

ORDINANCE 2018-03

AN ORDINANCE TO AMEND ARTICLE 21, SUPPLEMENTARY DISTRICT REGULATIONS, TO AMEND SEC. 2131, SMOKING AND SMOKING RETAIL PRODUCTS REGULATIONS, TO THE ZONING CODE OF THE CITY OF ROCHESTER TO PROVIDE ADDITIONAL SMOKING REGULATIONS.

THE CITY OF ROCHESTER ORDAINS:

Sec. 2131 Smoking and Smoking Retail Products Regulations

(d) Businesses selling smoking products and equipment.

- (1) Permitted location. The wholesale or retail sale of smoking products (including but not limited to tobacco, nicotine substances, hookah, oils, vapor products, and smoking herbs) or smoking equipment (including but not limited to electronic cigarettes, hookah pipes, electronic cigar/cigarillo, vapor cartridge, bong, rolling papers, etc.) as a principal use is permitted as a general retail use, but is not permitted in a building that fronts or has an address on University Drive or Main Street.
- (2) Distance requirements from schools. Businesses whose principal use is the selling of smoking products or smoking equipment devices shall not be located within 500 feet of a school (accredited by the State of Michigan Department of Education)servicing students (pre-school through 12th grade), Elizabeth Park, Halbach Field, Howlett Park, Municipal Park, Scott Street Park, the Rochester Hills Public Library, or the Rochester Area Recreation Authority as such locations are public areas where a significant number of underage persons are likely to be located.
- (3) Underage admittance. Businesses whose principal use is the selling of smoking products or equipment shall not permit persons under the age of 18 into said establishment without a parent or guardian.
- (4) Principal use determination. For purposes of this section, the determination of whether the business's "principal use" is the sale of smoking products or smoking equipment shall be made by the Planning Commission. Such determination shall be based on various factors including, but not limited to, whether such a sale is a primary or main product being offered for sale, the ratio of likely sales as compared to other products, how the business or products are advertised or offered for sale, City Planner information and comments, and information regarding other similar businesses in the area.

THIS ORDINANCE shall become effective seven (7) days after publication.

A true copy of this ordinance may be purchased or inspected at the office of the City Clerk at the Rochester Municipal Building, 400 Sixth Street, Rochester, Michigan, 48307, during regular business hours, 8:00 a.m. to 5:00 p.m. daily, except weekends and holidays.

Made and passed by the City Council of the City of Rochester, State of Michigan, this 9th day of April, 2018.

CITY OF ROCHESTER

A Michigan Municipal Corporation

By: _____
Rob Ray, Mayor

By: _____
Lee Ann O'Connor, City Clerk