

5. **Length of Stay.** The maximum length of stay shall be no longer than that established by the California Health and Safety Code for emergency shelters.



6. **Outdoor Activity.** Outdoor Activity shall be allowed only during the hours of 8:00 a.m. to 10:00 p.m.

7. **Pets.** If pets are allowed, all pets shall be housed within the emergency shelter or within cages in a protected area.

8. **Services.** Supportive services may include counseling, medical services, showers, and laundry facilities within the facility.

#### 20.44.160 Tobacco Sales Prohibited Near Schools

**A. Prohibited within 1,000 Feet of Schools and within 600 Feet of Other Youth-Oriented Facilities.**

New tobacco retailers (including the sale of cigarettes, cigars, e-cigarettes, smokeless tobacco, and all other tobacco products or paraphernalia restricted by the State of California for sale to minors) are prohibited within 1,000 feet of any parcel which is ~~presently~~ legally occupied at the time an application for a business license to sell tobacco is submitted to the City by the following a “school” as defined below and within 600 feet of other “youth-oriented facilities” as defined below:

1. Any public or private elementary, middle, junior high, or high school The City shall establish an official “List of Schools” which are located within the City of Merced by resolution of the City Council after a public hearing. Said list shall be reviewed on an annual basis on or before January 31st of each year. If amendments are needed, the amendments shall be considered by the City Council at a public hearing;
2. Playgrounds, parks, youth centers, City-owned and operated recreational facilities, and libraries “Youth-Oriented Facilities” for this subsection only are defined as day care centers, youth centers, libraries, or public parks. For purposes of this subsection only, a public park shall not include any park designated in Merced Municipal Code Section 9.70.030 as a bike path.

**B. Measurement and Exceptions.**

1. **Measurement.** 1,000 feet and 600 feet shall be the horizontal distance measured in a straight line from the nearest point on the property boundary to the nearest point of the other property boundary without regard to intervening structures.
2. **Exceptions**
  - a. The above prohibition does not apply to any tobacco retailer which is operating legally and continues to operate with a suspension of no more than 90 days at its current location as of the date of this ordinance.
  - b. The above prohibition does not apply to a tobacco retailer which occupies in its entirety a building of more than 20,000 square feet grant an exception to a new tobacco retailer within 600 feet of a “youth-oriented facility” only as defined in this subsection through the approval of a Conditional Use Permit following the requirements of MMC 20.68.020. No exceptions may be granted for tobacco retailers within 1,000 feet of a “school.”