



Office of Community of Development
**NOTICE OF A MEETING FOR
CITY OF CHICKASHA
PLANNING COMMISSION**

In compliance with Title 25, Oklahoma Statutes, Section 301-314, the Oklahoma Open Meeting Act, including the posting of notices and agenda, be advised that the **City of Chickasha Planning Commission** of the City of Chickasha, Oklahoma, meeting on **Tuesday, March 26, 2024, at 4:00 PM.**

Said meeting will be held at City Hall, 2nd Floor City Council Chambers, 117 N. 4th Street, Chickasha, Oklahoma.

The City of Chickasha encourages participation from all its citizens. If special accommodations are needed, please notify the City Clerk at least 48 hours prior to the scheduled meeting. The City may waive the 48-hour rule if the necessary accommodations can be easily made.

AGENDA

1 Call to Order/Roll Call

2 Meeting Items

- a. Public Hearing, Discussion, consideration and possible action to approve the Petition to Amend the Zoning Ordinance Chapter 54 Section 330 Tobacco/E-Cigarette Commercial Entities .
- b. Discussion, consideration and possible action to approve Amending Chapter 54, Section 330 TOBACCO/E-CIGARETTE” COMMERCIAL ENTITIES

3 Motion to Adjourn.

Rachel Bernish, Community Development Director

CHICKASHA

Meeting Type: Planning Commission 03/26/2024

Meeting Date: 3/26/2024

Department: Community Development

Agenda Item No. 2.a.

AGENDA ITEM: Public Hearing, Discussion, consideration and possible action to approve the Petition to Amend the Zoning Ordinance Chapter 54 Section 330 Tobacco/E-Cigarette Commercial Entities .

I. BACKGROUND/DESCRIPTION:

Zoning Ordinance: CHAPTER 54 ZONING TO PROVIDE FOR THE ADDITION OF ARTICLE XII ENTITLED "TOBACCO/E-CIGARETTE" COMMERCIAL ENTITIES. PROVIDING FOR THE ADDITION OF SECTION 54-330 ENTITLED "RESTRICTION ON TOBACCO/E-CIGARETTE RETAILERS"; PROVIDING FOR DEFINITIONS; PROVIDING FOR SEVERABILITY. PROVIDING FOR EXEMPTIONS; PROVIDING A REPEALER; PROVIDING FOR AN EMERGENCY.

II. RECOMMENDED ACTION:

Approval

III. FISCAL INFORMATION -

IV. FUND INFORMATION:

Dept. Director: NAME, TITLE	Fund	Account	Amount
	(To)		
	FUND	ACCOUNT	AMOUNT
Meeting Date:	(From)		

March 26, 2024

V. ATTACHMENTS:

1. Tobacco Ordinance

From: Community Development
Re: Petition to Amend the
Zoning Ordinance: CHAPTER 54 ZONING TO PROVIDE FOR
THE ADDITION OF ARTICLE XII ENTITLED
"TOBACCO/E-CIGARETTE" COMMERCIAL ENTITIES.
PROVIDING FOR THE ADDITION OF SECTION 54-330 ENTITLED
"RESTRICTION ON TOBACCO/E-CIGARETTE RETAILERS";
PROVIDING FOR DEFINITIONS; PROVIDING FOR SEVERABILITY.
PROVIDING FOR EXEMPTIONS; PROVIDING A REPEALER; PROVIDING FOR AN EMERGENCY.
When: Planning Commission
March 26, 20224 at 4 pm
in the City of Chickasha
City Council Chambers,
City Council hearing on
March 26, 2024.
Please contact Community
Development with questions
or concerns.
405-222-6010;
rachel.bernish@chickasha.org

CHICKASHA

Meeting Type: Planning Commission 03/26/2024

Meeting Date: 3/26/2024

Department: Community Development

Agenda Item No. 2.b.

AGENDA ITEM: Discussion, consideration and possible action to approve Amending Chapter 54, Section 330 TOBACCO/E-CIGARETTE” COMMERCIAL ENTITIES

I. BACKGROUND/DESCRIPTION:

Presentation by Parks and Recreation Director Spencer Winzenried:

This ordinance will prohibit the sales of tobacco and e-cigarette within 300 Feet of the school, playground or facility primarily used by someone under the age of 21.

II. RECOMMENDED ACTION:

Approval

III. FISCAL INFORMATION -

IV. FUND INFORMATION:

Dept. Director: NAME, TITLE	Fund	Account	Amount
	(To)		
	FUND	ACCOUNT	AMOUNT
Meeting Date: March 26, 2024	(From)		

V. ATTACHMENTS:

- HIG_Chickasha Tobacco Zoning Ordinance Draft_TAGGED_02.23.24

ORDINANCE NO. 2024 - _____

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF CHICKASHA, GRADY COUNTY, STATE OF OKLAHOMA, AMENDING THE CODE OF ORDINANCES CHAPTER 54 ZONING TO PROVIDE FOR THE ADDITION OF ARTICLE XII ENTITLED “TOBACCO/E-CIGARETTE” COMMERCIAL ENTITIES; PROVIDING FOR THE ADDITION OF SECTION 54-330 ENTITLED “RESTRICTION ON TOBACCO/E-CIGARETTE RETAILERS”; PROVIDING FOR DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXEMPTIONS; PROVIDING A REPEALER; PROVIDING FOR AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CHICKASHA, STATE OF OKLAHOMA:

SECTION I. That Chapter 54, Zoning, is hereby amended by adding Article XII, “TOBACCO/E-CIGARETTE” COMMERCIAL ENTITIES, which shall hereinafter read as follows:

Section 54-330 TOBACCO/E-CIGARETTE” COMMERCIAL ENTITIES

No business license by Chickasha, Oklahoma shall be located or operated at any place except at locations permitted by the town’s zoning or planning laws. The location of a tobacco/e-cigarette store is specifically prohibited within three hundred feet (300’) of any playground, school, or other facility when the facility is being used primarily by persons under twenty-one (21) years of age. The distance shall be measured as the shortest straight line distance from the property line of the proposed tobacco/e-cigarette store to the property line of the entities listed below:

- a) Public or private School
- b) Playgrounds
- c) Facility used primarily by persons under twenty-one years of age

DEFINITIONS

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

School: means any property, building, permanent structure, facility, auditorium, stadium, arena or recreational facility owned, leased or under the control of a public school district or private school or any educational facility that is accredited by the state of Oklahoma.

- School includes all licensed childcare facilities, kindergartens, elementary schools, which may include either K-6 or K-8, and all secondary schools

- School includes any institution within the Oklahoma State System of Higher Education or any other public or private college or university that is accredited by a national accrediting body.

Playgrounds: means any area used for outdoor play or recreation, especially by children, and often containing recreational equipment such as slides and swings.

Tobacco product: means any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. “Tobacco product” also means electronic smoking devices and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, and liquids used in electronic smoking devices, whether or not they contain nicotine. Tobacco product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

Electronic smoking device: means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. Electronic smoking device includes any component, part, or accessory of the device, and also includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine. Electronic smoking device does not include drugs, devices, or combination products 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 II. That the remainder of Chapter 54, Zoning, shall be unchanged by this Ordinance.

SECTION III. GRANDFATHER CLAUSE. Current license tobacco/e-cigarette store within 300 feet of any school are exempt from the amendment to the zoning ordinance. If current license tobacco/e-cigarette store is sold then the new owner would no longer be able to use the grandfathering clause to obtain a license

SECTION IV. Repealer. All ordinances or parts thereof which are inconsistent with this Ordinance are repealed upon the effective date of this Ordinance.

SECTION V. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the remaining portions of this Ordinance.

SECTION VI. Emergency. It being immediately necessary for the preservation of the public, health, peace and safety of the City of Chickasha and the inhabitants thereof, an emergency is hereby declared to exist by reason whereof this Ordinance shall be in full force and effect immediately from and after its passage, approval, and publication as provided by law.

SECTION VII. Pursuant to 11 O.S. §14-108, the City Clerk is authorized to include this ordinance in the official Code of Ordinances for the City of Chickasha, it being the intent to authorize recodification with the inclusion of this ordinance upon approval.

Adopted and approved this _____ day of _____, 2024.

Chris Mosley, Mayor

ATTESTED: