



Ord. No. 188 Smoke Shop Locations & Ord. No. 189 Window Signage
Zoning Text Amendments; Ord. No. 186 Criminal Code Update & Ord. No. 187
Tobacco Retail License.

March 2025



CITY OF CLEVELAND

Mayor Justin M. Bibb

CITY PLANNING

Agenda

March 2025

01. Purpose of Legislation
02. Background Information
03. Proposed Smoke Shop Amendment
04. Proposed Window Signs Amendment
05. Proposed Criminal Code Amendment
06. Proposed Tobacco Retail Licensing Amendment



02. Purpose of Legislation

March 2025

- ☐ To regulate the location of Smoke Shops to protect the public, health, safety, and welfare of all Clevelanders
- ☐ To protect neighborhoods from negative externalities and secondary effects created by the concentration and clustering of such businesses
- ☐ To avoid and reduce over-saturation of these types of businesses.
- ☐ To promote public health, safety, and welfare by encouraging walkability, and prohibiting signage that is 100% opaque, full window coverage in all business, industrial, and overlay districts.





02. Background Information

March 2025

- Under Ord. No. 529-2024, City **establishes Section 347.191; and to amend Sections 343.01, 343.11 and 345.02**, pertaining to location *of State licensed Adult Use & Medical Marijuana Dispensaries, Cultivators, Processors* in alignment with State of Ohio.
- Ohioans 21 years and older are legally allowed to consume or possess cannabis on and after December 7, 2023.
- **Issue 2 legalizes** 2.5 ounces of adult-use cannabis in any form except adult-use extract; and 15 grams of adult use cannabis in the form of adult use extract. A customer can purchase 2.5 ounces per day from a licensed adult-use dispensary.
-
- Individuals may grow up to six plants for personal use, with a limit of 12 plants per residence, as of December 7, 2023.
- An individual is allowed to gift up to six plants of marijuana without remuneration, as well as 2.5 ounces of adult-use cannabis in any form except adult-use extract; and 15 grams of adult-use cannabis in the form of adult-use extract.
- There are no limitations on how individuals 21 years and older may consume marijuana (ex. Smoking, vaping, edibles, etc.) on and after December 7, 2023.





02. Background Information

March 2025

Current Regulations for monitoring, surveillance, security of facilities, and advertising are regulated in [Chapter 3796:6-3](#) of the ORC and further spelled out in [Chapter 3780](#) "Adult Use Cannabis Code"

Some of the requirements for facilities are highlighted below:

- Security systems (for the public and employees) and video surveillance
- Regulations on storage of product behind locked areas and in safes or vaults
- **Additional regulations on displaying product including amount(s) and how cannabis can/cannot be stored in cases for public viewing**
- **Hours are limited to 7am-9pm for all dispensaries**
- Inventory control and monitoring systems; record keeping requirements
- Labeling and product quality control measures (product testing for other drugs/additives i.e. fentanyl)
- **Strict advertising regulations:**
 - No product likeness to be displayed to public or directed towards children
 - No use of cartoon characters or pop icons
 - Not permitted to depart from registered name, using slang terms, and similar references for cannabis products, paraphernalia, and other mediums (in public ROW) or public property
 - Suggests or indicates location or product has been falsely endorsed by Division
 - Division must approve all depictions, representations, and branding



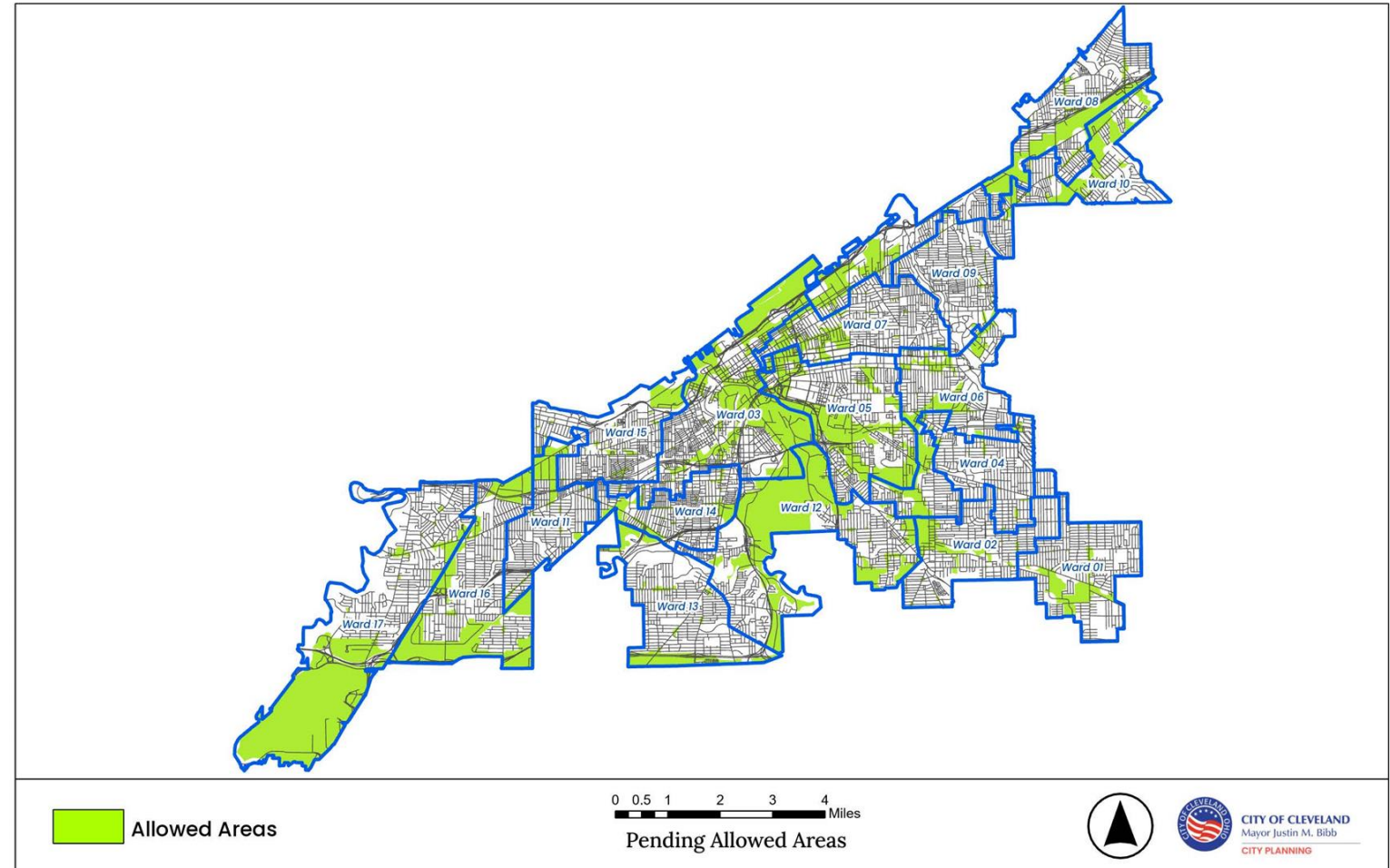


02. Background Information

Current State of Marijuana Law in Cleveland

March 2025

Current regulations permit retail dispensaries in **Local Retail Business Districts, 500 feet from churches, parks, schools, day cares, rec centers, and libraries.**





02. Background Information

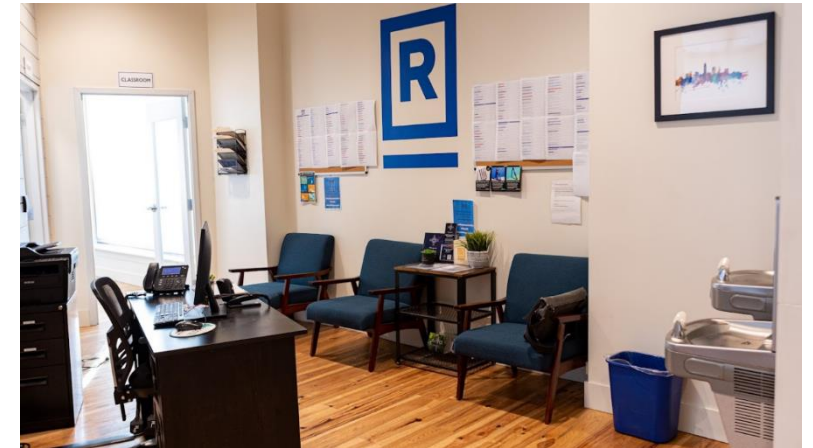
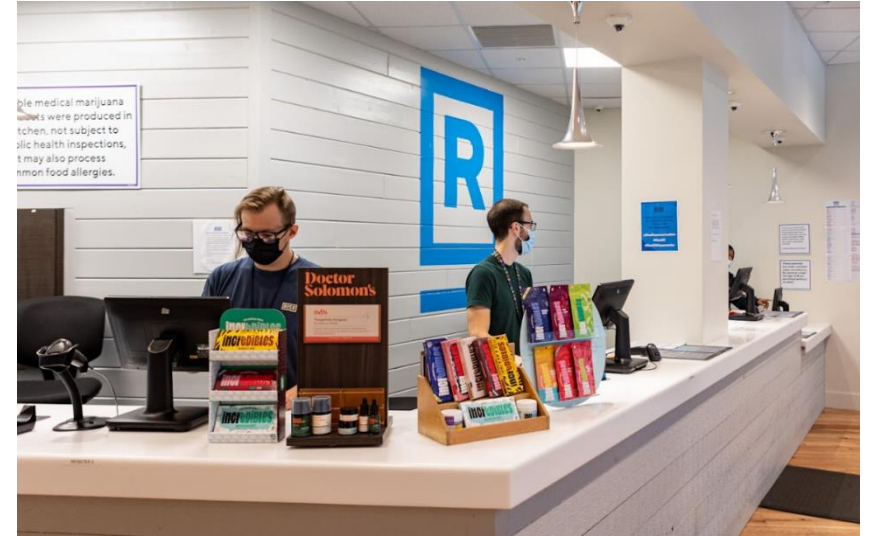
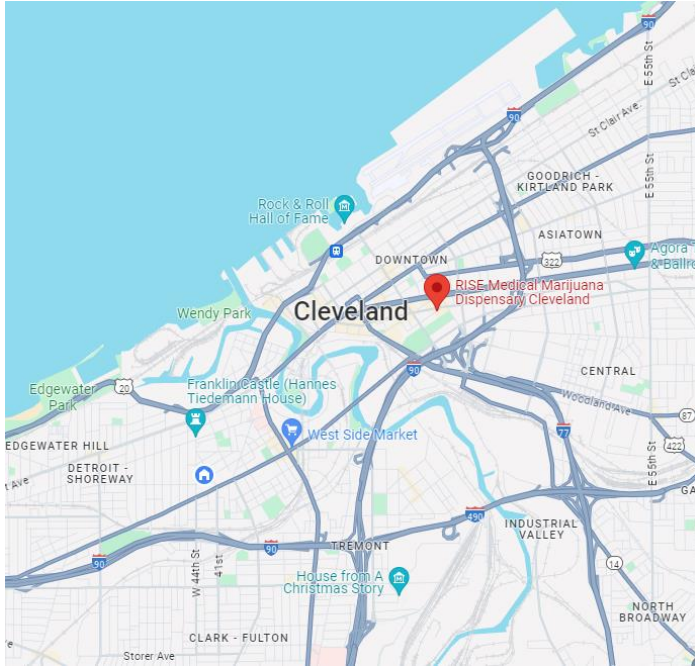
Currently State Licensed Facilities in Cleveland:

March 2025

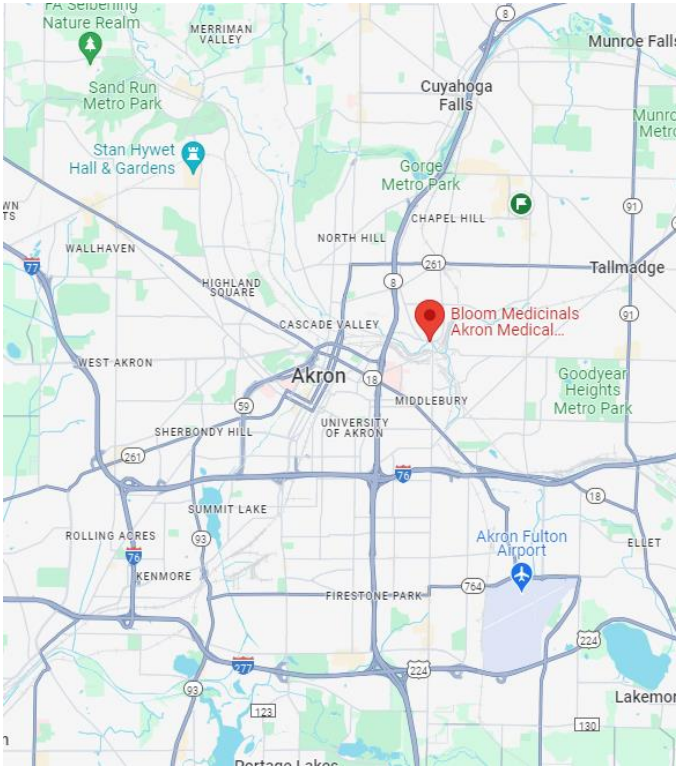
- ❖ 6400 Brookpark Rd (Cannavitz Ventures, LLC)
- ❖ 1222 Prospect Ave (Rise Cleveland)
- ❖ 4618 St. Clair Avenue (Shangri La Dispensary)
- ❖ 3865 Lakeside Ave. E. (The Botanist)
- ❖ 13429 Lakewood Ave. (Therapy Medical Cannabis)
- ❖ 1978 West 3rd. (The Land Dispensary)
- ❖ 5100 Pearl Rd (Rise – provisional)



Examples of State Licensed Marijuana Dispensaries Operating Today- RISE Medical Marijuana Dispensary Cleveland in Cleveland, Ohio



Examples of State Licensed Marijuana Dispensaries Operating Today-Bloom Medicinals Akron Medical Marijuana Dispensary in Akron, Ohio





02. Background Information

March 2025

Part of four (4) ordinances regarding tobacco, nicotine, accessories, advertising, and public health

- **Ord No. 186: Relates to illegal distribution of cigarettes, and other tobacco and nicotine products in Business Code – Chapter 607.**
- **Ord. No. 187: Relates to tobacco retail licensing – Chapter 235**
- **Ord. No. 188: Relates to location of smoke shops – Chapter 347**
- **Ord. No. 189: Relates to window signage coverage – Chapter 350**





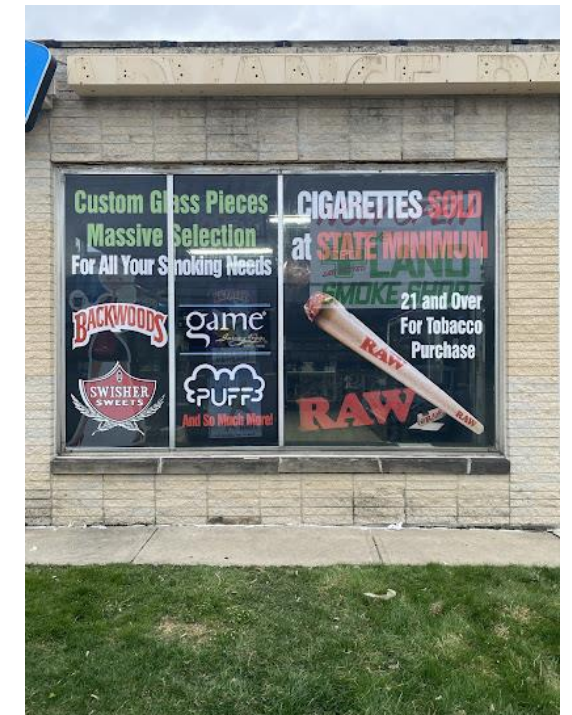
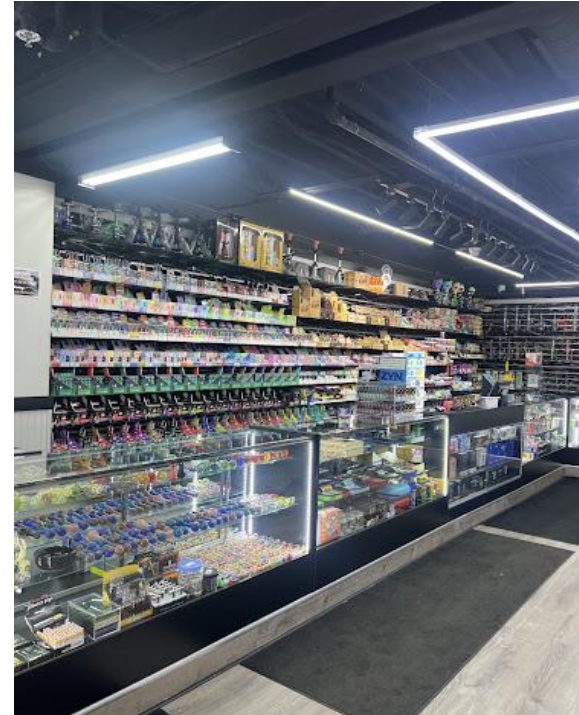
03. *Proposed Smoke* Shop Legislation

Existing & New Smoke Shops in Cleveland

March 2025

No current regulations

42 formal permit applications to establish use as smoke shops since January 1, 2025.

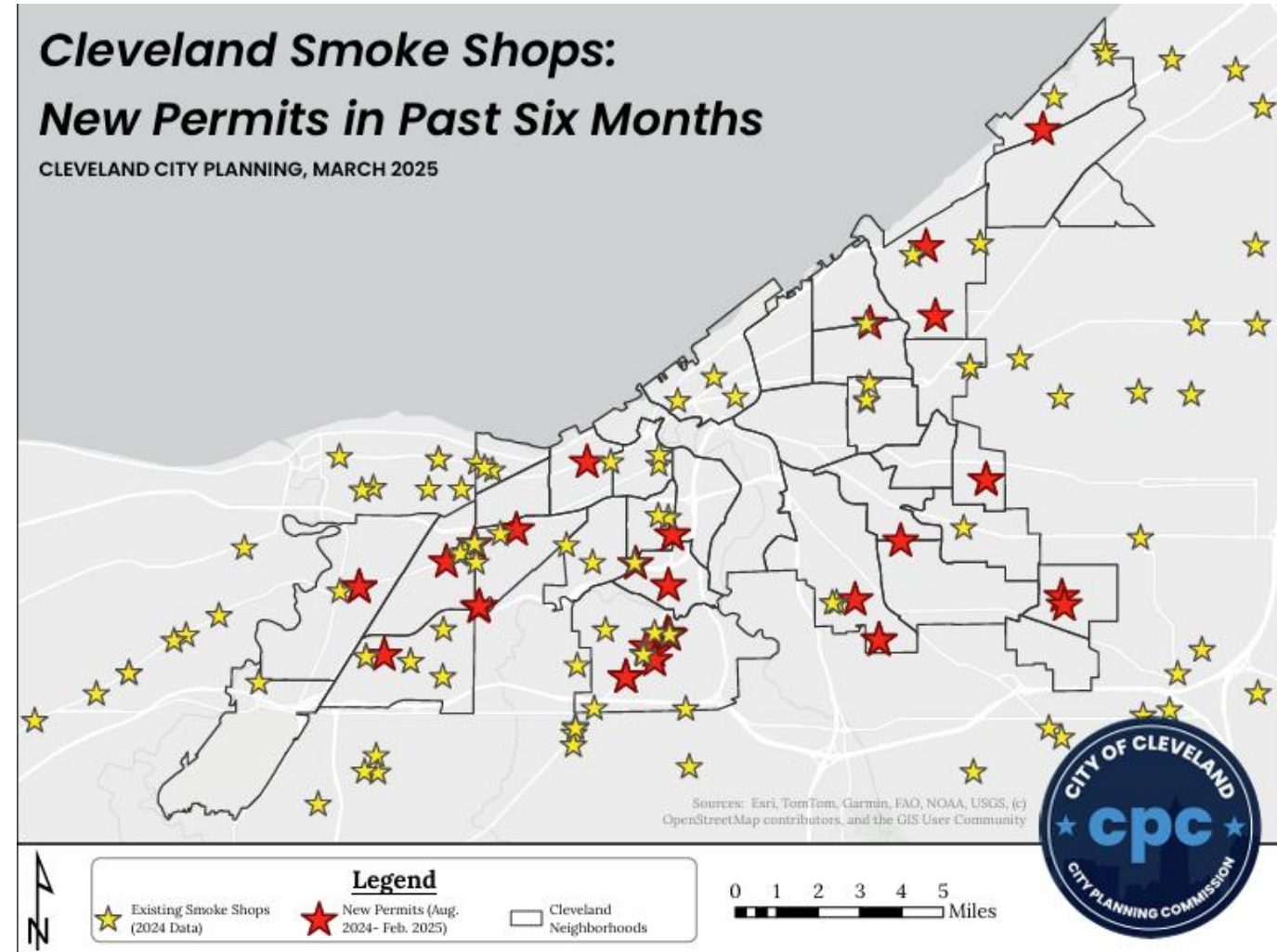




03. ***Proposed Smoke Shop Legislation*** (Ord. No. 188-2025)

March 2025

- **Smoke Shop** = Any retail establishment at which twenty percent (20%) or more of floor, shelf, and/or display area(s), individually or in the aggregate, is used for the sale of Smoke Shop Products such as: kratom, CBD, delta-8, and other cannabinoids;
- tobacco and nicotine products;
- electric smoking devices (vapes); and
- any accessories to the above (papers, water pipes, etc.).



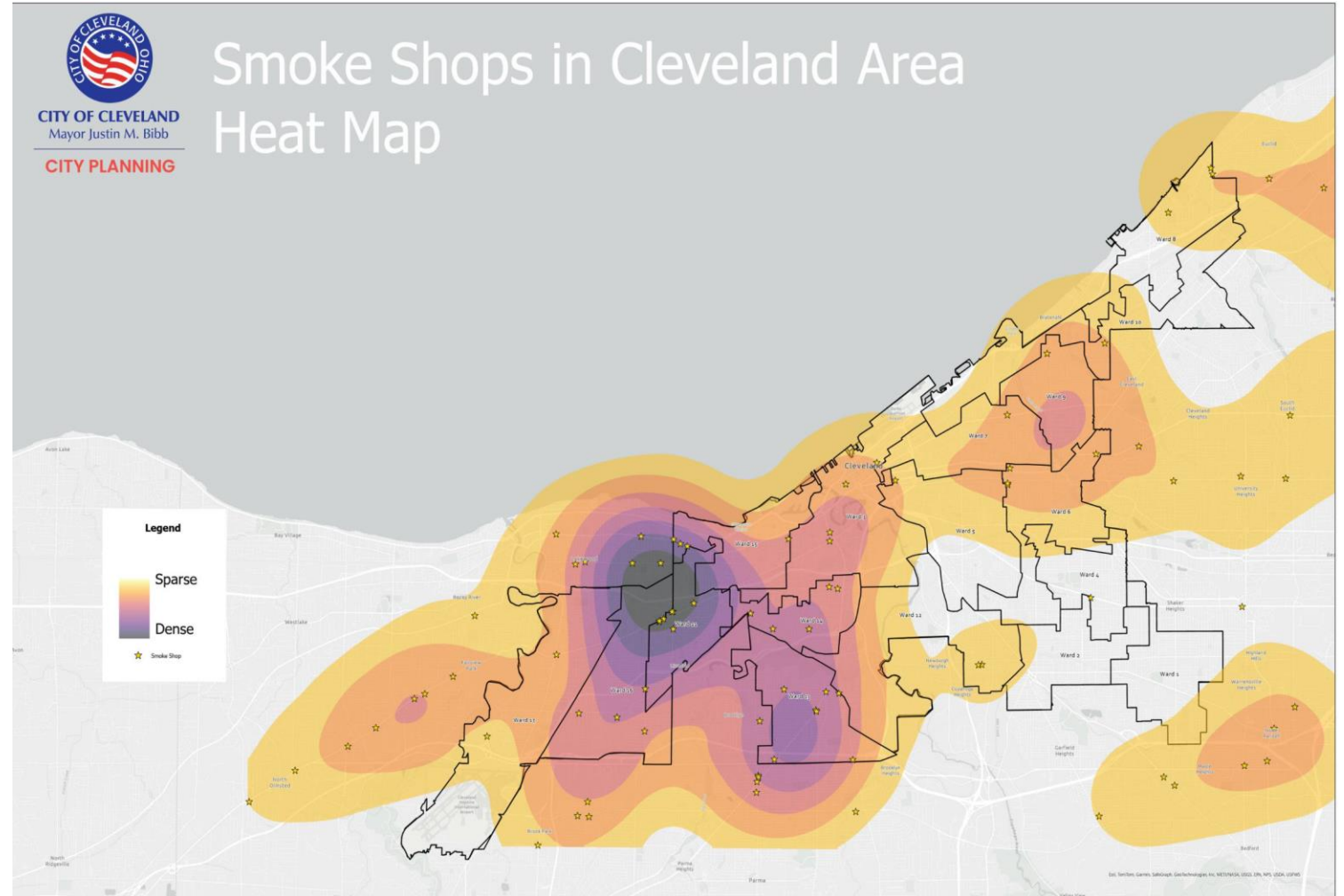
Excludes state-licensed marijuana facilities, which are regulated elsewhere.

Smoke Shops in Cleveland

Any new smoke shops have to be at least **2 miles from any existing smoke shops.**

No Smoke Shop shall be located or relocated **within 500 feet from a church, public library, public playground, public park, or school.**

The Director of City Planning shall **maintain a map** of existing Smoke Shop locations and other information necessary to determine compliance with the spacing regulations.





04. ***Proposed Smoke Shop Legislation*** – Ord. No. 189-2025

March 2025

❖ **Enacting § 350.121 to limit window sign coverage to a maximum of 25% of all window area.**

- Each façade considered separately
- All windows and glass portions of doors
- Pertains to all temporary and all permanent signs
- Transparent signs measured also





04. *Proposed Smoke Shop Legislation* – Ord. No. 189-2025

March 2025



04. ***Proposed Smoke Shop Legislation*** – Ord. No. 189-2025



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04. *Proposed Smoke Shop Legislation* – Ord. No. 189-2025

March 2025





03. ***Proposed Smoke Shop Legislation*** (Ord. No. 186-2025)

March 2025

- **To amend Sections 607.15** of the Codified Ordinances of Cleveland, Ohio, 1976, relating to the illegal distribution of cigarettes, other tobacco products or alternative nicotine products.
- Updating original language passed in 2015 before Ohio had passed statewide Tobacco 21 to match state laws.

TOBACCO AGE OF SALE

ONLY 21+

It's the
LAW

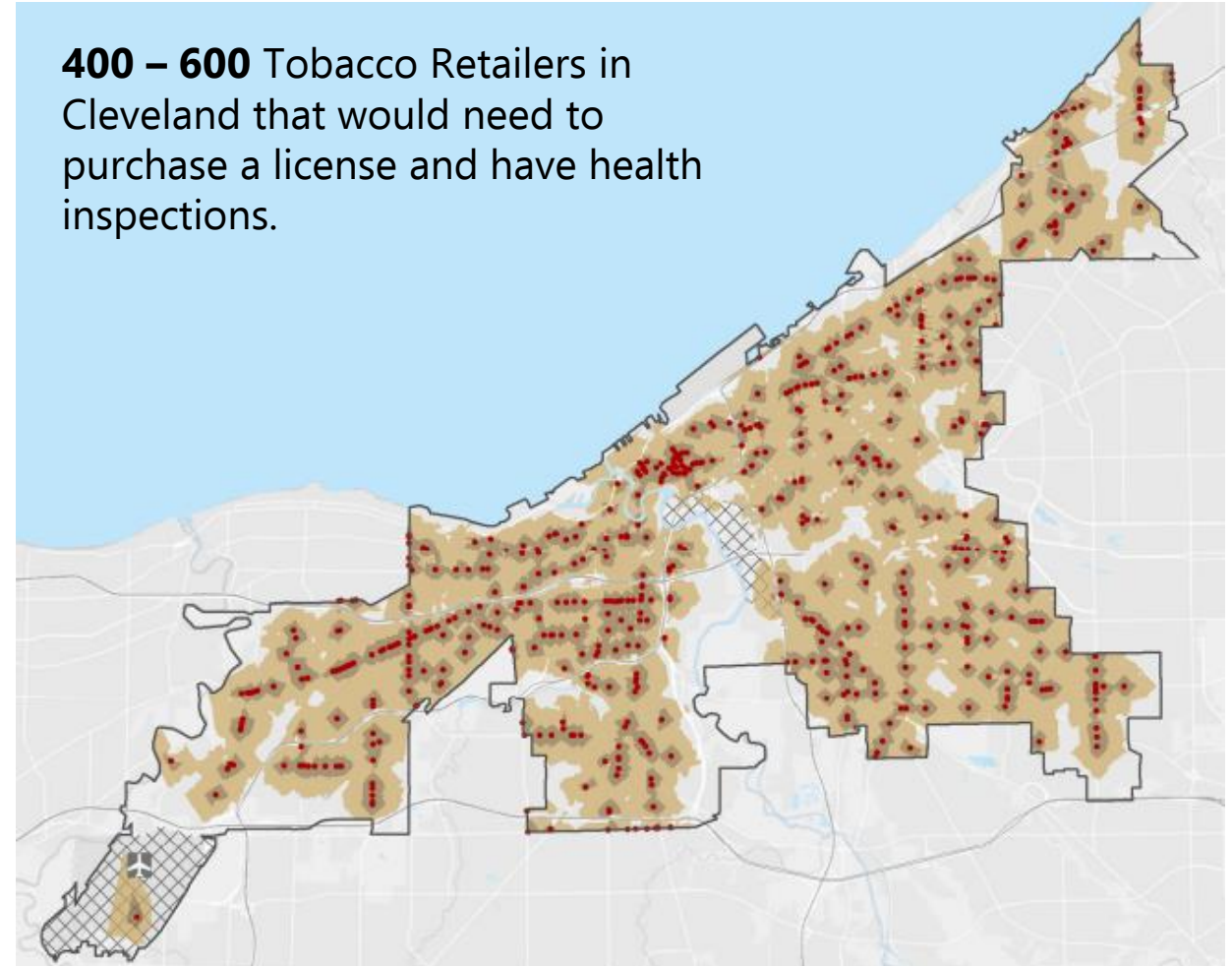


03. ***Proposed Smoke Shop Legislation*** (Ord. No. 187-2025)

March 2025

- **Tobacco Retailer** = Any individual, firm, partnership, joint venture, association, joint stock company, corporation, unincorporated business entity, or any other group acting as a unit that owns a business where Tobacco Products are available for sale to the general public.
- Each **Tobacco Retailer** engaging in the sale of **Tobacco Products** shall secure a tobacco retail sales license from the Commissioner of Assessments and Licenses.
- No **Tobacco Retailer** shall sell or distribute **Tobacco Products** without a valid tobacco retail sales license.

400 – 600 Tobacco Retailers in Cleveland that would need to purchase a license and have health inspections.



Tobacco Retailers in Clevelar

The **Commissioner of Environment** may deny, suspend, or revoke a **Tobacco Retail License** if:

- 1) Tobacco Products are sold without valid license.
- 2) Fail to pay fines issued in accordance with this chapter.
- 3) Have a tobacco retail license revoked within preceding 12 months.
- 4) **Sell or distribute marijuana without an applicable state-issued license.**

WARNING

ORDER TO IMMEDIATELY CEASE

SMOKE SHOP OPERATIONS

THIS PROPERTY DOES NOT HAVE A VALID TOBACCO RETAIL LICENSE. NO ONE CAN LEGALLY OPERATE A SMOKE SHOP OR TOBACCO RETAILER IN THE CITY OF CLEVELAND WITHOUT OBTAINING AN ANNUAL LICENSE.

DATE: _____ **ISSUED BY:** _____

Cleveland Codified Ordinances (CCO) §§ 235A.07. Removal of this sign is punishable by a fine/and or imprisonment. Each day of violation is a separate offense. Please call 216-420-7355.



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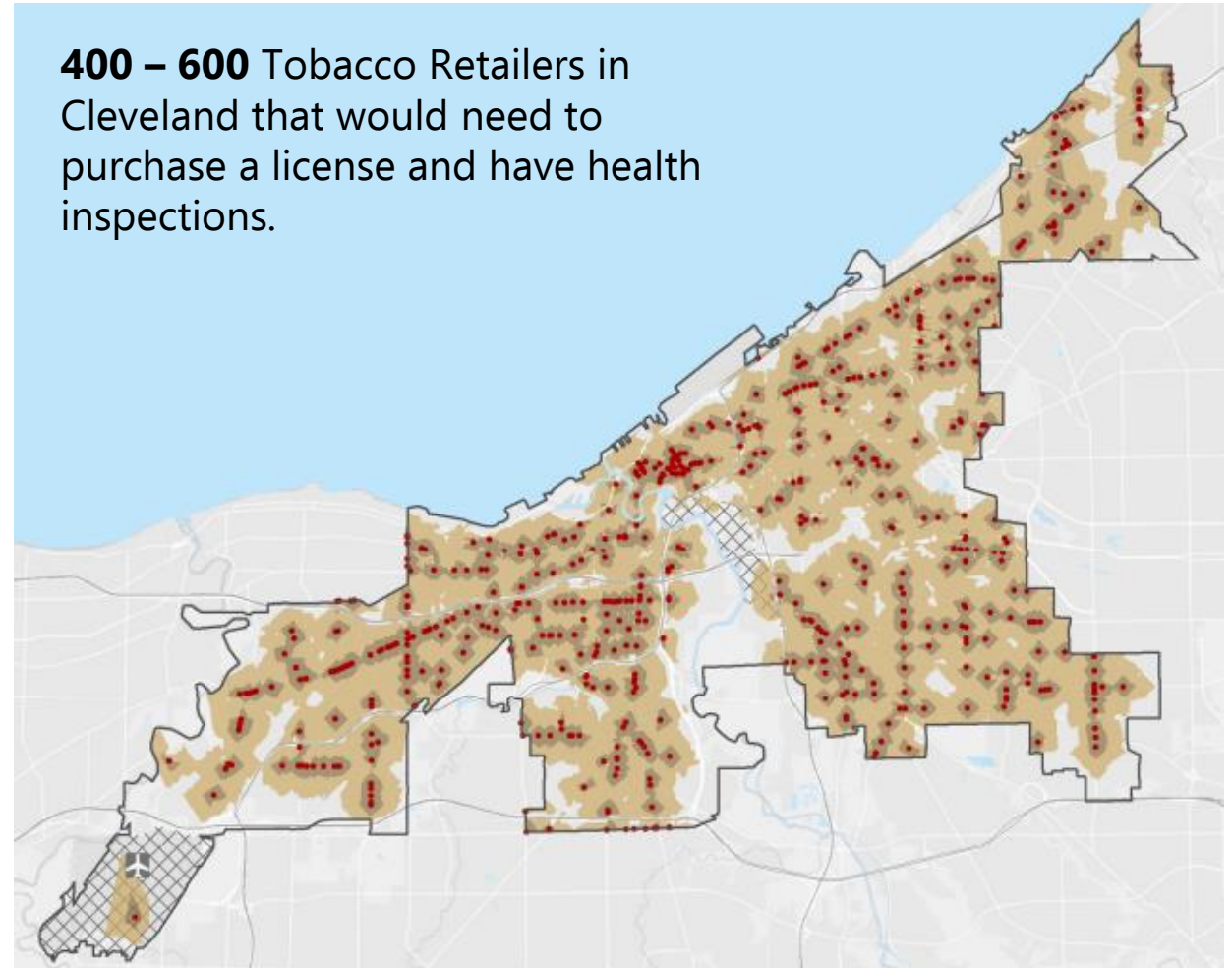
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Tobacco Retailers in Cleveland

All **Tobacco Retailers** must be open to inspection by the Department of Public Health/Division of Environment during regular business hours.

All **Tobacco Retailers** may be subject to at least 2 compliance checks annually. Any person who desires to register a complaint may do so by contacting the Commissioner of Environment or designee. The Commissioner/designee shall investigate the alleged violation.

All **Tobacco Retailers** must be in compliance with a) age restriction; b) age verification; c) Tobacco 21 signage.



Tobacco Retailers in Clevelar

The **Commissioner of Environment** or designee may impose civil fines on the **Tobacco Retailer**:

- 1) 1st Violation: **\$500**
- 2) 2nd Violation within 36 months: **\$750**
- 3) 3rd Violation within 36 months: **\$1000** and **30-day suspension** of Tobacco Retail License.
- 4) 4th Violation within 36 months: **\$1000** and **Revoke** Tobacco Retail License.

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Questions?

