DISCUSSION ITEM: ORDINANCE REGULATING VAPE SHOPS

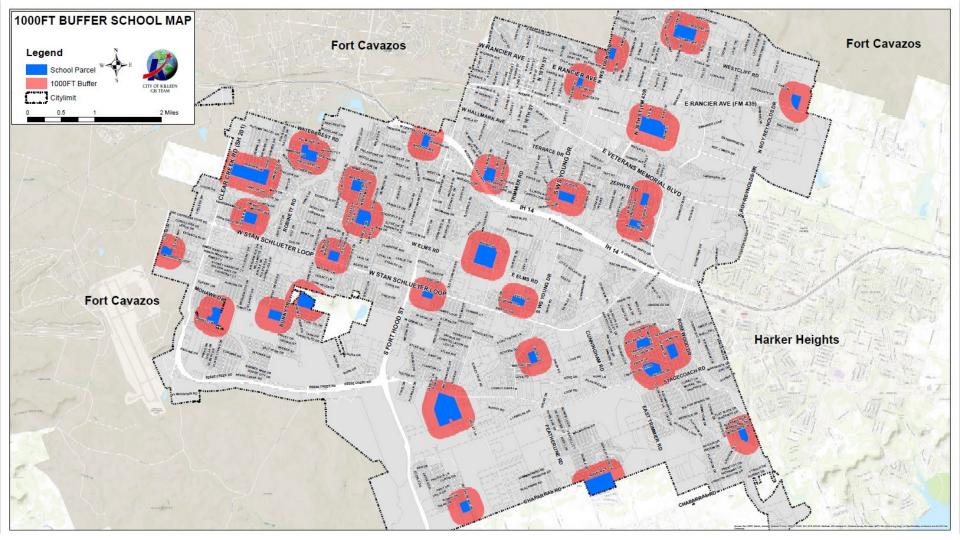
DS-24-005 January 23, 2024

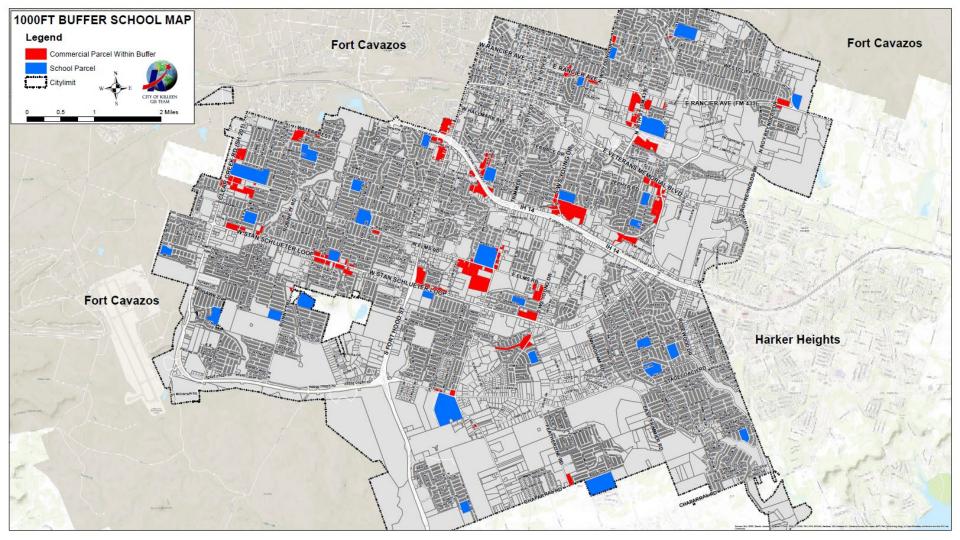
Background

- On November 14, 2023, the City Council made a Motion of Direction to add a future discussion item regarding the proliferation and unregulated operation of vape shops in Killeen.
- Currently, vape shops are permitted in all districts where retail stores are allowed ("B-2" and up).

Considerations

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- Federal law prohibits the sale of tobacco products to anyone under the age of 21.
- The definition of tobacco product includes smoking tobacco, cigarettes, cigars, e-cigarettes, smokeless tobacco, chewing tobacco, snuff.
- In addition to vape shops, tobacco products are also commonly sold at convenience stores, gas stations, drug stores, grocery stores, etc.





Notification Requirements

- S.B 929, which became effective on September 1, 2023, requires the City to provide written notice of each public hearing regarding any proposed adoption of or change to a zoning regulation or boundary under which a current conforming use of a property is a nonconforming use if the regulation or boundary is adopted or changed.
- Staff must identify each business affected by the contemplated ordinance and send written notice to both the property owner and tenant.

Notification Requirements

- Staff has identified at least five (5) vape shops currently located within 1,000 feet of a public school:
 - The Vape Shop, LLC 501 W. Stan Schlueter Loop
 - Vapor Maven 1002 E. Elms Rd.
 - □ Chill Zone 1603 Florence Rd.
 - □ Chill Zone 3 2006 N. W. S. Young Dr.
 - Killeen Smoke & Vape 1104 Old FM 440 Rd.

Notification Requirements

- This list does not include other types of businesses that sell tobacco products (i.e. convenience stores, drug stores, gas stations, grocery stores, etc.). There are many of these types of businesses located within 1,000 feet of a school.
- To comply with State law, if a proposed ordinance will render an existing businesses nonconforming, staff must identify each business and send written notification to the property owner and tenant.

Direction Needed

- Should the ordinance apply only to "vape shops," or to all retail locations that sell e-cigarettes (i.e. convenience stores and gas stations) as well?
- Should the ordnance apply only to public schools, or to other places as well (i.e. private schools, churches, daycares, etc.)?

Alternatives

- Do nothing and continue to allow the sale of vape and all types of tobacco products near schools;
- Prohibit "vape shops" within a specified distance from schools, but continue to allow other retailers (i.e. cigar shops, convenience stores, gas stations, and drug stores) to sell vape and all types of tobacco products near schools;
- Make vape shops/smoke shops a permitted use in "B-4" and "B-5" only, and within a specified distance from schools.