

ORDINANCE NO.: 104-2024
INTRODUCED BY: Council President Jordan; Mayor Thomas; and Councilmembers Justice and Lewis

AN ORDINANCE ADOPTING A MORATORIUM PROHIBITING THE ACCEPTANCE OF APPLICATIONS FOR, AND THE GRANTING OF, ZONING APPROVALS, BUILDING PERMITS, AND CERTIFICATES OF OCCUPANCY FOR ANY BUILDING, STRUCTURE, USE, OR CHANGE OF USE THAT WOULD BE ASSOCIATED WITH THE DISTRIBUTION OR SALE OF VAPING/E-CIGARETTE PRODUCTS AND PROHIBITING THE COMMENCEMENT OF THE ACTUAL DISTRIBUTION AND SALE OF SUCH PRODUCTS FOR A PERIOD NOT TO EXCEED SIX MONTHS IN ORDER TO ALLOW THE CITY TIME TO STUDY THE EFFECTS OF SUCH PRODUCTS ON CITIZENS AND TO DETERMINE WHETHER THE ADOPTION OF REGULATIONS RELATING TO SUCH PRODUCTS ARE WARRANTED; AND DECLARING AN EMERGENCY.

WHEREAS, according to a recent publication of the Preventing Tobacco Addiction Foundation/Tobacco 21: “[I]t has long been a practice of the tobacco industry to use point of sale tactics such as over saturating tobacco retail locations in high youth areas (schools, recreation centers) in communities of color.... These tobacco retail dense zones serve as addiction swamps by magnifying the allure and availability of tobacco products resulting in increased use rates for both youth and adults;”

WHEREAS, 20 years of progress by public health efforts against adolescent nicotine addiction has been virtually wiped out by e-cigarette/vaping promotion with a drastic increase in use by youth in the past 10 years and most recently an increase of use among middle school students;

WHEREAS, although in 2019 Ohio passed legislation to raise the age of persons to be permitted to purchase vaping and tobacco products, a recent survey by the State of Ohio (youthsurveys.ohio.gov) revealed that youth in Ohio are: (a) most commonly obtaining electronic vapor products (“EVP”) from friends or family (39.9% of the time); (b) buying EVPs (37.2% of the time) from: convenient stores (13.7%), vape or tobacco shops (11.2%), malls or shopping centers (10.9%), or off the internet (1.4%);

WHEREAS, pursuant to the City Charter, as well as the Ohio Constitution, this Council also has the inherent power to enact planning, zoning and business regulations and laws that further the health, safety, welfare, and peace of its citizens, including regulating certain business uses;

WHEREAS, this Council has determined that the public peace, health, safety, and general welfare will be enhanced by establishing a moratorium prohibiting the acceptance of, or the granting of, applications for zoning approvals, building permits, and certificates of occupancy related to establishments the distributing and/or selling EVPs or the commencement of the actual distribution or sale of EVPs by any business establishment as of the effective date of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Richmond Heights, County of Cuyahoga, State of Ohio, that:

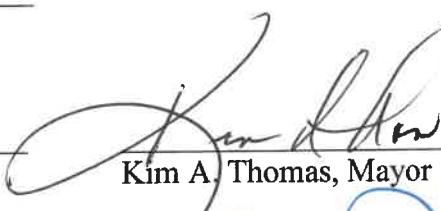
Section 1. This Council hereby establishes a moratorium prohibiting the acceptance of any application for, or the granting of, any zoning approvals, building permits, and certificates of occupancy for any building, structure, use, expansion of use, or change of use that would be associated with the distribution or sale of vaping/e-cigarette products and prohibiting the actual distribution and/or sale of such products in the City of Richmond Heights for a period of six (6) months from the effective date of this Ordinance.

Section 2. The foregoing moratorium in Section 1 hereof does not apply to business establishments in the City of Richmond Heights that have distributed and sold vaping/e-cigarette products in the City prior to the effective date of this Ordinance.

Section 3. All formal actions of this Council related to this Ordinance and all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is declared to be an emergency measure necessary for the immediate preservation for the public peace, health, safety and general welfare of the City and the inhabitants thereof for the reason that this action is necessary to enable the City to fully study the impacts of vaping/e-cigarette products and its effects on the City and the health, safety and general welfare of its inhabitants, and provided it receives approval of two-thirds of the members of Council, shall be in full force and effect from and after its approval by the Mayor, or otherwise take effect and be in force from and after the earliest period provided by law.

PASSED: July 23, 2024

APPROVED: July 23, 2024 
Kim A. Thomas, Mayor

ATTEST: Tracey Blair
Tracey Blair
Clerk of Council


Bobby Jordan
President of Council