

Village of Yellow Springs, Ohio

ORDINANCE 2026-11

ESTABLISHING A VILLAGE- WIDE MORATORIUM ON THE ISSUANCE OF ALL USE, ZONING, BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY FOR NEW SMOKE SHOP BUSINESSES FOR A PERIOD OF 180 DAYS AND DECLARING AN EMERGENCY

WHEREAS, for the purposes of this Ordinance, “Smoke Shop” means any retail establishment at which twenty percent (20%) or more of floor, shelf, and/or display area(s), is used for the sale of “Smoke Shop Products” as defined in Section 1 herein; and

WHEREAS, no state-licensed medical or adult-use marijuana operator, cultivator, processor, dispensary, laboratory, or entity shall constitute a Smoke Shop for purposes of this Ordinance; and

WHEREAS, the Village is in the process of regulating the location of Smoke Shops for the purpose of protecting from negative secondary effects created by the over-concentration or clustering of such businesses whose products are harmful to health; and

WHEREAS, this Ordinance constitutes an emergency measure for the immediate preservation of the public peace, property, health, safety, or welfare in that a moratorium on the issuance of certain use, zoning, building permits and certificates of occupancy for Smoke Shops is necessary to enable Village staff sufficient time to analyze this issue and present Village Council with reasonable restrictions and regulations for such uses in the Village,

NOW, THEREFORE, be it ORDAINED by Council for the Village of Yellow Springs, Ohio that:

Section 1. A moratorium is hereby enacted on the issuance of use, zoning, building permits and certificates of occupancy for Smoke Shops as a new use for 180 days. “Smoke Shop” means any retail establishment at which twenty percent (20%) or more of floor, shelf, and/or display area(s) is used for the sale of Smoke Shop Products. For the purposes of this Ordinance, “Smoke Shop Product(s) means:

A. Any product containing, made of, derived from, or containing any form of CBD, Kratom, and/or Hemp-derived or synthetic cannabinoid, including but not limited to Delta-8 THC, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, dissolved, inhaled, absorbed, or ingested by any other means;

B. Any product containing, made of, or derived from tobacco or containing any form of nicotine that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, dissolved, inhaled, absorbed, or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus;

C. Any electronic smoking device, or “vape” and any substances intended to be aerosolized or vaporized during the use of the device, whether the substance contains any form of tobacco, nicotine, CBD, Kratom, and/or Hemp-derived or synthetic cannabinoids; or

D. Any component, part, or accessory of (A), (B), or (C) above, whether any of these contains tobacco, nicotine, CBD, Kratom, and/or Hemp-derived or synthetic cannabinoids, including, but not limited to, filters, rolling papers, blunt or hemp wraps, or pipes.

Smoke Shop Product does not include any product that is a drug, device, or combination product authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

SECTION 2. This Ordinance is hereby declared to be an emergency measure under home rule power granted by the Village Charter and immediately necessary to preserve the public interest and for the health, safety and welfare of the Village of Yellow Springs.

Gavin Devore Leonard, President of Council

Passed: 6-1-2026

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL:

Gavin DeVore Leonard __Y_ Angie Hsu __Y_ Carmen Brown_Y__
Senay Semere __Y_ Stephanie Pearce_Y_