

ORDINANCE NO. 1376

**AN ORDINANCE TO ESTABLISH A MORATORIUM ON ACCEPTANCE OF ANY APPLICATION FOR A VAPE AND/OR SMOKE ESTABLISHMENT OR SHOP WITHIN THE VILLAGE OF POWHATAN POINT, OHIO, REPEALING ANY PROVISION OF ANY ORDINANCE AND/OR RESOLUTION INCONSISTENT THEREWITH, AND DECLARING AN EMERGENCY**

**WHEREAS**, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact planning and zoning laws that are for the health, safety, and welfare, comfort and peace of the citizens of the municipality, including restricting areas used for business and trade; and

**WHEREAS**, this Council desires to establish a moratorium, for a temporary period of time, to review information on the effects of vaping and e-cigarettes and review and/or study the Ordinances of the Village of Powhatan Point, Ohio, including zoning and business regulations; and

**WHEREAS**, it is the opinion of the Council that the current provisions in the Zoning Code may not sufficiently address both the actual and potential impacts of vape and/or smoke establishments or shops uses in terms of, but not limited to access, building quality and aesthetics, lighting and noise control, available and appropriate locations, use saturation and environment; and

**WHEREAS**, this Council will be able to enact reasonable regulations to protect the health, safety, welfare, peace, and comfort of the citizens of the Village of Powhatan Point more effectively if a moratorium is in place;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF POWHATAN POINT, COUNTY OF BELMONT, STATE OF OHIO:**

**SECTION 1.** Council hereby establishes a moratorium on the acceptance or processing of any zoning application or occupancy application from or for vape and/or smoke establishments or shops within the Village of Powhatan Point.

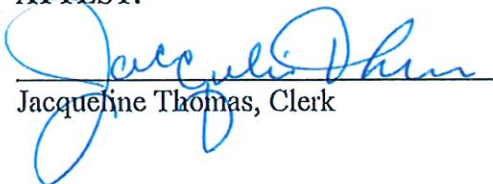
**SECTION 2.** The moratorium shall be in effect for a period of six months from the effective date of this ordinance or until changes are enacted to amend the Codified Ordinances of the Village of Powhatan Point to address vape and/or smoke establishments or shops or until Council approves legislation explicitly revoking this moratorium, whichever occurs first. Council reserves the right to extend this moratorium if reasonable and necessary.

**SECTION 3.** That it is the intent of Council to follow all Federal and State requirements regarding the authority of the Village to control zoning and building or construction within the Village boundaries. In the event that any property owner, operator, lessee, or optionee of land

located in the Village suffers any extreme economic hardship, as determined by Council, as a direct and proximate result of Council's actions prohibiting the acceptance of applications for the period of six months described above, said person or entity may appeal the denial of any application to Council not later than twenty days after the date said request for an application was denied, and said denial was mailed to the applicant. Said applicant must file a Notice of Appeal with the Clerk of Council. The appeal will be heard at the next Council meeting.

**SECTION 4.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety for the reasons that zoning regulations are critical for the health, safety, and welfare of the residents of the Village of Powhatan Point. This Ordinance shall go into immediate effect upon its passage by a two-thirds vote of all members elected to Council, following a yea and nay vote, and with the reasons for such necessity set forth in this section.

ATTEST:

  
Jacqueline Thomas, Clerk

SIGNED:

  
Michael E. Beaver, Mayor

1st reading - 7/21/2026

2nd reading 8/4/2026

3rd Reading - 8/18/2026