

INTRODUCTORY LOCAL LAW # 4-2024

A LOCAL LAW TO CONSIDER AMENDING CHAPTER 190 (ZONING) TO DEFINE AND REGULATE THE LOCATION AND CONDUCT OF SMOKE SHOPS IN THE TOWN OF GATES

AMEND § 190-5. SMOKE SHOP

Any establishment in which ten percent (10%) or more of its sales floor area, stock-in-trade, and/or advertising/marketing is used for the sale of tobacco and other legal products intended for smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body, and the related accoutrements and smoking paraphernalia, including but not limited to cigarettes, chewing tobacco, cigars, electronic cigarettes, pipes, hookahs, vape pens, vapors, e-liquids, e-vaporizers, and other like substances, CBD (cannabidiol) and CBD products (not including products containing THC), including but not limited to CBD gummies and/or oil.

SMOKING PARAPHERNALIA

All equipment, products, and materials, of any kind, which are used, intended for use, designed or adapted for use in packaging, repackaging, storing, containing, smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means tobacco and other legal products into the body.

REMOVE § 190-134.E. Smoke shops.

AMEND § 190-143.L. Smoke shops.

ADD § 190-143.M. Other uses similar in nature but not specifically listed here, subject to the approval of the Town Board.

ADD § 190-201.A (13). The sale of smoking paraphernalia shall not exceed five (5) square feet of sales area.

ADD § 190-201.G. Smoke shops.

- (1) Smoke shops shall not be located within 1,000 feet from any: a) school or school grounds; b) park or playground; c) church/house of worship; d) municipal or governmental agency property; e) residence; f) another smoke shop; or g) business which is primarily focused on providing services/products to children, including, for example, child-care facilities or recreational facilities with a significant youth component. Said distance shall be measured from property line to property line.
- (2) Smoke shops shall only operate between the hours of 8:00 am to 8:00 pm.

- (3) Smoke shops shall not allow anyone under the age of 21, not accompanied by their parent or legal guardian, to enter or remain within any smoke shop.
- (4) Smoke shops shall post clear signage stating that individuals under the age of 21 may not enter the premises unless accompanied by a parent or legal guardian. One (1) such sign, measuring approximately 144 square inches, shall be placed in a conspicuous location near each public entrance to the smoke shop. It shall be unlawful for a smoke shop to fail to display and maintain, or fail to cause to be displayed or maintained, said signage.
- (5) Attention-getting devices including, but not limited to, neon signs, LED signs, flashing lights, flags, and banners shall be prohibited outside the structure, or visible through a window or door, of the smoke shop. No internal exterior facing advertising of any kind is permitted other than name, address, or those identifications of the premise required for emergency services.
- (6) No outdoor storage, display, or sales shall be permitted.
- (7) Outdoor lighting shall not cause glare or a nuisance to adjoining uses.
- (8) Any other condition imposed by the Town Board pursuant to § 190-196.
- (9) Illegal sales on the premises shall be cause for immediate revocation of a smoke shop's conditional use permit.

ADD § 190-202. Existing Smoke shops.

Permit Renewals: The provisions of Article XI of Chapter 190 of the Town of Gates Code shall not apply to Smoke shop establishments in existence in either the Neighborhood Business (NB) or General Business (GB) zones at the time of the adoption of this Local Law. All such Smoke shop establishments in existence at the time of the adoption of this Local Law shall, within sixty (60) days following notice to them of the adoption of this Local Law, apply for a Conditional Use Permit to continue such use, which Use and Permit shall be subject to the provisions and conditions of § 190-201 G herein. Failure to make such application within such sixty (60) day period shall be reason to revoke any existing conditional use permit.

RENUMBER: Existing § 190-202 to § 190-203

SECTION II. When Effective. This Local Law shall be effective upon adoption upon the Town Board and filing of the same with the Secretary of State.

SECTION III. That the Town Clerk is hereby directed to file this Local Law

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio – Aye; Loughlin –A Tucciarello – Aye;
Motion Carried.