

ORDINANCE NO. 5171

AN ORDINANCE REPLACING SECTION 17.240.070.E UPDATING THE MINIMUM AGE FOR PERSONS PURCHASING TOBACCO FROM 18 TO 21 AND ADDING A NEW SECTION 17.240.095 APPLICABLE TO THE RELOCATION OF SMOKE SHOPS TO CHAPTER 17.240 OF TITLE 17 OF THE EL CAJON MUNICIPAL CODE

WHEREAS, on July 22, 2025, the City Council directed staff to review existing regulations and explore options to revise the current tobacco and related product regulations; and

WHEREAS, Title 17 of the El Cajon Municipal Code (the "Zoning Code") requires regular maintenance to ensure that it complies with changes in State laws; is internally consistent; and is effective in regulating the use and development of land in the City of El Cajon (the "City"); and

WHEREAS, the City Council held a duly advertised public hearing on October 28, 2025, to consider Zoning Code Amendment No. 2025-0002 ("ZCA No. 2025-0002" or "Project"), and received evidence through public testimony and comment, in the form of verbal and written communications and reports; and

WHEREAS, the City Council has considered and approved for the Project, by Resolution No. 110-25, the proposed California Environmental Quality Act Guidelines ("CEQA") common sense exemption in accordance with CEQA section 15061(b)(3); and

WHEREAS, the proposed update to the City's Zoning Code has been presented to the City's Planning Commission for its review and recommendation; and

WHEREAS, following a properly noticed public hearing, at which both verbal and written testimony were presented, the Planning Commission adopted its Resolution No. 11183, recommending approval of the proposed Zoning Code amendment presented to the City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL CAJON DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that:

- A. The recitals above are true and correct and are the findings of the City Council.
- B. The proposed standards to regulate the sale and use of tobacco and related products are designed to ensure the use of land for the sale and use of such products within the City does not negatively impact surrounding areas and are compatible with adjacent properties and developments.

- C. There are no applicable specific plans that regulate the sale of tobacco and related products from properties within the City.
- D. The proposed Zoning Code amendment will not significantly alter the character of the City or cause significant health, safety or welfare concerns, since the amendment is consistent with the General Plan and directly implements City goals and policies to ensure a healthy and safe community.

SECTION 2. The City Council further finds that the California Environmental Quality Act ("CEQA") common sense exemption in accordance with CEQA section 15061 (b)(3) applies for the proposed Project.

SECTION 3. Subsection E of section 17.240.070 of Chapter 17.240 of Title 17 of the El Cajon Municipal Code is hereby deleted.

SECTION 4. A new subsection E of section 17.240.070 of Chapter 17.240 of Title 17 of the El Cajon Municipal Code is hereby added to read as follows:

- E. The tobacco or smoke shop, or electronic/vapor substance inhalation shop meets the following minimum specific standards:
 - 1. No person or business shall engage in the sale of tobacco and electronic vapor device products without first posting a plainly visible sign at the point of purchase of tobacco products that has wording similar to:

"THE SALE OF TOBACCO PRODUCTS, HOOKAHS, AND ELECTRONIC VAPOR DEVICES AND PRODUCTS TO PERSONS UNDER 21 YEARS OF AGE IS PROHIBITED BY LAW AND SUBJECT TO PENALTIES. PHOTO IDENTIFICATION IS REQUIRED OF PURCHASERS APPEARING TO BE 26 YEARS OF AGE AND YOUNGER."

The letters of the sign shall be at least one-quarter inch high.

- 2. No person, business, tobacco retailer, or owner, manager or operator of any establishment subject to this article shall sell, offer to sell or permit to be sold any tobacco product to an individual without requesting and examining identification of customers appearing to be 26 years and younger for the purpose of establishing the purchaser's age as 21 years or greater, unless the seller has some other clear or convincing basis for determining the buyer's age.

SECTION 5. A new section 17.240.095 of Chapter 17.240 of Title 17 of the El Cajon Municipal Code is hereby added to read as follows:

§ 17.240.095 Relocation

All tobacco or smoke shops, which were established prior to the adoption of this chapter and subsequently obtained a conditional use permit as prescribed, and that do not conform to all of the provisions of this chapter, shall have the ability to relocate subject to the following:

1. Obtain a conditional use permit as provided in this chapter;
2. Must locate in one of the commercial zones identified in subsection A of section 17.240.070; and
3. The new location must result in an increase in separation from sensitive uses as identified in subsection B of section 17.240.070.

SECTION 6. The City Council of the City of El Cajon intends this ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this ordinance shall be construed in light of that intent. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION 7. This ordinance shall go into effect thirty (30) days following its passage and adoption.

PASSED AND ADOPTED by the City Council of the City of El Cajon, California, at a Regular Joint City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency Meeting held this 11th day of December 2025, by the following vote to wit:

AYES	:	Goble, Kendrick, Metschel, Ortiz, Wells
NOES	:	None
ABSENT	:	None
DISQUALIFY:		None

BILL WELLS
Mayor of the City of El Cajon

ATTEST:

ANGELA L. CORTEZ, CMC
City Clerk

I hereby certify that the above and foregoing is a full and true copy of Ordinance No. 5169 of the Ordinances of the City of El Cajon, California, as adopted by the City Council at a Regular Meeting of the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency on the 11th day of December 2025.



Angela L. Cortez, CMC, City Clerk