ADMINISTRATIVE VIOLATIONS.

(a) It shall be a violation of this article, and grounds for license suspension, revocation, and/or administrative penalties, for any licensee or any of the licensee's agents or employees, in the course of Tobacco Retailing or in the operation or maintenance of the licensed location to:

(1) Violate any provision of this article or any condition of a Tobacco Retailer's License;

(2) Violate any local, state, or federal law applicable to Tobacco Products, Tobacco Paraphernalia or Tobacco Retailing, including age-of-sale, identification, signage, and flavor-sales restrictions.

(3) Sell or transfer a Tobacco Product or Tobacco Paraphernalia to another person who appears to be under the age of thirty (30) years without first examining the identification of the recipient to confirm the recipient is at least minimum age under the state law to purchase and possess the Tobacco Product or Tobacco Paraphernalia; or

(4) Allow any person who is younger than the minimum age established by state law for the purchase or possession of Tobacco Products to engage in Tobacco Retailing, however, this shall not prohibit an employee under such minimum age from performing cashiering functions in a grocery store or similar retail establishment when acting under the supervision of an employee who is at least the minimum age and who is responsible for compliance with all tobacco sales laws.

(5) Engage in Tobacco Retailing, sell, offer for sale, distribute, display, advertise, or otherwise make available any

Tobacco Product during a period in which the Tobacco Retailer's License has been suspended or revoked.

(b) Each act in violation of this article, and each day that a violation continues, may be treated as a separate violation for purposes of assessing penalties and determining suspension or revocation.

(c) The City may provide a reasonable opportunity to cure administrative violations that do not present an immediate threat to public health or safety.

SECTION 9-3811. – ADMINISTRATIVE PENALTIES.

(a) Upon a determination by the City that a person has engaged in any conduct that violates the provisions of this article, the City may suspend a Tobacco Retailer's License, impose administrative penalties, or both suspend the license and impose administrative penalties.

(b) Notwithstanding subsection (g), the City may immediately suspend a Tobacco Retailer's License when the City determines that continued operations present an imminent threat to public health, safety or welfare, including, but not limited to, repeated unlawful sales to minors, sale of prohibited tobacco products, interference with inspections, or other conduct creating an immediate threat to public health or safety.

(c) The City shall notify the Tobacco Retailer that there has been an initial determination of violation under the provisions of this article. The initial determination notice will specify the violation, and the proposed

sanction, including the effective date of the suspension, if applicable. The notice shall further state that the Tobacco Retailer may, within fifteen (15) days, submit to the City any written documentary evidence to contest the initial determination of violation.

(d) After receiving evidence contesting the initial determination, the City shall prepare a final written decision and shall serve this decision upon the Tobacco Retailer via certified mail within sixty (60) days. Upon written request, the offender shall have the right to receive copies of any records or files upon which the decision is based. Final decisions issued pursuant to this section may be appealed in accordance with Chapter 1, Article 4 of the Fresno Municipal Code.

(e) Violations of this article shall be established by a preponderance of the evidence.

(f) Notwithstanding the graduated enforcement provisions of this section, any violation of Section 9-3810(a)(5) may result in immediate revocation of the Tobacco Retailer's License and any other penalties authorized by this article. Each day of operation during a suspension or revocation shall constitute a separate violation.

(g) When this article permits the City to suspend a license, the following sanction may be imposed:

(1) For the first violation in any five-year period, the Tobacco Retailer shall receive a notice of violation, unless

aggravating factors described in subsection (j) are present, in which case the City may impose a suspension or revocation of the Tobacco Retailer's License, as authorized by this article.

(2) For the second violation in a five-year period, the Tobacco Retailer's License shall be suspended for up to thirty (30) days and the Tobacco Retailer shall be subject to at least two inspections conducted within twenty-four (24) months from the occurrence of the second violation.

(3) For a third violation in a five-year period, the Tobacco Retailer's License shall be suspended for ninety (90) days.

(4) For a fourth or subsequent violation in a five-year period, the Tobacco Retailer's License shall be revoked. The Department of Finance shall not issue a Tobacco Retailer's License to a location at which a Tobacco Retailer's License has been revoked unless a period of three years has passed since the date of issuance of the revocation.

(h) When this article allows the City to impose an administrative penalty, the following penalty may be imposed:

(1) For the first violation, a penalty in the amount of $250.

(2) For the second violation within five (5) years from the date of the first violation, a penalty in the amount of $500.

(3) For a third and each subsequent violation within five (5) years from the date of the first violation, a penalty in the amount of $1,000.

(i) Failure to Pay Administrative Penalties. Any administrative penalty imposed pursuant to this article shall be paid within thirty (30) calendar days after service of the final determination, unless otherwise specified in the final determination. Failure to timely pay an administrative penalty shall constitute a separate violation of this article and may serve as grounds for suspension, non-renewal or denial of a Tobacco Retailer's License until all outstanding penalties, fees, and costs have been paid in full. Failure to pay an administrative penalty within thirty days from issuance of the administrative penalty may also result in the imposition of late fees and unpaid amounts are subject to collection pursuant to Chapter 1, Article 5.

(j) Aggravating and mitigating factors. In setting the length of the suspension or amount of any penalty within the ranges authorized by this section, the City may consider:

(1) The number and recency of prior violations;

(2) The nature and seriousness of the current violation, including whether it involved the sale of Tobacco Products to a minor;

(3) Evidence of good-faith efforts to comply beyond the minimum requirements of this article, including enhanced employee training, internal policies, and prompt corrective action; and

(4) Any other factor reasonably related to the purpose of this article.

(k) For the duration of any Tobacco Retailer's License suspension, the Tobacco Retailer shall clearly and conspicuously post a Notice of Suspension sign at each customer entrance. Failure to post the Notice of Suspension sign during a suspension period shall be punishable as an infraction.

(l) Notwithstanding any other provision of this article, prior violations, license suspension periods and license revocation shall continue to apply to a location unless the business engaged in Tobacco Retailing at the location has been fully transferred to a new proprietor with no financial relationship to the former proprietor, and the new proprietor provides the City with clear and convincing evidence that the new proprietor has acquired the business in an Arm's-Length Transaction.

SECTION 9-3812. – ADDITIONAL REMEDIES.

(a) The remedies provided by this article are cumulative and may be pursued separately, successively or concurrently.

(b) Violations of this article are hereby declared to constitute a public nuisance and may be abated as such through administrative and/or judicial nuisance abatement proceedings.

(c) In any civil action, administrative proceeding, or special proceedings brought by the City to enforce this article, the City may recover its costs of investigation, enforcement, and abatement, including reasonable attorney fees, to the extent authorized by law.

(d) Tobacco Products offered for Sale in violation of this article may be seized, held or otherwise disposed of only as authorized by applicable federal, state or local law and following any notice and hearing required by law. Nothing in this section shall be construed to create an independent forfeiture authority beyond that provided by applicable law.

(e) All Tobacco Retailers are responsible for the actions of their employees relating to the Sale, offer to Sell, and furnishing of Tobacco Products at the retail location. The Sale of any Tobacco Product by an employee shall be considered an act of the Tobacco Retailer.

SECTION 9-3813. – APPEAL. Any appeal authorized by this article shall be conducted in accordance with Chapter 1, Article 4 of the Fresno Municipal Code. Review shall be limited to determining whether the decision is supported by substantial evidence and whether the procedures required by this article were followed. The filing of an appeal shall not automatically stay an emergency

suspension imposed pursuant to Section 9-3811(b) unless otherwise ordered by the hearing officer.

SECTION 9-3814. – INVENTORY REQUIREMENTS.

(a) Each Tobacco Retailer shall maintain documentation sufficient to demonstrate that tobacco products offered for sale are authorized under applicable state law.

(b) A retailer shall not sell, offer for sale, or keep for sale any Tobacco Product that is prohibited by law.

(c) The inventory list shall be produced for review upon request by the City.

(d) Each Tobacco Retailer shall provide annual training to all employees engaged in the sale of Tobacco Products regarding applicable federal, state, and local tobacco-control laws, including age-verification requirements. Records of such training shall be maintained for a minimum of three (3) years and shall be made available to the City upon request.

SECTION 9-3815. - COMPLIANCE REPORTING. The City and the City Attorney's Office shall provide an annual report to the City Council that includes:

(1) the total number of licensed Tobacco Retailers in the City,

(2) the number of Tobacco Retailers in Good Standing, as defined in this article,

(3) the number and nature of violations identified during inspections,

(4) the number and type of enforcement actions taken against Tobacco Retailers, and

(5) an assessment of the illicit tobacco market conditions within the City drawn from evidence collected by the City in the ordinary course of its enforcement activities; and

(6) any relevant changes to applicable federal and state law affecting the products or retailers regulated under this article.

The City Attorney shall make the annual report available on the City's website. Any amendment to this article shall require the City Attorney to prepare a staff report describing how the amendment affects the reportable items identified in this section.

SECTION 9-3816. – IMPLEMENTATION PERIOD. Existing Tobacco Retailers operating on the effective date shall have ninety (90) days to obtain a Tobacco Retailer's License. A complete and accurate application must be submitted within that ninety-day period and applicable license fees must be paid upon issuance.

SECTION 9-3817. - SEVERABILITY. If any provision, clause, sentence or paragraph of this article is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect other provisions of this article which can be given effect without the invalid provisions or application, and to this end the provisions of this article are declared to be severable.

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, AMY K. ALLER, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2026.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2026
Mayor Approval/No Return: _____, 2026
Mayor Veto: _____, 2026
Council Override Vote: _____, 2026

AMY K. ALLER
City Clerk

By: _____
Date
Deputy

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Angela M. Karst Date
Senior Deputy City Attorney