

**CITY OF OAK HILL**  
**ORDINANCE 2025-X1**  
**SECOND READING**

**NOW THEREFORE**, be it ordained by the Council of the City of Oak Hill, in the  
State of West Virginia, as follows:

**SECTION 1: AMENDMENT** “15.38.470 Smoke Shop, Vape Store And  
Tobacco Store” of the Oak Hill Municipal Code is hereby *amended* as follows:

**A M E N D M E N T**

15.38.470 Smoke Shop, Vape Store and Tobacco Store

A. Smoke Shop, Vape Store and Tobacco Store.

1. It shall be unlawful to operate a smoke shop, vape store or tobacco store within 1500 feet of an existing smoke shop, vape store or tobacco store, day care center, school or public park and recreation area, church, mosque, temple, or synagogue, or other building used as a place of religious worship or instruction.
2. Measurement Distance. Distance shall be measured in a straight line, without regard to intervening structures, from the closest property line of the smoke shop, vape store or tobacco store to the closest property line of the other smoke shop, vape store or tobacco store, day care center, school or public park and recreation area, church, mosque, temple, or synagogue, or other building used as a place of religious worship or instruction.
3. Nonconforming and Conditional Use Status; Time Limitation.

- B. Upon the adoption of this ordinance, any smoke shop, vape store or tobacco store, as defined in section 15.04.010 of the city Municipal Code, that is within 1500 feet of an existing smoke shop/ tobacco store, day care center, school, or public park and recreation area shall become a lawful nonconforming use and be subject to all nonconforming use restrictions, except that, if any nonconforming smoke shop, vape store or tobacco store ceases operation for a period of 360 days or more regardless of any intent to resume operation, it may not recommence operation in that location.
- C. A lawfully operating smoke shop, vape store or tobacco store shall not be rendered a nonconforming use by the subsequent location of another smoke shop, day care center, school, or public park and recreation area within 1500 feet; however, if the smoke shop, vape store or tobacco store ceases operation for a period of 360 days or more regardless of any intent to resume operation, it may not recommence operation in that location.
- D. Upon the adoption of this ordinance, any smoke shop, vape store or tobacco store, as defined in section 15.04.010 of the city ordinance, that is located within a Central Business District B-1, General Business District B-2 or Highway Business District B-3 shall become a lawful conditional use and subject to all conditional use restrictions, whether general or for the district.
- E. Shall conform with all Federal, State, and Local laws related to the sale of electronic cigarettes, tobacco products, and other vape products both natural and synthetic.

**REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

**SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance in whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**EFFECTIVE DATE** This Ordinance shall be in full force and effect from Nov 24, 2025 and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF OAK HILL COUNCIL \_\_\_\_\_.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Bill Hannabass	_____	_____	✓ _____	_____
Diana Janney	✓ _____	_____	_____	_____
Roger Evans	✓ _____	_____	_____	_____
Terry VanBuskirk	_____	_____	✓ _____	_____
Tim Buskirk	✓ _____	_____	_____	_____
Carlos (PJ) Elder Jr.	✓ _____	_____	_____	_____
Chris Gill	✓ _____	_____	_____	_____

Presiding Officer



Charles H. Briscoe Jr., Mayor

City of Oak Hill

Attest



Valerie Vaughn, Clerk/Treasurer

City of Oak Hill