

### *Chapter 19.405 TOBACCO RETAIL (SMOKE SHOP)*

#### **19.405.010 Purpose.**

The purpose of regulating standalone tobacco retail establishments (smoke shops) is to promote public health, to ensure security and compatibility with surrounding uses and properties, and to avoid any impacts associated with such uses.

#### **19.405.020 Applicability and permit requirements.**

- A. Standalone tobacco retail establishments (smoke shops), as defined in Article X (Definitions), are permitted as set forth in Article V, Base Zones and Related Use and Development Provisions subject to the requirements contained in this chapter.
- B. Tobacco retail establishments shall be subject to the provisions of Chapter 6.24 (Permitting of Tobacco Retail Establishments) including but not limited to any permit, renewal, location, operation or other procedures, limitations or requirements established by the Riverside Police Department as may be amended from time to time.
- C. The provisions of this chapter shall not apply to incidental retail sale of tobacco products associated with another primary permitted use.

#### **19.405.030 Site location, operation and development standards.**

The standards set forth in Article V, Base Zones and Related Use and Development Provisions, shall apply to standalone tobacco retail establishments unless otherwise specified here.

- A. *Site location standards.*
  - 1. The business shall not be located within 600 feet of a public or private school (kindergarten through twelfth grade), licensed childcare facility, assemblies of people—non-entertainment or public park.
  - 2. The business shall not be located within 100 feet of any existing residential dwelling or property zoned for residential uses, excluding Mixed Use Zones.
  - 3. The business shall not be located within 1,000 feet of another standalone tobacco retail establishment.
  - 4. The business shall be in a location that is fully visible from a public street with an unobstructed view from the public street for public safety.
  - 5. All measurements made for the purpose of determining compliance with the provisions of this section shall be taken from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the use from which separation is required.
- B. *Operation and development standards.*

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1. The business shall have lighting to provide illumination for security and safety of parking and access areas in accordance with Chapter 19.556 of the Zoning Code.
  2. A security plan shall be provided to the Riverside Police Department and Planning Division for review and approval.
  3. The business window shall not be tinted or obscured in any way, including by temporary or painted window signs, and the interior lighting of the business shall remain at adequate levels to clearly see into the business from the exterior of the business.
  4. A sign shall be posted in the front of the business indicating that no loitering is permitted per the Riverside Municipal Code.
  5. Prior to occupancy of the business, the business owner shall sign a trespass authority letter authorizing the Riverside Police Department to enforce trespass law. A copy of this letter shall be provided to the Planning Division.

#### **19.405.040 Amortization.**

- A. As of the effective date of this chapter, standalone tobacco retail establishments (smoke shops) that do not comply with the provisions of this Chapter are prohibited.
- B. Existing, legally established smoke shops not in compliance with the provisions of this chapter may continue to operate for a period of no longer than three (3) years from the effective date of this ordinance or December 31, 2028, whichever is later.
  1. During this amortization period, Tobacco Retail Establishment Permits granted pursuant to Chapter 6.24 of the Riverside Municipal Code may be renewed pursuant to the normal renewal procedures established for such permits established by the Riverside Police Department.
  2. Any tobacco retail permit renewed during the amortization period shall become void upon the end of the amortization period.

#### **19.405.050 Hardship extension.**

- A. The owner or operator of a smoke shop subject to the amortization provisions of this chapter may petition for a hardship exemption not to exceed 12 months from the end of the amortization period.
- B. The City Manager or his/her designee shall have the authority to grant hardship extensions to the amortization period.
- C. The hardship extension petition shall be submitted in writing no later than 120 days prior to the end of the amortization period along with necessary documentation and evidence to support the claim of hardship as may be deemed necessary by the City Manager or his/her designee.
- D. The decision of the City Manager or designee shall be appealable to the City Council.
- E. In no case shall a hardship extension be granted that exceeds the duration of the amortization period plus 12 months.

#### **19.405.060 Modifications.**

Modifications to the above site location, operation and development standards may be considered through application for a Minor Conditional Use Permit.

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**19.405.070 Severability.**

If any provision of this ordinance or chapter or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this ordinance or chapter which can be implemented without the invalid provision or application and to this end the provisions of this ordinance and chapter are declared to be severable.