

CITY OF BELLEVUE

ORDINANCE NO. 2024-05-01

AN EMERGENCY ORDINANCE OF THE CITY OF BELLEVUE, IN CAMPBELL COUNTY, KENTUCKY, PLACING AND IMPLEMENTING A MORATORIUM ON THE ACCEPTANCE, PROCESSING, APPROVAL AND/OR ISSUANCE OF ANY PERMITS OR LICENSES, INCLUDING BUT NOT LIMITED TO OCCUPATIONAL LICENSES, TO ANY VAPE ESTABLISHMENTS OR SHOPS FOR A PERIOD OF ONE (1) YEAR.

WHEREAS, members of the Board of Council of the City of Bellevue are concerned about the health and welfare of its citizens and have an active duty to protect the health and welfare of its citizens; and

WHEREAS, the Board of Council has become aware that Vape Shops stock, sell and make available to the public certain products for vaping, including but not limited to THC cartridges, dab pens, vaporizers and other vaping devices that can be used for nicotine and non-nicotine products (“Alternative Nicotine Product”) including cannabis and cannabis derivatives; and

WHEREAS, the Board of Council understands there can be several types of Vape Shops including but not limited to those that sell only vaporizers and their related nicotine or cannabis products, and those that have hemp-derived products like CBD in vape-able forms; and

WHEREAS, the Board of Council has serious concerns and questions about the effect of Vape Shops in the city, including but not limited to: appropriate regulation; location of Vape Shops to each other, near schools, playgrounds and/or city owned parks; the effects of vaping on physical and mental health; and, children’s access to these products; and

WHEREAS, there has reportedly been an increase of newly opened vape shops in Northern Kentucky, and an emergency is hereby declared; and

WHEREAS, children have been gaining access to vape shop products, and they have been becoming ill due to the effects of the product, and have had to visit emergency rooms and doctors seeking medical attention; and

WHEREAS, the administration of the Bellevue School System has reported to constituents that students’ use of vaping materials has become an onerous problem for the school system; and

WHEREAS, the city needs time to research and investigate all issues relating to Vape Shops and their effects on the citizens of Bellevue and others, and enact any and all appropriate legislation regulating Vape Shops; and

WHEREAS, as the city has grave concerns about the health of its citizens with regard to Vape Shops as set forth herein, and the recent opening of Vape Shop(s) in the City has caused an occasion of urgency and suddenness, where something helpful needs to be done at once, an emergency exists, requiring immediate action.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BELLEVUE, IN CAMPBELL COUNTY, KENTUCKY, AS FOLLOWS:

Section 126 of the Bellevue Code of Ordinances titled “MORATORIUM ON VAPE SHOPS” is hereby created:

Section 1. Moratorium.

A moratorium on the acceptance, processing, approval and/or issuance of any permits or licenses, including but not limited to Occupational Licenses and Zoning Permits from any person, firm, organization, or corporation seeking to open a Vape Shop is hereby enacted and ordered, and shall remain in effect for a period of 12 consecutive months following the passage of this Ordinance, to allow the City of Bellevue to research, investigate, and enact any appropriate legislation to regulate the opening, location and/or operation of any further Vape Shops after the moratorium herein is lifted.

As used in this Ordinance, “Vape Shop” shall mean and include any person, firm, organization, and/or corporation that seeks to open a business that stocks, sells and/or makes available to the public certain products for vaping, including but not limited to THC cartridges, dab pens, vaporizers and other vaping devices that can be used for nicotine and non-nicotine products (“Alternative Nicotine Product”) including cannabis; and/or a shop or business that sells vaporizers and their related nicotine or cannabis products, those that have hemp-derived products like CBD in vape-able forms, and/or any other similar shop or business, and as defined in KRS 438.305 and related section of the Kentucky Revised Statutes.

Section 2. Emergency.

For the reasons set forth in this Ordinance, an emergency is hereby declared to exist and the provisions of this ordinance shall become effective immediately upon its adoption by a vote of 2/3rds or more of the board of council pursuant to KRS 83A.060(7)

Section 3.0 – Effective Date

This Ordinance shall be effective as soon as possible according to law.

Section 4.0 – Publication

This Ordinance shall be published pursuant to K.R.S. 83A.060(9). The Ordinance shall be effective when read, passed and advertised according to law.

Charlie Cleves, Mayor

ATTEST:

Lindy Jenkins, City Clerk

1st reading: _____
2nd reading: N/A; Emergency Legislation
Publication: _____