

ORDINANCE NO. 2022-05

AN ORDINANCE AMENDING CHAPTER 4, "OFFENSES AGAINST THE HEALTH, WELFARE AND MORALS," OF THE CODE OF ORDINANCES OF THE TOWN OF LUTHER, OKLAHOMA, AND SPECIFICALLY AMENDING SECTION 10-424, "LOCATION OF STORES SELLING TOBACCO AND VAPOR PRODUCTS;" PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT, AND DECLARING AN EMERGENCY

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LUTHER, OKLAHOMA THAT:

SECTION I: Section 10-424 of the Code of Ordinances of the Town of Luther, Oklahoma, is hereby amended to read as follows:

SECTION 10-424 LOCATION OF STORES SELLING TOBACCO AND VAPOR PRODUCTS

A. DEFINITIONS.

1. School: means any property, building, permanent structure, facility, auditorium, stadium, arena or recreational facility owned, leased or under the control of a public school district or private school or any educational facility that is accredited by the state of Oklahoma. School includes all licensed childcare facilities, kindergartens, elementary schools, which may include either K-6 or K-8, and all secondary schools. School includes any institution within the Oklahoma State System of Higher Education or any other public or private college or university that is accredited by a national accrediting body.
2. Playgrounds: means any area used for outdoor play or recreation as defined by State statute
3. Tobacco Product: means any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. "Tobacco Product" also means electronic smoking devices and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, and liquids used in electronic smoking devices, whether or not they contain nicotine. Tobacco product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.
4. Electronic smoking device: means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. Electronic smoking device includes any component, part, or accessory of the device, and also includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine. Electronic smoking device does not include drugs, devices, or combination products authorized for sale by

the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

B. No business license by the Town of Luther shall be located or operated at any place except at locations permitted by the town's zoning or planning laws. The location of a tobacco/e-cigarette store is specifically prohibited within three hundred feet (300') of any playground, school, or other facility when the facility is being used primarily by persons under twenty-one (21) years of age. All locations existing prior to the effective date of this ordinance shall be exempt from these provisions.

SECTION II. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

SECTION III. All ordinances in conflict herewith are hereby repealed.

SECTION IV. It being immediately necessary for the preservation of the public peace, health, safety and welfare of the Town of Luther and the inhabitants thereof that this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 12th day of April, 2022.


MAYOR WILLIAM TERRY ARPS

ATTEST:


TOWN CLERK



Approved as to form and legality:


Town Attorney