

# Ordinance No. 188-2025 AS AMENDED

## AN EMERGENCY ORDINANCE

To enact new Section 347.21 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to smoke shops.

By Council Members Conwell, Griffin,  
Santana and Kazy (by departmental request)

---

WHEREAS, data establishes that an over-concentration of Smoke Shops, as defined below, currently exists in the City and the City has received approximately one hundred (100) permit applications to establish use as Smoke Shops since January 1, 2025; and

WHEREAS, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that the proposed enactment of new Section 347.21 is necessary to protect neighborhoods from, and to avoid further, over-concentration of Smoke Shops and the negative secondary effects arising therefrom, including but not limited to, an increase in the availability of Smoke Shop Products, as defined below; now therefore

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 347.21 to read as follows:

Section 347.21      Smoke Shops

(a) Purpose. The regulations of this section are established to regulate the location of Smoke Shops for the purpose of protecting neighborhoods from negative secondary effects created by the concentration or clustering of such businesses. Furthermore, the regulations are established to avoid and reduce over-concentration.

(b) Definitions. For purposes of this section:

(1) "Cannabidiol" or "CBD" means the cannabidiol compound, containing delta-9 tetrahydrocannabinol concentration of not more than three-tenths per cent, derived from hemp.

(2) "Electronic Smoking Device" has the same meaning as defined in RC 2927.02.

(3) "Hemp" means the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths per cent on a dry weight basis.

(4) "Kratom" means any parts of the plant mitragyna speciosa, whether growing or not, and any compound, manufacture, salt, derivative, mixture, or preparation of that plant, including but not limited to, mitragynine and 7-hydroxymitragynine.

(5) "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. No state-licensed medical or adult-use marijuana operator, cultivator, processor, dispensary, laboratory, or entity as defined in Sections 347.19(b) and 347.191(b) shall constitute a Smoke Shop for the purposes of this section.

(6) "Smoke Shop Product(s)" means:

# Ordinance No. 188-2025

## AS AMENDED

---

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.

(c) Spacing. No Smoke Shop shall be established on a lot or lots within ten thousand five hundred and sixty (10,560) feet (two (2) miles) of another lot or lots containing an existing Smoke Shop. No two (2) Smoke Shops shall be located in the same building or on the same lot. Such distance shall be measured in a geometrically straight line which represents the shortest distance between the lot or lots accommodating the proposed Smoke Shop and the lot or lots from which the existing Smoke Shop is located. Such measurement shall be made using a scaled map, or a survey if deemed necessary, and shall be made without regard to intervening structures, objects, uses, the street grid, landforms or any other topographic feature.

(d) Location. Where otherwise permitted in a particular use district, no Smoke Shop shall be located or relocated within five hundred (500) feet of the end boundaries of a parcel of real estate having situated on it a church, public library, public playground, public park, or school.

(e) Maps Maintained in the Office of the City Planning Commission. 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 under division (c) of this section.

(f) Floor, Shelf, and Display Plan Required. For any Smoke Shop, a floor, shelf and display plan shall be submitted as part of its Building Permit application in

Ordinance No. 188-2025  
AS AMENDED

addition to any other required plans and information, and shall contain the amount of floor, shelf, and display area dedicated to Smoke Shop Products.

~~Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~

Section 2. That this ordinance is 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."

PMA/SM:nl  
2-10-2025  
FOR: Director Margolius and Council Members Conwell, Griffin, Santana, Kazy and Jones

Ord. No. 188-2025 AS AMENDED

REPORT  
after second Reading

By Council Members Conwell, Griffin, Santana and Kazy (by departmental request)

AN EMERGENCY ORDINANCE

To enact new Section 347.21 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to smoke shops.

READ FIRST TIME REPORTS

and referred to

by the council

CITY CLERK

READ SECOND TIME  
by the council

CITY CLERK

READ THIRD TIME  
by the council

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. \_\_\_\_\_ Page \_\_\_\_\_  
Published in the City Record \_\_\_\_\_