Agenda # 5.11

City Council

Staff Report

TO: Honorable Mayor and City Council

FROM: John Jansons, City Manager

DATE: October 24, 2016

SUBJECT: Presentation and Update on Lee Law Program of Tulare County Public Health

RECOMMENDED ACTION:
It is respectfully recommended that the City Council hear a presentation form Kate Bourne, MPH, Health Education Specialist, with the Tulare County Office of Public Health, on the Lee Law Program designed to curb tobacco and alcohol advertising in support of improved public health.

BACKGROUND and DISCUSSION:
Since 2015, the City of Farmersville has been supportive of Tulare County Public Health's effort to decrease retail signage advertising tobacco and alcohol products and support preemptive heath improvement strategies for residents of Tulare County. Farmersville and the City of Tulare have been earlier study samples by the Dept. of Public Health and local Farmersville businesses have in large part been good partners in embracing the campaign and partnering to be responsible merchants and improve public health.

Currently, the Farmersville sign ordinance allows up to 25% of storefront windows to be used for advertising. This has been successful regulation in that there has been good compliance by Farmersville retailers. Many cities allow an area greater than 25% and many cities provide no regulation at all.

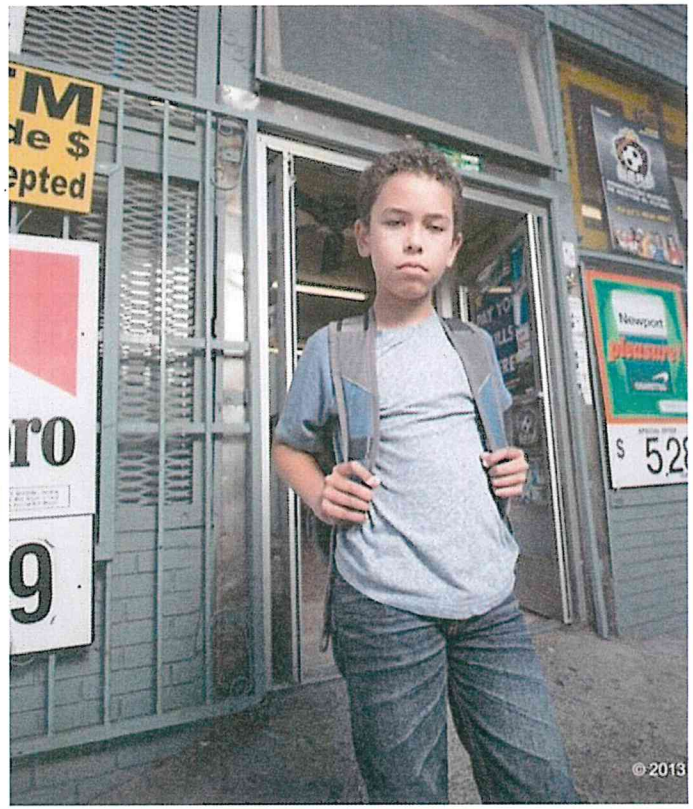
CONCLUSION:
It is respectfully recommended that the City Council hear a presentation of the draft Water Rate Study by QK, Inc. and provide any direction to the consultant(s) and staff regarding proceeding toward completion of the Water Rate Study and next steps going forward.

ATTACHMENT(s): Presentation on Lee Law Program
Sample Model Ordinances & Report of Farmersville Survey

Approved By:

John Jansons, City Manager

Healthy Stores for a Healthy Community



STRENGTHENING THE LEE LAW

IMPROVING PUBLIC HEALTH AND SAFETY IN FARMERSVILLE

OBJECTIVES

- Lee Law history and overview
- Healthy Stores for a Healthy Community
- Farmersville data
- Model ordinance

RODNEY KING RIOTS

- 53 people killed
- 4,000+ injured
- 200 convenience and liquor stores destroyed
- $1 billion in property damage

THE LEE LAW

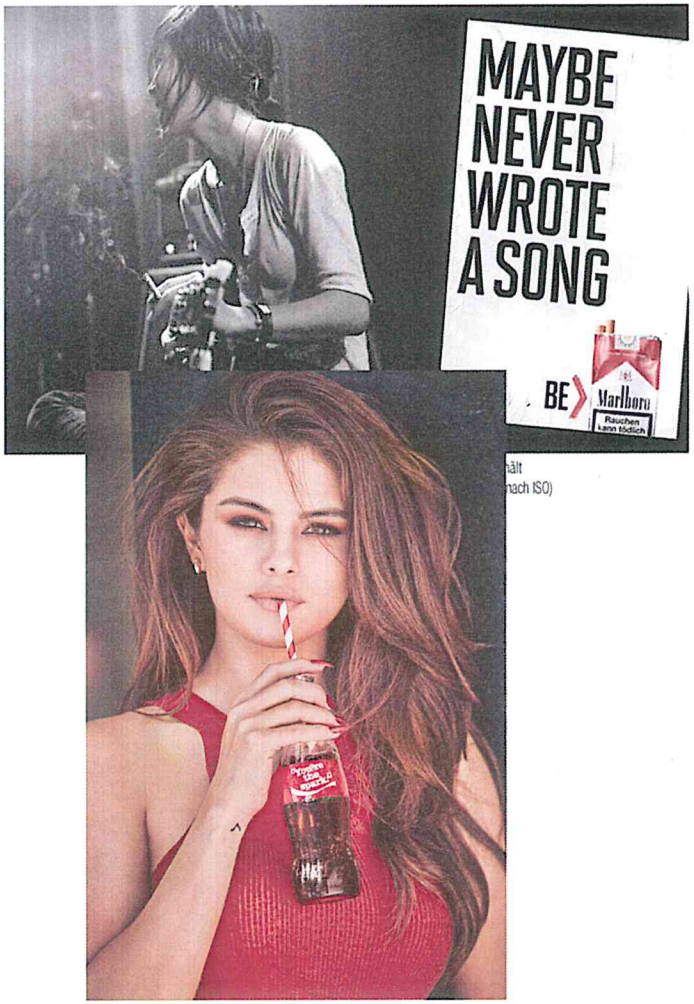
- Bill authored by Assemblywoman Barbara Lee
  - Started through community campaign to prevent crime and violence that was associated with the liquor stores in South Central LA
- Enacted in 1994 as part of California Business and Professions code § 25612.5
  - No more than 33% of window space can be covered with advertisements or signs
  - Window signage must be placed so that law enforcement personnel have a clear and unobstructed view of the inside of the store
- The California Department of Alcoholic Beverage Control (ABC) is the only enforcement authority
- Only applies to stores that sell alcohol

HEALTHY STORES FOR A HEALTHY COMMUNITY

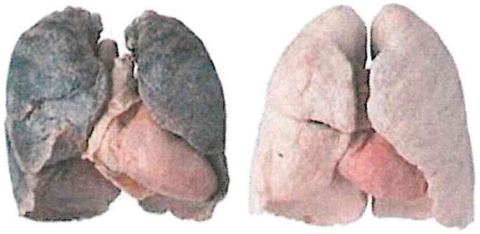
Tulare County Tobacco Awareness & Education Project

MARKETING

- Exposure to marketing impacts health behaviors
  - 9 out of 10 smokers had their first cigarette by age 18[9]
  - One study concluded that for each additional alcohol ad an adolescent saw, they drank 1% more[2]
  - In 2013, US households spent $14.3 billion on sugary drinks
    - Regular soda represented 45% of these sales
- It's estimated that advertisers spend over $12 billion per year to reach youth[5]
  - About $30 million is spent on tobacco advertising in the US each day

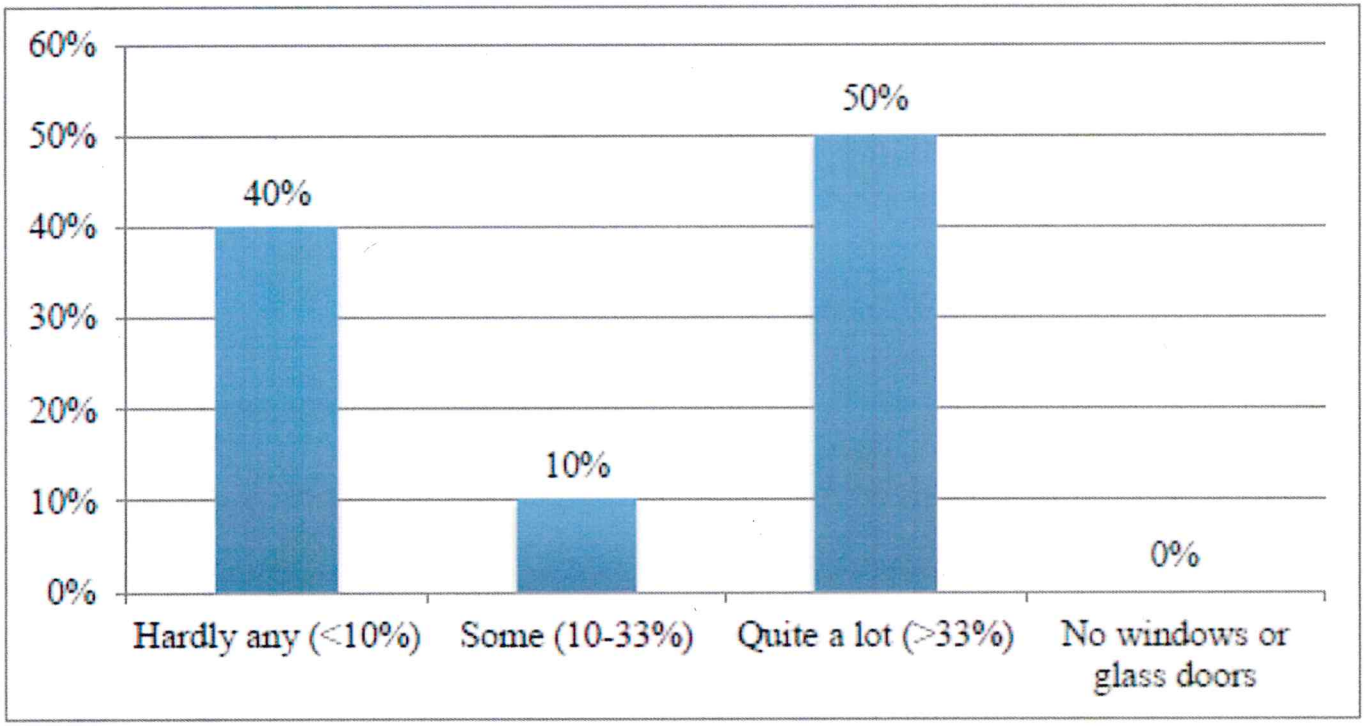


CONSEQUENCES



- Smoking
  - Causes nearly one in five deaths in the US each year[4]
  - More deaths than HIV, illegal drug use, alcohol, motor vehicle injuries, and firearm related incidents COMBINED[4]
  - Medical bills result in a total economic cost of $300 billion and $170 billion in direct medical costs[1]
- Excessive alcohol consumption
  - Responsible for 1 in 10 deaths among adults[2]
  - Economic costs estimated to be $249 billion or $2.05 per drink
- Childhood obesity
  - 17% of children and adolescents in the US are obese[1]
  - 70% of obese children had at least one risk factor for cardiovascular disease[8]

PERCENTAGE OF WINDOWS COVERED BY ADVERTISEMENTS



NO PROP 56
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ADOPTING A MODEL ORDINANCE

- Closes existing loopholes
- Places power back in our community
- Provides a safer environment and increases aesthetic appeal

ORDINANCES IN OTHER COMMUNITIES

CITY OF FRESNO

- Adopted January 2016
- Reduces storefront advertisements to 25%
- Within citywide development code

CITY OF SELMA

- Adopted June 2015
- Reduces storefront advertisement to 15%
- Within the zoning section of the municipal code

THANK YOU!

1. Childhood Obesity Facts. (2015). Retrieved October 19, 2016, from https://www.cdc.gov/obesity/data/childhood.html
2. Effects of Alcohol Advertising Exposure on Drinking Among Youth. (2006). L.B. Snyder, F.F. Milici, M. Slater, H. Sun, and Y. Strizhakova, Archives of Pediatrics and Adolescent Medicine.
3. Fact Sheets - Alcohol Use and Your Health. (2016). Retrieved October 19, 2016, from http://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm
4. Health Effects of Cigarette Smoking. (2015). Retrieved September 21, 2016, from https://www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/effects_cig_smoking/
5. Report of the APA Task Force on Advertising and Children. (n.d.). Retrieved October 19, 2016, from http://www.apa.org/pubs/info/reports/advertising-children.aspx
6. The LA Riots: 24 years later. (2016, April 28). Retrieved September 21, 2016, from http://timelines.latimes.com/los-angeles-riots/
7. Tanski SE, McClure AC, Li Z, et al. Cued Recall of Alcohol Advertising on Television and Underage Drinking Behavior. *JAMA Pediatr.* 2015;169(3):264-271. doi:10.1001/jamapediatrics.2014.3345
8. University, Y. (n.d.). Just give me the FACTS! Retrieved October 19, 2016, from http://sugarydrinkfacts.org/
9. Youth and Tobacco Use. (2016). Retrieved September 21, 2016, from http://www.cdc.gov/tobacco/data_statistics/fact_sheets/youth_data/tobacco_use/

TULARE COUNTY
HEALTH & HUMAN SERVICES AGENCY
Jason T. Britt, M.S. • Director • Department of Public Health

Cheryl L. Duerksen, Ph.D.
Agency Director

September 22, 2016

Dear Community Leader:

Tulare County Tobacco Awareness & Education Project Coalition is committed to helping the community by providing a healthier environment. Our coalition has made significant strides in the past 20 years of tackling tobacco prevention. We have worked diligently to reduce exposure to the effects of secondhand smoke, afforded resources for smoking cessation, provided education about the tobacco industry's marketing tactics, supported smoke-free living, and were instrumental in the adoption of smoke-free policies in multi-unit housing complexes. However, we still have a lot of work ahead of us.

Recent Tulare County data from the Healthy Stores Healthy Community Survey 2012-2013 indicates that 17.8% of Tulare County adults smoke, compared to 13.8 % of adults in California. Similarly, 12% of Tulare County youth smoke, while only 10.5% of youth in California smoke. Also reported in the survey, tobacco related deaths, as well as obesity, diabetes, and cancer account for more than 80% of all chronic disease deaths in California. This data highlights the need for ongoing tobacco awareness efforts.

The Tulare County Tobacco Awareness & Education Project Coalition is tasked with large-scale objectives in the 2014-2017 period. They include: 1) Adopting and implementing a policy that restricts retailer advertising of any sort, including tobacco advertising, to no more than 15% of the square footage of windows and clear doors; 2) Recruiting and engaging ten new and diverse members to the Tobacco Coalition to join in various coalition activities; and 3) Impel ten multi-unit housing complexes to adopt and implement voluntary policies that restrict smoking in 75% or more units.

We have included fact sheets and survey data in this packet for your reference. We also invite you to learn more about our coalition by attending an upcoming meeting scheduled for December 15, 2016. We value your voice and role in the community and hope that you will join us in promoting tobacco awareness to benefit the quality and safety of our neighborhoods and the health of our families and young people.

If you're interested in additional information, brochures, or in joining our coalition, please contact Kate Bourne, Health Education Specialist at (559) 685-2294.

Sincerely,

Kate Bourne

Kate Bourne, MPH
Health Education Specialist
Tulare County Tobacco Awareness & Education Project

Tulare County Tobacco Awareness & Education Project

Healthy Stores for a Healthy Community

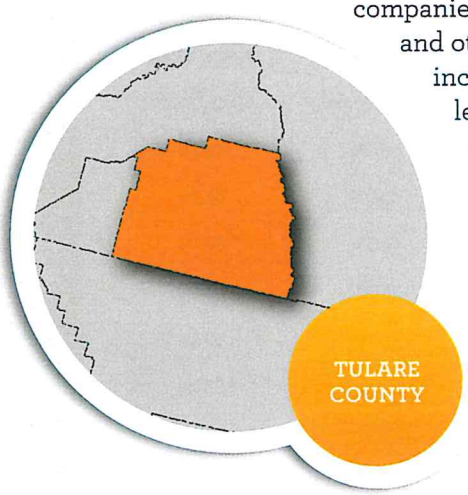
TULARE COUNTY

The Situation

Stores in our communities play a critical role in our health. They not only impact the economic well-being of neighborhoods, but also the physical health of the people who visit them. The types of products available, many of which contribute to chronic health issues, and how they're promoted influence us all, but especially our kids.

In 2011, the tobacco industry spent $605 million[1] advertising and promoting tobacco products in California and our kids are paying the price. Exposure to tobacco marketing in stores increases tobacco experimentation and use by youth[2] and is more powerful than peer pressure.[3]

Marketing of unhealthy foods also has a great impact, particularly on kids. They consume more of it, more often because it's promoted heavily to them – $1 million an hour is spent by companies selling soda, candy, chips and other unhealthy foods.[4] Low-income communities also have less access to fresh, affordable and nutritious food furthering the problem.[5] Underage drinking also increases when youth are exposed to alcohol ads.[6] In fact, 1 in 5 California high school students drink 5 or more alcoholic drinks in a row per month.[7]



The Campaign

The **Healthy Stores for a Healthy Community** campaign is a statewide collaboration between tobacco use prevention, nutrition and alcohol prevention partners. The goal is to improve the health of Californians through changes in community stores and to educate people how in-store product marketing influences consumption of unhealthy products. Working together, we can make our community a healthier place and maintain a vibrant business community.

The Survey

Scientific surveys were recently conducted throughout California to assess product marketing and the availability of healthy and unhealthy options offered in stores that sell tobacco – **the first time** in California that tobacco, alcohol and food were analyzed together in stores. This is valuable information to help make the places we shop healthier.

More than 7,000 stores were surveyed in all 58 counties, which included convenience, supermarket, liquor, tobacco, small market, discount, drug and big-box stores. Approximately 700 individuals participated in gathering information statewide, including representatives from public health, community volunteers and youth.

WHAT WE KNOW...	TULARE	CA
% of adults who smoke (2011-12)	17.8%	13.8%
% of youth who smoke (2012, grades 9-12)	12%	10.5%
Cost of smoking (2012)	$78,348,232	$6.5B
% of adults who are overweight or obese (2011-12)	72.5%	59.8%
% of adults who ate 3+ fruits and vegetables yesterday (2011-12)	22.5%	27.2%
% of youth who used alcohol in the past 30 days (2009-11, 11th grade)	41%	35%
% of youth who binge drink (2009-11, 11th grade)	25%	22%

For sources, please see website

FACT: CHRONIC DISEASES

Obesity, diabetes, heart disease, cancer and tobacco-related diseases account for more than **80% of all deaths** in California. These deaths could be prevented by eliminating tobacco use, limiting alcohol intake, eating healthy and being physically active.

www.HealthyStoresHealthyCommunity.com

Lee Law

California Business and Professions Code § 25612.5, also known as the Lee Law, requires alcohol retailers (such as grocery and liquor stores) to follow public health and safety standards. The Lee Law was enacted as a way to protect communities from problems associated with alcohol sales. A number of provisions in the law exist, which include:

- No more than 33% of window space can be covered with advertising or signs of any kind.
- Window signage must be placed so that law enforcement personnel have a clear view of the interior of the store, including the cash registers.

However, these requirements are largely disregarded.[1]

Marketing

Even with the Lee Law, storefront advertising continues to be a problem as the tobacco, alcohol, and food industries spend billions of dollars each year on marketing.[2]

- In CA, tobacco has increased spending on store marketing by 30% in the last decade.[3.]
- Tobacco companies use promotional offers to target groups that are more sensitive to higher prices, including youth and potential quitters.[4]
- $1 million an hour is spent by companies selling soda, candy, chips and other unhealthy foods.[5]

Q&A Reducing Storefront Signage

changelabsolutions.org

Q: Can communities legally limit the amount of storefront signage?

A: Yes, as long as the law (1) does not impose restrictions based on the content of the signs and (2) furthers an important government interest, such as improving the safety and aesthetics of a community.

The First Amendment to the U.S. Constitution protects most forms of speech, including commercial speech or advertising. A law imposing limits on signage that refers to its content or message is more likely to be challenged on First Amendment grounds than a policy that regulates the quantity of signs, the placement of signs, their dimensions, or their construction. Therefore, window signage restrictions should not address or attempt to limit specific types of speech, such as tobacco or alcohol advertisements. Even though such restrictions could inevitably decrease the prevalence of tobacco, alcohol, and other "unhealthy" signage on storefront windows,[1] communities should avoid public health rationales.

When justifying window signage restrictions, communities should instead focus on traditional police power rationales such as improving public safety and preserving neighborhood aesthetics. Partnerships with local planning departments, neighborhood watch groups, environmental organizations, and community preservation coalitions are instrumental in achieving these objectives.

For more information, see ChangeLab Solutions' *Model Storefront Signage Ordinance*, which provides model policy language, and contains introductory materials that further discuss these important legal issues.

Q: What is California's Lee Law and how does it affect signage?

A: The Lee Law (California Business and Professions Code section 25612.5(c)(7)) establishes public health and safety standards for all alcohol retail stores in California. The law requires alcohol retailers to remove any litter or graffiti on the premises, adequately illuminate the exterior, and display No Loitering and No Open Alcoholic Beverages signs.

Additionally, the Lee Law contains a window signage provision that prohibits alcohol retail stores from covering more than one-third (33 percent) of the square footage of windows and clear doors with signs of any sort.[2] The placement of signs and advertisements must also allow law enforcement a clear and unobstructed view of the interior of the premises.

Notably, the Lee Law expressly allows communities to adopt more stringent window signage restrictions.[3] Many local jurisdictions, including Los Angeles, Santa Barbara, San Jose, and Santa Clara County, have adopted signage laws that expand the restriction to all retailers and reduce the allowable square footage to 10-25 percent of window space.

To learn more, visit: www.changelabsolutions.org/tobacco-control.

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This material was made possible by funds received from Grant #14-10214, California Department of Public Health, California Tobacco Control Program.

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1. A recent study found that tobacco advertising is widespread at retail outlets particularly those in low-income and racial/ethnic minority neighborhoods. *See* Hillier A, et al. "Concentration of Tobacco Advertisements at SNAP and WIC Stores, Philadelphia, Pennsylvania, 2012." *Preventing Chronic Disease*, 12(15): 2015. Available at: *www.cdc.gov/pcd/issues/2015/14_0133.htm.*

2. Cal. Bus. & Prof. Code § 25612.5(c)(7).

3. Cal. Bus. & Profs. Code § 25612.5(b).

May 2015

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Law & policy innovation for the common good.

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Model California Ordinance for Reducing Storefront Window Signage

(with Annotations)

Updated March 2016
(Originally published May 2015)

Developed by ChangeLab Solutions

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Introduction

This Model Ordinance offers a policy intervention to reduce excessive storefront window signage. Communities may want to reduce storefront signage for a number of reasons, including to improve public safety, decrease visual clutter, and preserve the aesthetic character of communities. California Business and Professions Code section 25612.5(c)(7) (California's Lee Law or the Lee Law) currently limits the amount of advertising and other signs alcohol retailers may have on their storefront windows. This Model aims to strengthen the Lee Law's signage provision by reducing the amount of allowable window signage, expanding the restriction to *all* retailers, and providing local authorities greater power to enforce such restrictions.

The current version of this Model Ordinance (revised in March 2016) acknowledges the Supreme Court case, *Reed v. Town of Gilbert*, which was decided after the original Model Ordinance was published. As explained in the footnote on page 4, however, *Reed* does not change any of the Model Ordinance's provisions, which are already content neutral.

This Model Ordinance has wide-ranging community benefits that will appeal to many different stakeholders. Neighborhood watch groups, environmental organizations, and community preservation coalitions may be interested in the potential to improve public safety, preserve the aesthetic character of a community, and promote a community's long-term economic viability by reducing visual clutter. Public health advocates may also support limitations on signage because such restrictions could affect the amount of tobacco, alcohol, and other signage on storefront windows. Under the First Amendment, however, the Model Ordinance cannot seek to reduce specific types of signage based on its content. As will be discussed in greater detail below, the ordinance should instead focus on traditional police power rationales, such as improving the safety and aesthetics of a community.

Background: Storefront Advertising Restrictions

California's Lee Law

Named after Barbara Lee—the then-State Assemblywoman who sponsored the legislation[1]—the Lee Law was enacted following the 1992 Los Angeles riots. In response to the destruction of nearly 200 liquor stores, the Lee Law established comprehensive public health and safety standards for all alcohol retail stores in California.[2] Among other provisions, it requires the removal of litter and graffiti on the premises, that the exterior be adequately illuminated, and that No Loitering and No Open Alcoholic Beverages signs be posted.

The Lee Law also contains a window signage provision that prohibits alcohol retail stores from covering more than one-third (33 percent) of the square footage of windows and clear

doors with signs of any sort.[3] The placement of signs and advertisements must allow law enforcement personnel a clear and unobstructed view of the interior of the premises.

California's Alcoholic Beverage Control Department (ABC) is the primary agency that can impose fines or suspensions for Lee Law violations. The only instance in which local law enforcement agencies may enforce the Lee Law is for criminal offenses. For practical reasons, however, this rarely happens.[4] Accordingly, the most effective way to ensure compliance is through civil sanctions (e.g., fines), which local governments may impose only if they enact their own signage ordinance. Recognizing both the importance of storefront signage regulations and local governments' unique capacity to address community needs, communities are considering adopting their own window signage provisions that go further than the Lee Law.

Local Signage Laws

Since the Lee Law's enactment, a number of cities and counties have adopted window signage provisions. Many have reduced the Lee Law's 33 percent limit by restricting the allowable space for signage to 25 percent,[5] 15 percent,[6] or even 10 percent[7] of each window's square footage. The laws also vary in their applicability: some apply to all commercial establishments in the community, while others apply only in certain districts or to specific types of stores, such as tobacco retailers.[8] As will be discussed in greater detail below, communities that limit these restrictions to specific types of stores or special districts should consult their local government attorney and/or ChangeLab Solutions to ensure their requirements do not impermissibly discriminate against certain types of messages.

As noted above, local storefront signage laws are particularly important because they allow local jurisdictions to respond to their community's concerns and needs, tailor signage restrictions accordingly, and directly enforce such provisions.

Legal Issues

Two potential legal issues may arise with respect to this Model Ordinance.

Preemption

Some local jurisdictions may be worried that federal or state law prohibits (or preempts) their ability to enact a window signage restriction. California cities and counties, however, are not preempted from enacting their own signage provisions.

Under their traditional police powers, local governments have the authority to regulate signage, provided that the state has not preempted them. The Lee Law expressly allows "the adoption and implementation of more stringent local regulations that are otherwise

authorized by law."[9] Accordingly, cities or counties may implement more stringent signage restrictions than those set out by the Lee Law.

First Amendment

Communities may also be concerned that a signage restriction could violate the First Amendment. The First Amendment to the U.S. Constitution prohibits the government from enacting laws that abridge the freedom of speech, including commercial speech or advertising. To avoid challenges on First Amendment grounds, communities should ensure their regulation does not restrict the content or message of the signs subject to regulation.* Generally, local jurisdictions have greater power to impose limitations on signage when they do so in a content-neutral manner—that is, when the limitations apply regardless of the sign's message. A regulation imposing limits on signage that refers to specific content or messages (e.g., by singling out tobacco advertisements) has a much greater likelihood of being challenged on First Amendment grounds.[10]

Communities should therefore adopt regulations, such as this Model Ordinance, that govern elements like the placement of signs, their dimensions, or their construction, and not the *content* of the advertising. Although such regulations may disproportionately affect certain types of signage (i.e., the types of advertisements that tend to appear in store windows) more than others, they should withstand constitutional scrutiny as long as they advance an important government interest (e.g., public safety or aesthetics) and are not overly restrictive (e.g., do not ban *all* storefront signage).[11]

Adopting the Model Ordinance

This Model Ordinance prohibits retail stores from covering more than 15 percent of the square footage of their storefront windows and transparent doors with signage of any sort.[12] The exact percentage, as well as the rest of the model language, may be tailored to fit the specific needs of a community. The comments provide additional information and explanation. In some instances, blanks have been left (e.g., [____]) for the language to be customized accordingly. In other cases, the Model Ordinance offers options (e.g., [option one / option two]). When considering these options, the local jurisdiction should balance the community benefits against practical and political considerations.

A community can implement a window signage restriction in numerous ways. Many local

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* In *Reed v. Town of Gilbert*, the Supreme Court struck down a town's signage regulations because they treated signs differently based on their content. The regulations imposed more stringent restrictions on signs that directed the public to a non-profit group meeting than on signs conveying other messages. 576 US __ (2015). Though this model ordinance primarily applies to advertising, which governments can traditionally regulate more freely than noncommercial speech, cities should still ensure that any signage restrictions remain content neutral.

jurisdictions already have signage provisions—typically in their zoning or municipal code—that impose certain restrictions on window signage. Accordingly, a local jurisdiction should first determine whether a local signage regulation is already in place. If one exists, the jurisdiction should ensure the Model Ordinance language is incorporated into and consistent with its established regulations.

Communities that require tobacco retail licensing (TRL) may instead elect to include the requirements set forth in this Model Ordinance as plug-in policy options to their TRL law.[13] As long as the tobacco retailers in the jurisdiction sell nontobacco products in addition to tobacco, and as long as the restriction applies to all signage (i.e., not just tobacco-related messages), the restriction should satisfy the First Amendment. The community should also demonstrate why such a restriction is necessary only for tobacco retailers (e.g., if tobacco retail outlets in the community have higher rates of robbery or increased incidences of public nuisance). For example, California Senate Committee hearings regarding the Lee Law legislation cited intensified "residential neighborhood nuisance problems associated with so-called 'problem' liquor stores" as a reason for regulating alcohol retailers.[14]

If a community's sole rationale for signage restrictions is to preserve aesthetics and reduce visual clutter (as opposed to increasing visibility into and out of the store and protecting public safety), it could expand the restriction to all signs visible from the store's exterior, including those attached to the building's front façade. For example, in its signage ordinance, Carmel-by-the Sea does not differentiate between the various types of business signs, and limits the number of exterior business signs to one, regardless of whether it is a window sign, exterior hanging sign, or a wall sign attached to the outside of the building.[15] This Model Ordinance limits only window signage, since it relies on a public safety rationale in addition to an aesthetic rationale; however, communities should tailor the provisions to best address their particular needs.

Finally, public health advocates should partner with other community-based organizations and local planning departments concerned about public safety and neighborhood aesthetics. As discussed above, most signage laws are based on the desire to encourage attractive signage, reduce visual clutter, and protect public safety by ensuring visibility into retail stores. Such partnerships are therefore critical to achieving these objectives.

Conclusion

Reducing storefront window signage and requiring an unobstructed view into stores would help address local concerns related to protecting public safety and preserving community aesthetics. This Model Ordinance is intended to equip local governments with the tools necessary to enact a storefront signage restriction that effectively serves these important local interests.

AN ORDINANCE OF THE [CITY / COUNTY] OF [____] REDUCING STOREFRONT WINDOW SIGNAGE AND AMENDING THE [____] MUNICIPAL CODE

The [City Council of the City / Board of Supervisors of the County] of [____] does ordain as follows:

COMMENT: This is introductory boilerplate language that should be adapted to the conventional form used in the jurisdiction.

SECTION I. FINDINGS. The [City Council of the City / Board of Supervisors of the County] of [____] hereby finds and declares as follows:

WHEREAS, ensuring that windows in retail stores are not blocked by signage assists law enforcement personnel in their crime-prevention efforts;[16] and

WHEREAS, to prevent workplace violence, the U.S. Occupational Safety and Health Administration recommends that stores limit window signs so workers can see incoming customers and police have visibility from outside the establishment;[17] and

WHEREAS, the location, number, and size of storefront signs within the [City / County] of [____] influence the [City's / County's] visual environment, appeal, and character; and

WHEREAS, the appearance of the community is essential to the [City / County] of [____]'s long-term economic viability, aesthetic culture, and quality of life for its citizens; and

WHEREAS, excessive signage may create an overall image of blight and contribute to a reduction in property values and business in the surrounding areas.

COMMENT: The findings contain factual information supporting the need for the law. The findings section is part of the ordinance and legislative record, but it usually does not become part of the law. The list included serves as an example; however, a community could provide additional findings of fact that support the purposes of the legislation (e.g., crime rates related to excessive signage in the community). It is important to note that these findings should be content neutral—that is, they should not refer to the content or message of the signs.

SECTION II. [Article / Section] of the [____] Municipal Code is hereby amended to read as follows:

Sec. [____(*1)]. PURPOSE.
The purpose of this [article / chapter] is to protect the health, safety, and welfare of the citizens of [City / County] of [____] by assisting law enforcement's efforts to prevent crime and apprehend criminals, reducing neighborhood blight, and increasing economic vitality through improved aesthetic appeal.

Sec. [____(*2)]. DEFINITIONS.
The following words and phrases, whenever used in this [article / chapter], shall have the meanings defined in this section unless the context clearly requires otherwise:

> **COMMENT:** The definitions provided in this Model are intended to be suggestions. If applicable, communities should use the definitions set forth in their own planning code or conform these definitions to existing ones.

(a) "Clear" means transparent.

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

(c) "Retail Store" means any business that offers to sell or exchange, for any form of consideration, products to a consumer.

> **COMMENT:** This Model Ordinance applies to all retail stores in a community. A number of existing regulations apply only to certain types of stores. For instance, California's Lee Law applies only to off-premises alcohol outlets. As previously mentioned, Senate Committee hearings on Lee Law legislation pointed to increased neighborhood nuisance problems (including drug trafficking, public drinking, loitering, and public urination) specifically related to liquor stores. If a community wishes to adopt a similar restriction that applies only to certain types of retailers, it should have empirical evidence related to an important government interest to support that limited application.
>
> **What is an "important government interest"?** Courts have generally recognized public safety, the reduction of visual clutter or neighborhood blight, and the preservation of property values or aesthetics as valid justifications for local signage regulations.[18]

(d) "Signs" and "Signage" mean any words, lettering, figures, numerals, or images, which advertise, promote, or convey information about any business, product, activity, or interest.

(e) "Window" means any opening in the wall of a building that is fitted with glass or other transparent material.

Sec. [____(*3)]. EXTERIOR SIGNAGE RESTRICTIONS.

(a) No more than 15 percent of the square footage of each Window and Clear door that is visible to the public from a public thoroughfare, sidewalk, or parking lot of any Retail Store shall bear Signs.

> **COMMENT:** When determining what constitutes a reasonable and allowable restriction on window signage, a community must ensure that a retailer's ability to communicate will not be unduly restricted. The lower the percentage of allowable signage space, the greater the likelihood that the law will be considered overly restrictive, and overturned as a result. For example, it would be difficult for a local government to ban *all* signage. On the other hand, too great a percentage of allowable signage space defeats the law's purpose.
>
> California's Lee Law limits window signage to 33 percent of the total square footage of windows. As discussed above, many other jurisdictions have adopted stricter window signage restrictions, ranging from 10 to 25 percent. The appropriate percentage for each community will vary; jurisdictions should tailor the restriction to address their needs.
>
> Notably, the percentage applies *per* window (as opposed to the total square footage of all windows). A regulation that applies the percentage to each window prevents retailers from concentrating a much higher percentage of signage on its storefront windows than on windows that are not easily visible to the public (e.g., windows facing alleyways or on a top floor of a building).

> **COMMENT:** Communities that wish to base their ordinance purely on aesthetics may consider expanding the restriction to include all signs attached to the exterior of the building, and would need to tailor the language and provisions in this chapter accordingly.

(b) The area covered by a Sign is calculated using the perimeter of the Sign and includes any Clear areas or spaces within the sign, such as the Clear area within a neon Sign. For irregularly shaped Signs, the area is that of the smallest rectangle that wholly contains the Sign.

(c) For purposes of this section, Signs that are not physically attached to the Windows or Clear doors but that are visible from the exterior of the building in the same manner as if they were physically attached to the Windows or Clear doors shall constitute a Sign subject to subsection (a).

(d) [<u>All Signs shall be placed and maintained in a manner that ensures that law</u>

enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area where the cash registers are maintained, from the exterior public sidewalks, parking lots, or entrance to the premises.]

COMMENT: This optional provision would apply only if the community adopting a signage restriction is using a public safety rationale.

Sec. [____(*4)]. IMPLEMENTATION AND ENFORCEMENT.

(a) The [department / official] shall implement, administer, and enforce this [article / chapter]. The [department / official] is hereby authorized to issue all rules and regulations consistent with this [article / chapter] and shall have all necessary powers to carry out the purpose of this [article / chapter]. The [department / official] shall have all necessary powers to enforce this [article / chapter].

(b) In addition to any peace officer, the following classes of employees are authorized to issue citations for violation of this chapter: [list classes of employees].

COMMENT: The subsections below are designed to offer a variety of enforcement options to the drafter and the enforcing agency. Drafters may choose to include some or all of these options. Once the ordinance is enacted, the enforcing agency will have discretion to choose which enforcement tools to use. As a practical matter, these enforcement options would not be applied simultaneously, although multiple remedies might be used against a particularly egregious violator over time.

In addition to, or in lieu of, the enforcement options discussed below, communities should use enforcement provisions within the municipal or county code to address violations of a storefront signage ordinance.

Sec. [____(*5)]. CIVIL ENFORCEMENT BY INJUNCTIVE RELIEF.
The [City Attorney / County Counsel] is hereby authorized to bring an action for injunctive relief to enjoin a violation of this [article / chapter].

Sec. [____(*6)]. CIVIL ENFORCEMENT BY CIVIL PENALTIES.

(a) Any Person who violates this [article / chapter] may be liable for a civil penalty, not to exceed $[1,000] per violation for each day such violation is committed or permitted to continue.

COMMENT: This provision provides civil fines for violating the ordinance. It requires that the city or county file a traditional civil suit. The fine amounts can be adjusted, but cannot exceed $1,000 per violation under Government Code section 36901.

(b) The [City Attorney / County Counsel] may bring a civil action to recover civil penalties for the violations of this [article / chapter].

(c) The [City Attorney / County Counsel] may seek recovery of the attorney's fees and costs incurred in bringing a civil action pursuant to this section.

Sec. [____(*7)]. ADMINISTRATIVE ENFORCEMENT AND PENALTIES.

(a) Any Person who violates any of the provisions of this [article / chapter] shall be subject to an administrative penalty not to exceed $[_____] per day for each violation. Administrative penalties authorized by this section shall be assessed, enforced, and collected in accordance with section [_____] of the [____] Municipal Code.

(b) Where an officer or employee designated in this [article / chapter] determines that there has been a violation of any of the provisions of this section, the officer or employee may issue an administrative citation to the Person and/or entity responsible for the violation. For purposes of this section, the owner of the Retail Store is the Person responsible if an employee or agent of the Retail Store commits the violation.

COMMENT: Many jurisdictions already have an administrative citation provision in their municipal code. If this is the case, a jurisdiction can tailor this section to conform to the existing provisions. If none exists, the jurisdiction should extend subsection (b) to include additional language outlining the citation requirements:

"The citation shall inform the Person responsible of the date, time, place and nature of the violation and the amount of the proposed penalty, and shall state that the penalty is due and payable to the [treasurer] within [____] business days from the date of the notice, if not contested within the time period specified. The citation shall also state that the Person responsible has the right, pursuant to section [____] to request administrative review of the citing officer or employee's determination as to the violation and assessment of penalties, and shall set forth the procedure for requesting administrative review."

Sec. [____(*8)]. CRIMINAL ENFORCEMENT.

Any Person who violates this [article / chapter] is guilty of a misdemeanor, punishable by a fine of not more than $[_____] or by imprisonment in the [city / county] jail for a period of not more than [_____], or by both such fines or imprisonment.

COMMENT: As previously mentioned, criminal enforcement is impractical and highly unlikely to be used. A community may instead wish to make the criminal sanction an infraction instead of a misdemeanor. It can do so by substituting the following provision for the language above: "Any Person who violates this [article / chapter] is guilty of an infraction, punishable by a fine of not more than $[_____]."

Sec. [____(*9)]. SEVERABILITY.

If any section, sentence, clause, phrase, or portion of this [article / chapter] is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining sections, sentences, clauses, phrases, or portions of this [article / chapter] shall not be affected.

COMMENT: This is standard language. Often this boilerplate text is found at the end of an ordinance, but its location is irrelevant.

SECTION III. This act shall take effect and be in force from and after [date].

COMMENT: A community should provide Retail Stores ample time for implementation and compliance with the requirements set forth in this Model Ordinance. It would be unreasonable to require Retail Stores to comply immediately with the removal of excessive signage, particularly if the restriction is to serve aesthetic purposes (as opposed to more pertinent safety-related interests).

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[1] Barbara Lee is now a U.S. Representative for California's 13th congressional district.

[2] This includes grocery stores, liquor stores, and any other store that is licensed to sell alcohol for consumption away from the premises, but not restaurants or bars. Cal. Bus. & Prof. Code § 25612.5(a) (West, Westlaw through Ch. 2 of 2015 Reg. Sess.).

[3] Cal. Bus. & Prof. Code § 25612.5(c)(7) (West, Westlaw through Ch. 2 of 2015 Reg. Sess.).

[4] Specifically, the standard of proof is too high and violations of the Lee Law are not a criminal priority for district attorneys.

[5] San Jose, Cal., Mun. Code § 23.02.1060 (2015); Santa Barbara, Cal., Mun. Code § 22.70.030(D) (2011).

[6] Santa Clara, Cal., Ordinance Code § A18-369 (2014).

[7] Los Angeles, Cal., Mun. Code § 4.4.14 (2014).

[8] For example, Santa Clara County has an ordinance that limits storefront advertising on tobacco retailers' windows to 15 percent of the square footage. Santa Clara, Cal., Ordinance Code § A18-369 (2014).

[9] Cal. Bus. & Prof. Code § 25612.5(b) (West, Westlaw through Ch. 2 of 2015 Reg. Sess.).

[10] *Lorillard v. Reilly*, 533 U.S. 525 (2001).

[11] *See, e.g.*, *Ward v. Rock Against Racism*, 491 U.S. 781 (1989).

[12] As previously noted, cities and counties in California have adopted storefront signage restrictions that range from 10 percent, to 15 percent, to 25 percent of the window's square footage. This Model uses the median of this range—15 percent—as the suggested allowable limit on signage.

[13] ChangeLab Solutions has a model Plug-in for how this can be incorporated into a community's TRL: *Model California Ordinance Requiring a Tobacco Retailer License: "Plug-in" Policy Options*, 2014. *www.changelabsolutions.org/publications/model-TRL-Ordinance*.

[14] *Staff Analysis of Assembly Bill No. 2742 (Lee)*, Senate Committee on Governmental Organization, 1993-1994 Leg. Reg. Sess. (Ca. 1994).

[15] Carmel-by-the-Sea, Cal., Mun. Code § 17.40 (2014).

[16] One of the elements of the Crime Prevention Through Environmental Design (CPTED) model—which aims to reduce the risk for robbery by modifying the business environment—is natural surveillance and the ability to clearly see into and outside of a business. Jeffrey CR. *Crime Prevention Through Environmental Design*. Beverly Hills: Sage Publications, 1971.

[17] Occupational Safety and Health Administration. *Recommendations for Workplace Violence Prevention in Programs in Late-Night Retail Establishments*. 2009, p. 9. *www.osha.gov/Publications/osha3153.pdf.*

[18] *Metromedia Inc. v. City of San Diego*, 453 U.S. 490 (1981).

ORDINANCE NO. 2015 –5

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA LIMITING STOREFRONT, WINDOW AND OUTDOOR SIGNAGE FOR RETAIL ESTABLISHMENTS IN THE CITY OF SELMA, ADDING SECTION 6-4 TO CHAPTER 28 OF TITLE XI OF THE SELMA MUNICIPAL CODE

WHEREAS, ensuring that windows in retail stores are not blocked by signage assists law enforcement personnel in their crime-prevention efforts; and

WHEREAS, to prevent workplace violence, the U.S. Occupational Safety and Health Administration recommends that stores limit window signs so workers can see incoming customers and police have visibility from outside the establishment; and

WHEREAS, the location, number, and size of storefront signs within the City of Selma influence the City's visual environment, appeal, and character; and

WHEREAS, the appearance of the community is essential to the City of Selma's long-term economic viability, aesthetic culture, and quality of life for its citizens; and

WHEREAS, excessive signage may create an overall image of blight and contribute to a reduction in property values and business in the surrounding areas.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELMA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1, Chapter 28 of Title XI, entitled Sign Regulations is hereby amended to add a Section 6-4 to read as follows:

11-28-6-4 Limitations on Retail Storefront Signage:

(A) Purpose. The purpose of this Section is to protect the health, safety, and welfare of the citizens of City of Selma by assisting law enforcement's efforts to prevent crime and apprehend criminals, reducing neighborhood blight, and increasing economic vitality through improved aesthetic appeal.

(B) Definitions. The following words and phrases, whenever used in this Section, shall have the meanings defined in this subdivision unless the context clearly requires otherwise:

(1) "Clear" means transparent.

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

(3) "Retail Store" means any business that sells or offers to sell or exchange, for any form of consideration, products to a consumer.

(4) "Signs" and "Signage" mean any words, lettering, figures, numerals, or images, which advertise, promote, or convey information about any business, product, activity, or interest.

(5) "Window" means any opening in the wall of a building that is fitted with glass or other transparent material.

(C) Exterior Signage Restrictions.

(1) No more than fifteen (15)percent of the square footage of each Window and Clear door that is visible to the public from a public thoroughfare, sidewalk, or parking lot of any Retail Store shall bear Signs.

(2) The area covered by a Sign is calculated using the perimeter of the Sign and includes any Clear areas or spaces within the sign, such as the Clear area within a neon Sign. For irregularly shaped Signs, the area is that of the smallest rectangle that wholly contains the Sign.

(3) For purposes of this section, Signs that are not physically attached to the Windows or Clear doors but that are visible from the exterior of the building in the same manner as if they were physically attached to the Windows or Clear doors shall constitute a Sign subject to subparagraph 1 of this subdivision (C).

(4) All Signs shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area where the cash registers are maintained, from the exterior public sidewalks, parking lots, or entrance to the premises. No sign shall be placed on or visible through the bottom one-third of any window.

(D) Enforcement/Penalty.

(1) Violations of this Chapter are hereby declared to be a public nuisance.

(2) In addition to any other remedy available at law, any person who violates any provision of this Chapter is subject to administrative, criminal, civil, or other penalties pursuant to Chapter 4 of Title 1 of the Selma Municipal Code."

(E) Controlling Effect. The provisions of this Section apply to any Retail Store notwithstanding the provisions of any other section of this Code including but not limited to Section 6.2 of Chapter 28 of this Title (11-28-6-2) and limit the area of walls or Windows or Clear doors that may be covered by any sign placed on any retail store or establishment.

SECTION 2: Severability: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to by invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases have been declared invalid or unconstitutional.

SECTION 3: California Environmental Quality Act: The City Council having considered the Staff Report and all public comments, has determined that this Ordinance is not a project under the California Environmental Quality Act because the Ordinance has no potential for resulting in a physical change in the environment. Since the Ordinance is not a project, no environmental documentation is required.

SECTION 4: Effective Date and Posting of Ordinance: This Ordinance shall take effect and be in force thirty (30) days from and after the date of final passage. The City Clerk of the City of Selma shall cause this Ordinance to be published at least once within fifteen (15) days after its passage in The Selma Enterprise with the names of those City Council Members voting for or against the Ordinance.

* * * * * * * * *

I, Reyna Rivera, City Clerk of the City of Selma, do hereby certify that the foregoing Ordinance was introduced at the June 15, 2015, regular City Council meeting and duly adopted at a regular meeting of the City of Selma on the 6th day of July, 2015 by the following vote, to wit:

AYES:	5	COUNCIL MEMBERS:	Rodriguez, Derr, Montijo, Avalos, Robertson
NOES:	0	COUNCIL MEMBERS:	None
ABSTAIN:	0	COUNCIL MEMBERS:	None
ABSENT:	0	COUNCIL MEMBERS:	None

/s/ Scott Robertson

Scott Robertson, Mayor of the City of Selma

ATTEST:

/s/ Reyna Rivera

Reyna Rivera
City Clerk of the City of Selma

APPROVED AS TO FORM:

/s/ Neal E. Costanzo

Neal E. Costanzo, Selma City Attorney

b. No monument sign is permitted within 660 feet of the nearest edge of any travel lane of Freeway 41 or any future freeway which may be opened to public travel, if any said sign is visible from any part of such travel lane.

5. ***Height Limit.*** Eight feet .

6. ***Lighting.*** Lighting systems shall not exceed 100 foot Lamberts (FT-L) when adjacent to streets which have an average light intensity of less than 2.0 horizontal foot candles. When adjacent to streets with a greater average light intensity, systems shall not exceed 500 FT-L.

D. **Projecting Signs.** Signs under canopies or covers in conjunction with pedestrian walkways, or signs projecting from buildings are allowed, subject to the following additional standards:

1. ***Maximum Number.*** One per building or tenant space.

2. ***Maximum Sign Area Per Sign.***

a. *Projecting Signs.* 12 square feet.

b. *Under Canopy or Awning Signs.* Eight square feet.

3. ***Height Limit.*** 12 feet.

4. ***Minimum Sign Clearance.*** Eight feet.

5. ***Projection Allowed.*** A projecting sign cannot extend more than four feet from the building to which it is attached and shall be designed and located so as to cause no harm to street trees.

6. ***Illumination.*** No internal illumination is permitted.

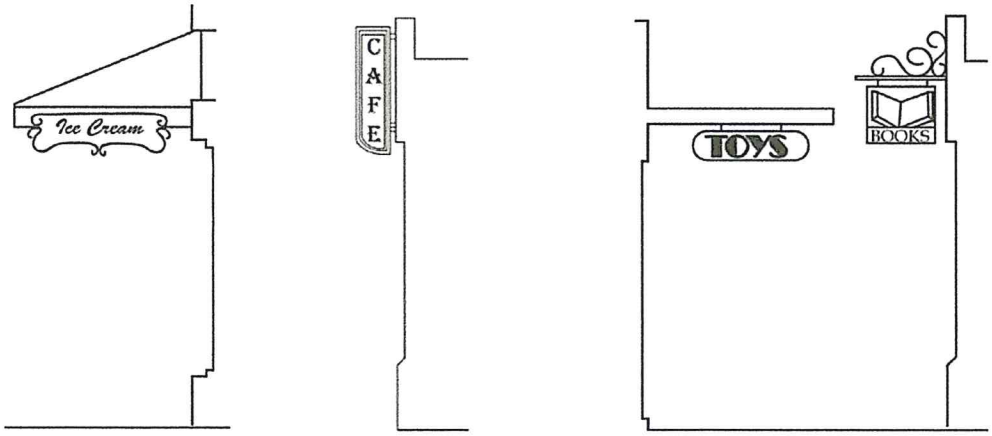

FIGURE 15-2610-D: PROJECTING SIGNS

E. **Wall Signs.** Wall signs are subject to the following standards:

1. ***Maximum Number.*** One per building frontage or tenant space plus one building identification sign per building frontage located on the uppermost story of a building with four or more stories.

2. ***Maximum Sign Area Per Sign.*** Five percent of the wall area or 100 square feet, whichever is less.

3. ***Height Limit.***

   a. *Buildings Which Include Residential Uses:* 20 feet or the height of the wall of the building to which the sign is attached, whichever is lower. Building identification signs located on the uppermost story of a building shall be no higher than the wall of the building to which the sign is attached.

   b. *Buildings Which Do Not Include Residential Uses:* The height of the wall of the building to which the sign is attached

4. ***Projection Allowed.*** Wall signs shall not extend more than 12 inches beyond the face of the wall to which they are attached.

5. ***Placement.*** No wall sign may cover, wholly or partially, any wall opening. Wall signs shall not occupy more than 80% of any architectural element that they occupy (frieze, pilaster, etc.).

6. ***Orientation.*** Unless a different orientation is specifically authorized, each wall-mounted sign shall be placed flat against the wall of the building.

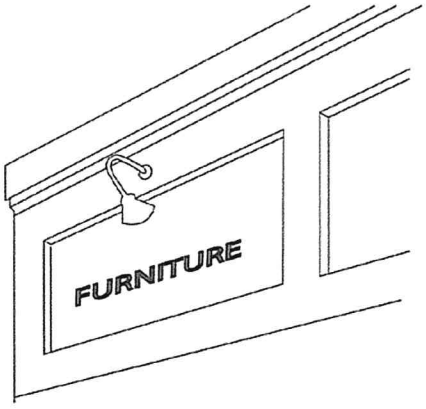

FIGURE 15-2610-E: WALL SIGN

F. **Window Signs.** Window signs are subject to the following standards:

1. ***Maximum Number.*** One per window.

2. ***Location.*** Ground floor window area.

3. ***Window Transparency.*** A minimum 75 percent of the window shall be transparent and free of signage features. Signage inside the building is not allowed within three feet of the window.

G. **Roof Signs.** Roof signs are subject to the following standards:

1. ***Maximum Number.*** One per building.
2. ***Maximum Sign Area Per Sign.***
   a. *Buildings Less than Five Stories in Height.* 300 square feet.
   b. *Buildings Five Stories in Height or Taller.* 500 square feet.
3. ***Maximum Height.***
   a. *Buildings Less than Five Stories in Height.* 10 feet.
   b. *Buildings Five Stories in Height or Taller.* 20 feet.
4. ***Projection Allowed.*** Roof signs shall not project beyond the face of the building.
5. ***Placement.*** No roof sign may cover, wholly or partially, any wall opening.

15-2611 Other Signs

A. **Sidewalk Signs.** Sidewalks signs shall comply with the standards below. A permit is not required.

1. ***Quantity.*** A maximum of one sidewalk sign per business is allowed.
2. ***Locations.***
   a. Sidewalk signs shall be located away from important paths of pedestrian travel. A five foot wide travel path shall be maintained for through pedestrian traffic, for travel from crosswalks to the primary path of through pedestrian traffic, and for travel into and out of the establishment.
   b. Sidewalk signs shall not be located less than 18 inches from a curb.
   c. Sidewalk signs shall not be located in front of another commercial establishment.
   d. Sidewalk signs shall not be located more than 50 feet from the establishment for which it is advertising.
3. ***Design***:
   a. Sidewalk signs shall have no more than two sides.
   b. The height of sidewalk signs shall be no less than 18 inches and no more than 36 inches.
   c. The width of sidewalk signs shall be no less than 18 inches and no more than 24 inches.
   d. Sidewalk signs shall not be illuminated except by ambient sources.

B. **Banners, Streamers, Moving Signs, and Inflatables.** Banners, streamers, moving signs, and inflatables (including air dancers, balloons, and similar objects) are allowed subject to

Farmersville: Retail Compliance Check Summary (1-E-1)

Tulare County Tobacco Awareness and Education Program

August 2016

Prepared by:

Alliance for Community

Research and Development (ACRD)

936 W 18th St.

Merced, CA 95340

Project Contact:

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(209) 724-0973

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Objective

By June 30, 2017, a minimum of two cities in Tulare County (i.e. Farmersville and Tulare) will adopt and implement a public policy that restricts retailer advertising of any sort, including tobacco advertising, to no more than 15% of the square footage of windows and clear doors.

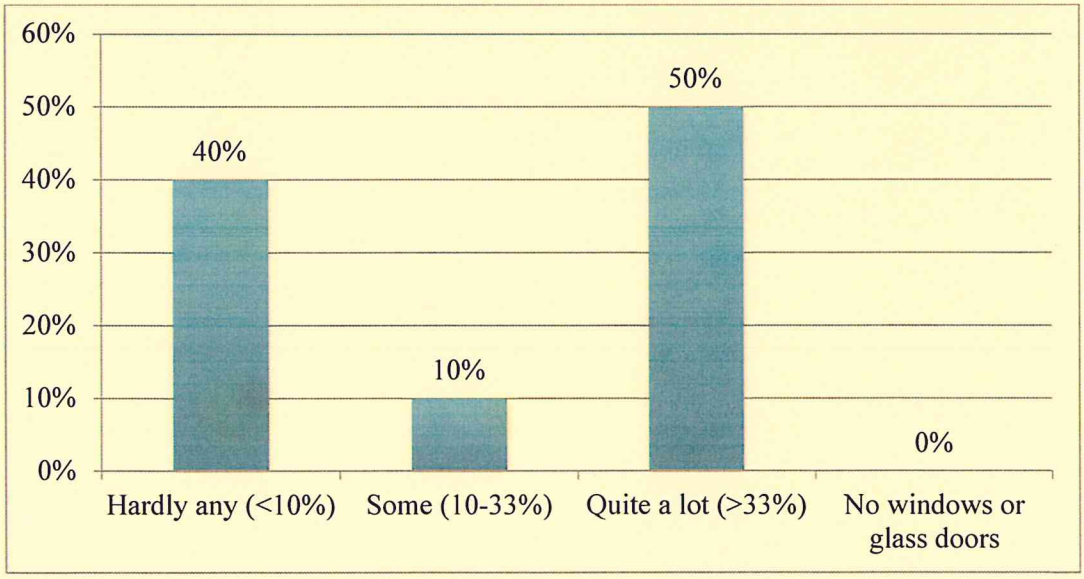
Evaluation Activity Results

Ten storefront observations and Retail Compliance checks were conducted between February and May 2016 to assess the type and percent of storefront advertising, as well as store compliance with current tobacco- and alcohol-related policies. The observations will also serve to galvanize youth involvement and inform project staff about the relationships between tobacco advertisement, type of business, and compliance, as well as build support from the public for a restrictive tobacco retailer advertisement policy. Results will be presented in order to provide the evidence of the scale of the problem and support from local businesses for reduced storefront tobacco advertisements. The Tulare County Tobacco Control project survey included a small sample of ten retail establishments from Farmersville in Tulare County. Eighty percent of retailers sold tobacco products. The ten retailers fell into four of the eight retail categories in the survey (See Table 1). Please note that some stores were categorized as more than one type of store.

Table 1. Type of Stores Observed

Gas Station/Convenience Store	0%
Convenience without Gas	60%
Discount/Dollar Store	10%
Deli/Meat Market	10%
Liquor	0%
Tobacco Store	0%
Grocery/Supermarket	20%
Small Drug/Pharmacy	0%
Chain Drug/Pharmacy	0%
Neighborhood Market	0%

The advertisement of tobacco and alcohol has been increasingly regulated to prevent sales and advertisement to minors. Farmerville stores in the sample were asked the percentage of window space covered by all advertisements and signs in their stores, and then asked how many of their advertisements were tobacco, alcohol and unhealthy beverages/snacks (See Table 2).



Fifty percent report having "quite a lot" (>33%), 40% report "hardly any" (<10%) and 10% had "some" (10-33%). Sixty percent of the retailers reported having less than ten

advertisements in total and 40% had twenty or more advertisements. Seventy percent of the sample reported less than five tobacco advertisements, 20% reported having between five and ten and only one store (ten percent) had twenty plus tobacco advertisements; the largest number of tobacco advertisements in the sample was thirty-four and smallest was one. The Farmersville retailers were similar with regards to alcohol advertisements and unhealthy beverages and snacks. The majority (90%) of stores had less than ten alcohol ads and only one had ten alcohol ads or more. Seventy percent of the stores reported hardly any unhealthy beverage and snack advertisement signs; all nine stores reported having less than five or no advertisements for this category.

Seventy percent of Farmersville stores report having self-service displays of tobacco products that are not easily accessible to minors, only one store answered "yes". Twenty percent of the stores that answered "yes" have their self self-service display "on the counter". Likewise with alcohol self-service displays, eight of the stores indicated that their alcohol products are not easily accessible to minors. Although two of the stores did not answer whether tobacco and alcohol products are easily accessible to minors, the majority of the sample could assure that tobacco products and self-service displays in those stores are less accessible to minors.

State programs such as STAKE (Stop Tobacco Access to Teens) are part of a statewide effort to stop the illegal sales of tobacco products to minors. STAKE signs at registers, doors and visible product locations are part of the outreach and regulatory effort. In the Farmersville survey, eight of the stores answered "yes" to their STAKE sign being clearly displayed, of the eight that answered "yes" three stated that the signs were "on counter/register" and one on the storefront window. Farmersville had a lack of visible STAKE signs, 33% of the stores reporting one sign or less, another 33% reporting two signs and 11% of stores with three or more signs. Please note that three stores in the sample did not answer the question.

In addition to tobacco prevention programs, the State of California enforces "We don't serve teen" retailer signs as a prevention measure for illegal underage alcohol sales. The retailers from the Farmersville sample appeared to be compliant with having the "We don't serve teen" sign, as all (100%) of the sample stated, "yes" to having the decal clearly displayed. As with Tulare, the majority of stores had only two to three signs and one reported having four or more; nine of which were on the Storefront window.

Small and large retailers are required to have a tobacco and or alcohol licenses and permits to sell tobacco and alcohol. Half of the Farmersville retailers reported that their tobacco license was clearly displayed while three did not, two did not answer. Sixty percent of stores had the tobacco license "on the counter/register" and 20% had the license "on the tobacco display", another 20% had the license out of display. Also, 60% of the retailers reported that their alcohol license was clearly displayed and 40% of stores did not. As with the tobacco licenses majority of the stores (60%) had alcohol licenses displayed "on the counter/register" and the rest "on the tobacco display" or out of public display.

Conclusions and Recommendations

It is recommended that tobacco retailers be given information on the benefits of reducing retail advertising. In addition, evidence based research of previously successful, similar policies can be utilized to further inform retailers. Finally, providing retailers with training tools for staff on the topics related to selling tobacco products to minors may prove to be a helpful method for enforcing compliance with the law. Despite the size of this particular sample is small, this rural community is certainly useful to the larger discussion of prevention of tobacco use among teens county and statewide. Further observations are needed to gauge how compliant businesses are with retailer policies, as it appears that just looking at the presence of STAKE signs and "We Don't Serve Teens" decals may not be the best indicator of compliance rates. Consider targeting retailers with additional education on retail advertisement and retail compliance. In addition, it might be beneficial to target the retailers that were found to have more than 50% of tobacco advertisement signs. Lastly, those retailers with expired tobacco licenses should be educated on the benefits of and encouraged to renew their license.