

AN ORDINANCE BY THE ROME CITY COMMISSION FOR THE CITY OF ROME, GEORGIA RELATING TO TOBACCO, VAPE, AND HOOKAH SHOPS, COIN OPERATED AMUSEMENT MACHINES (COAM), AND SPECIFICALLY CLASS B COAM; AN OVERLAY DISTRICT; RELATING TO OFFENSES AGAINST PUBLIC HEALTH AND MORALS; TO PROVIDE FOR THE APPLICABILITY OF CERTAIN PROVISIONS TO CERTAIN LOCATIONS; TO PROVIDE FOR A LIMITATION ON THE ALLOWABLE PRODUCTS AT ONE LOCATION; TO REQUIRE OWNERS AND OPERATORS OF SUCH PRODUCTS TO COMPLY WITH CERTAIN REGULATIONS AND DEFINE OFFENSES FOR TOBACCO, VAPE, AND HOOKAH RELATED ESTABLISHMENTS; TO PROVIDE AN AMORTIZATION PERIOD; TO PROVIDE FOR LICENSE POSTING; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; AND FOR OTHER PURPOSES.

WHEREAS, the Rome City Commission is authorized to adopt ordinances regarding any regulation or oversight of businesses selling tobacco, vape, hookah and related products vape shops, vapor products, and the regulation of vape products and the location of such establishments;

WHEREAS, the City of Rome, Georgia (the "City") desires to adopt further and more effective regulatory provisions in regard to businesses selling tobacco, vape, hookah and related products in the City;

WHEREAS, the Rome City Commission is authorized by O.C.G.A. § 50-27-86 to adopt ordinances regarding bona fide coin operated amusement machines;

WHEREAS, the City has adopted further and more effective regulatory provisions in regard to amusement game rooms in the City;

WHEREAS, State law permits regulations;

WHEREAS, scientific data has indicated that smoking and the exposure to secondhand smoke has serious health consequences;

WHEREAS, smoking and the use of tobacco, hookah and vape related products can pose substantial risks to the health and welfare of children;

WHEREAS, this ordinance is adopted to address the interests of public health, welfare, and safety of the citizens of the City.

NOW, THEREFORE, the Rome City Commission approves the following ordinance:

SECTION ONE

BE IT ORDAINED by the Rome City Commission, and it is ordained by authority of same, that the Code of Ordinances of the City of Rome, Georgia is hereby amended to add a new Chapter to Appendix B, Article 9 thereof, which shall be titled Chapter 9.5. Etowah River-Turner McCall Overlay District, and which shall read as follows:

9.5. Etowah River-Turner McCall Overlay District

9.5.1. *Purpose.* The City Commission hereby enacts into law the creation of special district overlays for the following purposes:

1. Promote the health, safety, and general welfare of the present and future inhabitants of Rome;
2. Improve Rome's appearance;
3. Provide adequate light, air, and vistas;
4. Prevent urban sprawl, and to protect against blight and depreciation;
5. Encourage the most appropriate use of land, buildings, and other structures;
6. Encourage the development of an economically sound and stable community to help conserve and protect the natural, economic, and scenic resources of Rome;
7. Protect and enhance certain specific lands and structures which, by virtue of their type or location, have characteristics which are distinct from lands and structures outside such special districts, permitting, insofar as possible, those uses and structures which would otherwise be permitted, provided that reasonable and necessary conditions are met which ensure the protection and enhancement of said lands and structures;
8. Secure economy in government expenditures; and
9. Other purposes, all in accordance with the Official Future Development Map of Rome.

9.5.2. *General standards.* The special district overlays established in this title operate by establishing design guidelines to effectuate the purpose of the district. In the event of a conflict between the underlying zoning designation and the special district overlay, the provisions of the special district overlay shall apply. Land lying within a special district shall remain part of the underlying zoning designation established by other provisions of the Rome Zoning Ordinance and Unified Land Development Code, and may, in addition, lie in one or more overlay districts in accordance with the designation of each.

9.5.3. *Creation of special district overlay.* Every recommendation for the creation of a special district overlay, or addition of land thereto, shall address the following, as applicable:

1. A statement of purpose shall specify the nature of the special and substantial public interest and public welfare involved and objectives to be promoted by creation of the special district overlay and imposition of the regulations and design guidelines proposed therefore.

2. Proposed district boundaries shall be depicted on one or more maps, including the official zoning map of Rome, which shall also display all other zoning districts, applicable to the property proposed for inclusion in the district.
3. Regulations or design guidelines proposed to promote the special purposes of the special district.
4. Regulations or design guidelines for any special district shall be designed to reasonably promote the purposes of the district, and may require or address any of the following, in addition to or in lieu of other regulations affecting property within the special district.
 - a. Protection of features designated as being of special concern within the district;
 - b. Mixtures or limitations or permitted uses;
 - c. Special performance standards and development regulations;
 - d. Other matters as appropriate to promote the special public interests of the district.
5. Development plans for any proposed project within a special district overlay require review and approval by the Rome City Commission. The Commission shall review the plans in consultation with other departments of Rome or state agencies to ensure compliance of the plans with all applicable regulations, ordinances, and laws.

9.5.4. *Etowah River-Turner McCall Overlay District map.* Boundaries of the Etowah River-Turner McCall Overlay District shall be amended to and shown on the Zoning Districts Maps, Rome-Floyd County, Georgia on the respective dates of adoption for this ordinance, and as subsequently amended thereafter from time to time in conformance with this Code. The Etowah River-Turner McCall Overlay District Map is hereby made part of this Code, and all notations, references, and other information shown on it shall be a part of this Code.

9.5.5. *Definitions.* The following definitions apply for purposes of this Chapter 9.5 of this Code:

- (a) *Amortization period* means the time period beginning the day the City Commission adopts this ordinance as final and ending on the date one year after the City Commission adopts this ordinance as final.
- (b) *Etowah River-Turner McCall Overlay District Defined.* The Etowah River-Turner McCall Overlay District shall include that property designated by the City of Rome as shown on the Zoning Districts Maps, Rome-Floyd County, Georgia. This area shall include that property designated by the City of Rome as the River District (W. Third St. and Fifth Avenue areas) and the Historic Broad Street District, including a portion of the Between the River District, to-wit: north of the Etowah River along E. 1st Avenue from the Oostanaula River to Glenn Milner Blvd to Turner McCall Blvd. to the Oostanaula River. The area shall include all properties south of Turner McCall Blvd. from the Etowah River Bridge to 2nd Avenue (Martha Berry Hwy.) running north along the Etowah River to the Chip Riddle Bridge.
- (c) *Definitions incorporated.* The definitions contained in the definition section of the Tobacco, Vape, and Hookah Shops is hereby adopted and

incorporated herein. And the Definitions contained in the “City of Rome, Georgia Bona Fide Coin Operated Amusement Machine Ordinance” are hereby adopted and incorporated herein.

9.5.6. Regulations.

- (a) After the amortization period, no person shall operate a vape shop or operate a shop with Class B coin operated amusement machines within the Etowah River-Turner McCall Overlay District.
- (b) During the amortization period and within the Etowah River-Turner McCall Overlay District,
 - (1) no person shall sell vape products to any person who is not a licensed manufacturer, importer, distributor, dealer of vape products pursuant to O.C.G.A. § 48-11-4 by any means other than an in-person, face-to-face sale;
 - (2) no person shall sell any vape product to any person whom the seller knows to be under 21 years of age; and
 - (3) a seller of a vape product shall request proper identification from each person attempting to purchase a vape product which shows that such person is at least 21 years of age. Each person attempting to purchase a vape product shall provide proper identification to the seller at the time of such purchase.

9.5.7. *Effect of nonconforming use provisions of this Code; amortization.*

Notwithstanding the provisions of sections 1.4.3 and 2.2.7 of this Code, any nonconforming use within the Etowah River-Turner McCall Overlay District shall cease after the amortization period.

SECTION TWO

BE IT FURTHER ORDAINED that all ordinance or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION THREE

BE IT FURTHER ORDAINED that if any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

SECTION FOUR

BE IT FURTHER ORDAINED that this ordinance shall become effective immediately upon its adoption by the Rome City Commission.

ADOPTED, this ____ day of _____, 2024.

CITY OF ROME, GEORGIA

[SEAL]

By: _____

Craig McDaniel, Mayor

ATTEST:

Joseph F. Smith
Secretary, Rome City Commission

Downtown Overlay District Rome, GA

- DTOD
- Roads
- Rivers
- Rome Boundary

June 2024

