

ORDINANCE NO. 05-23

ORDINANCE: To establish a nine-month moratorium on the acceptance, processing, and approval of any application for a building permit or occupancy permit for any commercial or retail uses that devote at least 25% of their floor area to the sale, display, or use of electronic cigarettes or other electronic smoking devices or products

WHEREAS, national, state, and local health organization, including the Centers for Disease Control and Prevention, the Maryland Department of Health, and the Montgomery County Department of Health and Human Services, have recognized the harmful health effects of e-cigarette or electronic smoking device use, also known as “vaping,” particularly on children, teenagers, and young adults; and

WHEREAS, in response to these recognized health risks, the Montgomery County Council has adopted several laws regulating the distribution, possession, use, and sale of e-cigarettes and other electronic smoking devices, including the establishment of zoning restrictions on commercial establishments classified as “vape shops”; and

WHEREAS, while certain County laws regarding e-cigarettes and vaping apply within the corporate limits of the City of Rockville, the Rockville City Code currently does not specifically regulate the location of commercial or retail establishments devoted to the sale or use of e-cigarettes or electronic smoking devices; and

WHEREAS, the Mayor and Council has directed the City of Rockville Department of Community Planning and Development Services to undertake an examination of the impacts of such commercial or retail establishments on the wider community, particularly on adjacent or nearby residential properties, schools, parks, day-care facilities, houses of worship, and other uses frequented by children, teenagers, and young adults; and

WHEREAS, it is the desire of the Mayor and Council to allow sufficient time for the Department of Community Planning and Development Services to conduct an orderly examination of this topic in order to develop proposals to adequately address any such impacts; and

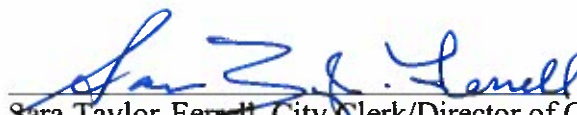
WHEREAS, pursuant to Article VI, Section 1 of the Rockville City Charter, the Mayor and Council of Rockville has the power to pass all such ordinances as it may deem necessary for, among other things, the protection and promotion of the health, safety, and welfare of the residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE that a moratorium is hereby established on the acceptance, processing, and approval of any application for a building permit or occupancy permit for any commercial or retail uses in the City of Rockville that devote at least 25% of their floor area to the sale, display, or use of electronic cigarettes or other electronic smoking devices or products (hereinafter referred to as a "Vape Shop"). The Department of Community Planning and Development Services is hereby directed not to accept, process, or approve any building permit or occupancy permit for a Vape Shop until December 27, 2023; and

BE IT FURTHER ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE that this ordinance shall be effective immediately upon adoption.

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I hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Mayor and Council at its meeting of March 27, 2023.



Sara Taylor-Ferrell, City Clerk/Director of Council Operations