

# Ordinance No. 504-2025

By Council Members Conwell, Griffin,  
Santana, Kazy, McCormack, Slife, Maurer  
and Gray

## AN EMERGENCY ORDINANCE

Establishing a moratorium on the issuance of all use permits and building permits, certificates of occupancy, sign permits, tobacco retail sales licenses, and other licenses or permits for smoke shops.

WHEREAS, “Smoke Shop” means 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; and

WHEREAS, no state-licensed medical or adult-use marijuana operator, cultivator, processor, dispensary, laboratory, or entity as defined in Codified Ordinance Sections 347.19(b) and 347.191(b) shall constitute a Smoke Shop for purposes of this ordinance; and

WHEREAS, “Smoke Shop Products” as referenced in the definition of “Smoke Shop” above, are defined in Section 1 of this ordinance below; and

WHEREAS, there is a proliferation of unregulated Smoke Shops, and data establishes that an over-concentration of Smoke Shops exists in the City of Cleveland and the City has received approximately one hundred (100) permit applications to establish use as a Smoke Shop since January 1, 2025; and

WHEREAS, along with the increase in Smoke Shop operations there has been false advertising of Smoke Shops as licensed dispensaries; and

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

WHEREAS, additionally, the City is in the process of enacting a local licensing system for tobacco retailers, including Smoke Shops, to allow for local enforcement of tobacco laws and to help combat the sale of tobacco products to those underage to protect the public health, safety, and welfare of Cleveland’s residents; 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 permits and building permits, certificates of occupancy, sign permits, tobacco retail sales licenses, and other licenses or permits for Smoke Shops is necessary to enable this Council to consider reasonable restrictions and regulations for such stores in the City and the Administration to enforce these regulations; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That, notwithstanding and as an exception to any provision of the Codified Ordinances of Cleveland, Ohio, 1976 and for the reasons stated in the preamble, this Council establishes a moratorium on the issuance of use permits and building permits, certificates of occupancy, sign permits, tobacco retail sales licenses, and other licenses or permits to establish a Smoke Shop as a new use until 180 days after the effective date of Chapter 235A, Tobacco Product Sales Licensing. “Smoke Shop” means 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. “Smoke Shop Product(s) means:

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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 as defined in this section 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. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

/jho

4/14/2025

For: Council Members Conwell, Griffin, Santana, Kazy, McCormack, Slife, Maurer and Gray

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READ FIRST TIME on APRIL 14, 2025  
and referred to DIRECTORS of Public Health,  
City Planning Commission, Finance, Law;  
COMMITTEES on Health Human Services and the Arts,  
Development Planning and Sustainability,  
Finance Diversity Equity and Inclusion

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

REPORT  
after second Reading

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
HEALTH, HUMAN SERVICES  
and the ARTS

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
DEVELOPMENT, PLANNING AND  
SUSTAINABILITY

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
FINANCE, DIVERSITY, EQUITY  
and INCLUSION

FILED WITH COMMITTEE