

**TOWN OF SPRING LAKE
ZONING CHAPTER TEXT AMENDMENT
ARTICLE I AND ARTICLE III**

P19-36: REVISIONS AND AMENDMENTS TO THE TOWN OF SPRING LAKE ZONING ORDINANCE, CHAPTER 42, AMENDING ARTICLE I. – IN GENERAL, SEC. 42.8. – DEFINITIONS. BY INSERTING IN ALPHABETICAL ORDER *ANCILLARY SALE, E-CIGARETTE, SMOKE SHOP, TOBACCO, TOBACCO PARAPHERNALIA, TOBACCO PRODUCT*; AMENDING ARTICLE III. – PERMITTED, CONDITIONAL AND SPECIAL USES, SEC. 42.66. – INDIVIDUAL USES. BY ADDING SECTION (B) *SMOKE SHOPS AND TOBACCO STORES*. SUB-SECTIONS (1) – (2); AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (SPRING LAKE)

**CHAPTER 42
ZONING**

AMENDING ARTICLE I. – IN GENERAL, SEC. 42.8 DEFINITIONS. by inserting in alphabetical order *Ancillary sale, E-Cigarette, Smoke shop, Tobacco, Tobacco paraphernalia, Tobacco product*; as written and as indicated below:

ARTICLE I. – IN GENERAL

Sec. 42-8. - Definitions.

Ancillary sale means where a grocery store, supermarket, convenience store or similar market uses no more than two percent of its gross floor area, or 200 square feet, whichever is less, for the display, sale, distribution, delivery, offering, furnishing, or marketing of conventional cigars, cigarettes or tobacco. For any grocery store, convenience market, retail kiosk or similar use consisting of 250 square feet or less, “ancillary sale” shall mean where no more five square feet are used for the display, sale, distribution, delivery, offering, furnishing, or marketing of conventional cigars, cigarettes or tobacco. The display, sale, distribution, delivery, offering, furnishing, or marketing of e-cigarettes or any other tobacco products or tobacco paraphernalia, regardless of square footage used, is subject to the restrictions of this section and shall not constitute “ancillary sale” under any circumstances.

E-cigarette means any electronically actuated device or inhaler meant to simulate cigarette smoking that uses a heating element to vaporize liquid solution, popularly referred to as “juice,” and that causes the user to exhale any smoke, vapor, or substance other than that produced by unenhanced human exhalation. The juice used in e-cigarettes typically contains nicotine, and for this reason e-cigarettes and their juice can be classified as both tobacco products and tobacco paraphernalia.

Smoke shop and tobacco store means any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco paraphernalia; provided, however, that any grocery store, supermarket, convenience store or similar retain use that only sells conventional cigars, cigarettes or tobacco as an ancillary sale shall not be defined as a “smoke shop and tobacco store” and shall not be subject to restrictions in this chapter.

Tobacco means any preparation of the nicotine-rich leaves of the tobacco plant, which are cured by a process of drying and fermentation for use in smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body.

Tobacco paraphernalia means any paraphernalia, equipment, device, or instrument that is primarily designed or manufactured for smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing or ingesting by any other means into the body of tobacco products. Items or devices classified as tobacco paraphernalia include but are not limited to the following: pipes, punctured metal bowls, bongos, water bongos, electric pipes, e-cigarettes, e-cigarette

juice, buzz bombs, vaporizers, hookahs, and devices for holding burning material. Lighter and matches shall be excluded from the definition of tobacco paraphernalia.

Tobacco product means any product in leaf, flake, plug, liquid, or any other form, containing nicotine derived from the tobacco plant, or otherwise derived, which is intended to enable human consumption of tobacco or nicotine in the product whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means. For the purposes of this chapter, the term “tobacco product” excludes any product that has been specifically approved by the United States Food and Drug Administration (FDA) for sale as a tobacco; smoking cessation product or for other medical purposes, where such product is marketed and sold solely for such an approved purpose.

AMENDING ARTICLE III. – PERMITTED, CONDITIONAL AND SPECIAL USES, SEC. 42.66. – INDIVIDUAL USES. by adding section (b) *Smoke Shops and Tobacco Stores*. Sub-sections (1) – (2); as written and as indicated below:

ARTICLE III. – PERMITTED, CONDITIONAL AND SPECIAL USES

Sec. 42-66. - Individual uses.

(b) *Smoke Shops and Tobacco Stores*.

- (1) Smoke shops and tobacco stores shall not be located within 1,000 feet of a parcel occupied by a public or private kindergarten, elementary, middle, junior high or high school; licensed child-care facility or preschool, youth centers, community centers, recreational facility, park, church or religious institution, medical facility, or other similar uses where children regularly gather.
- (2) Smoke shops and tobacco stores shall not be located with a one-half mile radius of an approved or existing smoke shop and tobacco store.