



Bill No. \_\_\_\_\_

Ordinance No. \_\_\_\_\_

INTRODUCED BY

ALDERMEN UTT, FINLEY, STALLMANN, ROACH, FLEMING, WEAVER, SIEGEL, BULLINGTON

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AN ORDINANCE AMENDING REGULATIONS FOR HOOKAH LOUNGES, RETAIL TOBACCO STORES AND VAPOR LOUNGES IN THE CITY OF BALLWIN.

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NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

**Section 1:** Section 1-2 of the Code of Ordinances of the City of Ballwin shall be amended by adding the following definitions thereto:

**HOOKAH LOUNGE**

Any facility, establishment, or location where the primary use is the smoking of tobacco or other substances through one (1) or more hookah pipes (also commonly referred to as a "hookah," "waterpipe," "shisha" or "nareghile"), including, but not limited to, establishments known as "hookah bars," "hookah lounges," or "hookah cafes."

**RETAIL TOBACCO STORE**

A retail store that devotes more than fifteen percent (15%) of its total floor area to the sale of electronic cigarettes, electronic cigarette products/paraphernalia, tobacco or smoking products and accessories/paraphernalia. A retail tobacco store may also be referred to as a smoke shop.

**VAPOR LOUNGE**

Any facility, establishment or location where the primary use is the utilization of a heating element that vaporizes a substance that releases nicotine, tobacco, flavored vapor or other substances, through one (1) or more electronic or battery-operated delivery devices known as an electronic cigarette (also commonly referred to as "e-cig," "e-cigarette," "e-pipe," "electronic cigarillo," "hookah pen," "e-hookah," "vape pen," or "vape pipe"), or any other electronic cigarette product, including, but not limited to, establishments known as "vape bars," "vape lounges," "e-cigarette bars" or "vape cafes."

**Section 2:** Appendix A, Article XIV shall be amended by adding a new Section 11 thereto, as follows:

**Section 11. Restrictions on Retail Tobacco Stores.**

- A. In addition to all other pertinent and applicable regulations, the following special conditions shall apply to retail tobacco stores:
  - 1. No retail tobacco store shall be permitted within seven hundred fifty (750) feet of any property zoned and/or used for residential, eleemosynary, religious, school, or public use, or within three hundred (300) feet of the right-of-way line of Manchester Road. Such distance shall be

measured in a straight line without regard to intervening properties from the closest exterior structural wall of the establishment to the closest point on any property line of the residential, eleemosynary use, religious institution, school, public building or public park.

2. No retail tobacco store shall be allowed to locate or expand within seven hundred fifty (750) feet of any other such business or establishment or of any business licensed to sell or serve alcoholic beverages, whether or not such business is also an establishment as defined in this Section. The distance between any two (2) retail tobacco stores or between a tobacco retail store and a business selling or serving alcoholic beverages shall be measured in a straight line without regard to intervening structures from the closest exterior structural wall of each business.
3. All access to and from a retail tobacco store shall be provided from a street classified as a public right-of-way.
4. The property on which a tobacco retail store is located shall have a minimum of one hundred (100) feet of frontage on a public right-of-way.
5. Off-street parking shall be provided pursuant to the City Code.
6. All landscaping and screening requirements otherwise required by the Ballwin City Code shall be observed.
7. Signage for a facility in which a retail tobacco store is located shall be pursuant to Chapter 22 of the City Code as it pertains to a retail tobacco store.
8. Lighting of the parking area shall conform to the requirements of the City Code.

**Section 3:** Appendix A, Article XIV shall be amended by adding a new Section 12 thereto, as follows:

Section 12. Restrictions on Cigar Bars, Hookah Lounges, and Vapor Lounges.

A. In addition to all other pertinent and applicable regulations, the following special conditions shall apply to cigar bars, hookah lounges, and vapor lounges:

1. No cigar bar, hookah lounge, or vapor lounge shall be permitted within seven hundred fifty (750) feet of any property zoned and/or used for residential, eleemosynary, religious, school, or public use. Such distance shall be measured in a straight line without regard to intervening properties from the closest exterior structural wall of the establishment to the closest point on any property line of the residential, eleemosynary use, religious institution, school, public building or public park.



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**Section 4:** Appendix A, Article XIV, Section 1 shall be amended by adding a new subsection (38) thereto, as follows:

(38) Hookah lounges, retail tobacco stores, cigar bars and vapor lounges in the C-1, C-2 and C-3 Zoning Districts.

**Section 5:** This ordinance shall be in full force and effect from after the date of its passage and approval and shall remain in effect until amended or repealed by the Board of Aldermen.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2023.

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*TIM POGUE, MAYOR*

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2023.

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*TIM POGUE, MAYOR*

ATTEST: \_\_\_\_\_  
*ERIC STERMAN, CITY ADMINISTRATOR*

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