

1 **Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton,**
2 **Virginia By Amending Section 2-2 Entitled, “Definitions” To Add A Definition of “Smoke or**
3 **Vape Shop”.**

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5 **WHEREAS**, the public necessity, convenience, general welfare and good zoning practice so
6 require;

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8 **BE IT ORDAINED** by the City Council of the City of Hampton, Virginia that Section 2-2 of the
9 Zoning Ordinance of the City of Hampton, Virginia be amended to read as follows:

10
11 **CHAPTER 2 – DEFINITIONS**

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15 **Section 2-2. – Definitions.**

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19 *Smoke or Vape Shop. A retail establishment engaged in the sale of retail tobacco*
20 *products as defined in Va. Code § 18.2-371.2, hemp products intended for smoking as defined*
21 *in Va. Code § 3.2-4112, and any other lawful product intended for smoking by humans. This*
22 *includes, but is not limited to (i) any electronic smoking device and any substance which can be*
23 *aerosolized or vaporized by such device, (ii) any tobacco product containing nicotine intended*
24 *for human consumption, and (iii) any component, part, or accessory to the products herein*
25 *described, whether or not such component, part, or accessory contains tobacco or nicotine. A*
26 *Smoke or Vape Shop shall not include any establishment that holds a Virginia Alcoholic*
27 *Beverage Control (VABC) license. In the event that the sale of retail marijuana or retail*
28 *marijuana products becomes legal in the Commonwealth of Virginia, a Smoke or Vape Shop*
29 *may sell retail marijuana or retail marijuana products only if the establishment obtains a use*
30 *permit or an amended use permit specifically authorizing the sale of retail marijuana or retail*
31 *marijuana products at the specific location, and if the establishment otherwise complies with all*
32 *other applicable law, including (without limitation) the regulations of any agency of the*
33 *Commonwealth authorized to issue permits for retail sales of marijuana or marijuana products.*
34 *No legal non-conforming Smoke or Vape Shop nor any other existing establishment may sell*
35 *retail marijuana or retail marijuana products unless they obtain a use permit or an amended use*
36 *permit specifically authorizing the sale of such products.*

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