



# City of Gahanna

200 South Hamilton  
Road  
Gahanna, Ohio 43230

Signature

Ordinance: ORD-0045-2024

File Number: ORD-0045-2024

## AN ORDINANCE AMENDING CHAPTER 737 TOBACCO PRODUCT SALES SECTIONS 737.04 AND 737.14 OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA

**WHEREAS**, on December 18, 2023, Council passed Ordinance 0071-2023 adopting Chapter 737 - Tobacco Product Sales, regulating the sale of tobacco products by requiring a Tobacco Retail License; and

**WHEREAS**, this Ordinance required contracting with the Franklin County Public Health for the administering the program on behalf of the City of Gahanna; and

**WHEREAS**, initiation of the Tobacco Retail License program in partnership with Franklin County Public Health was delayed due to the State of Ohio's preemption of Chapter 737 through Ohio Revised Code (ORC) 9.681; and

**WHEREAS**, on April 1, 2024, Council passed Resolution 0014-2024 to join the City of Columbus as co-plaintiff in a legal action challenging ORC 9.681; and

**WHEREAS**, on May 23, 2024, relief was granted for a permanent injunction against the State in enforcing ORC 9.681, prompting negotiations to resume on the Tobacco Retail License program with Franklin County Public Health; and

**WHEREAS**, the City Attorney has recommended amendments to the Codified Ordinances Sections 737.04 and 737.14 to address necessary changes in application deadlines and severability.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GAHANNA, COUNTY OF FRANKLIN, STATE OF OHIO:**

**Section 1.** That Code Sections 737.04 - License Required and 737.14 - Other Laws are hereby amended and adopted as set forth in EXHIBIT A, attached hereto and made a part herein.

**Section 2.** That this Ordinance shall be in full force and effect after passage by this Council and 30 days after the date of signature of approval by the Mayor.

At a regular meeting of the City Council on July 15, 2024, a motion was made by Weaver, seconded by Renner, that the Ordinance be Adopted. The vote was as follows:

Ms. Bowers, yes; Ms. Jones, yes; Ms. McGregor, yes; Ms. Padova, yes;  
Mr. Renner, yes; Mr. Schnetzer, yes; Mr. Weaver, yes.

President

Merisa K. Bowers  
Merisa K. Bowers

Date

7/15/24

Attest by Jeremy A. Van Meter  
Jeremy A. VanMeter  
Clerk of Council

Date 7/16/2024

Approved by the Mayor Laurie A. Jadwin  
Laurie A. Jadwin

Date 7.15.2024

Approved as to Form PDT  
Priya D. Tamilarasan  
City Attorney

Date 7/15/24



---

## Chapter 737 TOBACCO PRODUCT SALES

### 737.04 LICENSE REQUIRED.

- (a) No person shall sell or offer to sell any licensed product without first having obtained a license to do so from the Department.
- (b) An application for a license must be made on a form provided by the Department. The application must contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the city or Department deems necessary. If the Department determines that an application is incomplete, it will be returned to the applicant with notice of the information necessary to make the application complete.
- (c) The fee for a license shall be initially set, and subsequently reviewed and adjusted annually, by the City/Department; however, the fee for a license shall not be less than \$500.00.
  - (1) Licensing fees are due at the time of application and are not refundable.
  - (2) A license cannot be renewed if the Tobacco Retailer has outstanding fines pursuant to this Chapter.
- (d) The license term is one calendar year, beginning on ~~March~~ January 1. For initial applications submitted by September 1, 2024, the Department may issue a license for the remainder of the standard term period and may extend until December 31<sup>st</sup>, 2025. In cases of applications for a new license submitted after ~~March~~ January 1 of a given year and more than 60 days before the following ~~March~~ January 1, the Department may issue a license for the remainder of the standard term period, but such license term will only extend to the following ~~last day of February~~ December 31<sup>st</sup>.
- (e) Any license issued may be suspended or revoked following the procedures set forth in this chapter.
- (f) All licenses issued are valid only on the premises for which the license was issued and only for the person to whom the license was issued.
- (g) All licenses must be posted and displayed in a conspicuous location at all times in plain view of the general public in the tobacco retail establishment.
- (h) A renewal application will be mailed to the establishment 30—60 days prior to ~~March~~ December 1 of the calendar year. The renewal application, along with any fees, must be received or postmarked by the ~~Department/City of Gahanna, along with any fees,~~ by ~~March~~ December 1 of the calendar year and may face fines if any or all of the renewal application is received after ~~March~~ December 1.
- (i) Issuance is a privilege and not a right. The issuance of a license is a privilege and does not entitle the license holder to an automatic renewal of the license.
- (j) No person shall distribute samples of any tobacco products free of charge or at a nominal cost. The distribution of tobacco products as a free donation is prohibited.

(Ord. No. ORD-0071-2023, § 1(Exh. A), 12-18-23)

---

### **737.14 OTHER LAWS.**

This Chapter ~~does not intend and shall not be interpreted to regulate any conduct where the regulation of such conduct has been preempted by the United States or the State of Ohio, nor shall not in~~ limit in any way the City of Gahanna Division of Police or Code Enforcement from conducting their statutory and permissible duties.

(Ord. No. ORD-0071-2023, § 1(Exh. A), 12-18-23)