

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING SECTION 36-568 (“RESTRICTIONS ON TOBACCO AND E-CIGARETTE RETAILERS”) TO CHAPTER 36 (“ZONING ORDINANCE”); AND AMENDING SECTIONS 36-521 (“RO, RESIDENCE-OFFICE DISTRICT”), 36-524 (“C-1, LOCAL COMMERCIAL DISTRICT”), 36-526 (“TC, TOURIST COMMERCIAL DISTRICT”), 36-527 (“CR, RURAL COMMERCIAL DISTRICT”), AND 36-560 (“SPECIAL USES”) TO CHAPTER 36 (“ZONING ORDINANCE”) OF THE CODE OF THE CITY OF NORMAN TO ESTABLISH RESTRICTIONS ON TOBACCO AND E-CIGARETTE RETAILERS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

- §1. WHEREAS, in an effort to protect our youth from the negative health effects of tobacco, nicotine or vapor products, the State of Oklahoma has prohibited the sale, distribution or possession of tobacco, nicotine or vapor products for anyone under the age of twenty-one (21) years of age; and
- §2. WHEREAS, the City of Norman, pursuant to 63 O.S. § 1-229.18, is authorized to enact laws prohibiting the distribution of tobacco, nicotine, and vapor products and product samples within three hundred (300) feet of any playground, school, or other facility when it is being used primarily by persons under twenty-one (21); and
- §3. WHEREAS, the City of Norman desires to support and enforce the State of Oklahoma’s regulations promulgated to control youth access to tobacco by adopting Ordinance O-2425-XX.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

- § 4. THAT Section 36-568 of the Code of the City of Norman shall be titled “Restrictions on Tobacco and E-cigarette Retailers” and shall read as follows:

(1) Definitions.

- (a) *School* means any property, building, permanent structure, facility, auditorium, stadium, arena or recreational facility owned, leased or under the control of a public school district or private school or any educational facility that is accredited by the state of Oklahoma.
- i. School shall include all licensed childcare facilities, kindergartens, elementary schools, which may include either K-6 or K-8, and all secondary schools
 - ii. School shall include any institution within the Oklahoma State System of Higher Education or any other public or private college or university that is accredited by a national accrediting body.

- (b) *Playgrounds* means any area used for outdoor play or recreation, especially by children, and often containing recreational equipment such as slides and swings.
 - (c) *Tobacco product* means any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. Tobacco product also means electronic smoking devices and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, and liquids used in electronic smoking devices, whether or not they contain nicotine. Tobacco product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.
 - (d) *Electronic smoking device* means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. Electronic smoking device includes any component, part, or accessory of the device, and also includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine. Electronic smoking device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.
- (2) A business license issued by the City of Norman shall only be located or operated at locations permitted by the City's zoning or planning laws. The location of a tobacco or e-cigarette store is specifically prohibited within three hundred feet (300') of any playground, school, or other facility when the facility is being used primarily by persons under twenty-one (21) years of age. The distance shall be measured as the shortest straight line distance from the property line of the proposed tobacco or e-cigarette store to the property line of the entities listed below:
- (a) Public or Private School
 - (b) Playgrounds
 - (c) Facility used primarily by persons under twenty-one (21) years of age
- (3) *Legal Non-conforming Use.* Current license tobacco or e-cigarette store(s) within three hundred feet (300') of the above described locations are permitted to continue operations despite this amendment to the zoning ordinance. If a current license tobacco/ or e-cigarette store is sold, then the new owner would no longer be able to use the legal non-conforming use to obtain a license.

§ 5. THAT Section 36-521 of the Code of the City of Norman shall be amended to add the following clause to subsection 36-521(b) “Uses permitted”:

(10) *Certain requirements for Tobacco and E-Cigarette Retailers.* Any use under this Subsection which involves a tobacco or e-cigarette store shall comply with the requirements described under NCC § 36-568 “Restrictions on Tobacco and E-cigarette Retailers.”

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§ 6. THAT Section 36-524 of the Code of the City of Norman shall be amended to add the following clause to subsection 36-524(b) “Uses permitted”:

(6) *Certain requirements for Tobacco and E-Cigarette Retailers.* Any use under this Subsection which involves a tobacco or e-cigarette store shall comply with the requirements described under NCC § 36-568 “Restrictions on Tobacco and E-cigarette Retailers.”

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§ 7. THAT Section 36-526 of the Code of the City of Norman shall be amended to add the following clause to subsection 36-526(b) “Uses permitted”:

(3) *Certain requirements for Tobacco and E-Cigarette Retailers.* Any use under this Subsection which involves a tobacco or e-cigarette store shall comply with the requirements described under NCC § 36-568 “Restrictions on Tobacco and E-cigarette Retailers.”

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§ 8. THAT Section 36-527 of the Code of the City of Norman shall be amended to add the following clause to subsection 36-527(b) “Uses permitted”:

(3) *Certain requirements for Tobacco and E-Cigarette Retailers.* Any use under this Subsection which involves a tobacco or e-cigarette store shall comply with the requirements described under NCC § 36-568 “Restrictions on Tobacco and E-cigarette Retailers.”

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§ 9. THAT Section 36-560 of the Code of the City of Norman shall be amended to add the following:

(i) *Certain requirements for Tobacco and E-Cigarette Retailers.* Any use under this Section which involves a tobacco or e-cigarette store shall comply with the requirements described under NCC § 36-568 “Restrictions on Tobacco and E-cigarette Retailers.”

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§10. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this _____ day
of _____, 2024.

NOT ADOPTED this _____ day
of _____, 2024.

Larry Heikkila, Mayor

Larry Heikkila, Mayor

ATTEST:

Brenda Hall, City Clerk