

Proposed ordinance targets tobacco shops in Fayetteville

North Carolina

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Staff photo by Andrew Craft

A proposed ordinance targets tobacco shops in the city

Manager Moses Shahban says the majority of items he sells are groceries at the 20/20 Mart on Murchison Road.

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By Paige Rentz Staff writer

Fayetteville's tobacco shops have caught the eye of local law enforcement.

A police-driven proposal seeks to more tightly regulate the more than 60 shops, which department leaders say often are targets of robberies and some of which have seen drug activity, shootings and illegal gambling.

The proposed city ordinance would limit where new shops can open and potentially close some in certain areas.

The City Council halted the proposal after a public hearing last month and asked city staff to collect more input from representatives of the shops.

The revised ordinance is on the agenda for the council's Monday work session, but it may not come up for discussion, city planner Craig Harmon said. The council could consider the issue at a future meeting.

If the City Council was to require extensive revisions to the ordinance, it could go back to the Planning Commission before the council takes it up, Harmon said.

Fayetteville police began pushing for the ordinance in 2013 because of crime and high call volumes associated with these types of stores. Between Jan. 1, 2012, and Nov. 30, 2013, there were 13,171 calls for police service within 250 feet of 61 tobacco shops.

Yaya Food Mart on Murchison Road topped the list with 1,033 calls during that time. Matchbox Smoke Shop on Cliffdale Road had the fewest, with 60.

Ten tobacco shops have been identified as potentially subject to closure based on how their property is zoned.

Where a store can locate is based on whether it falls into one of three classes created in the law, which essentially regulate higher-end cigar and tobacco stores, stores for which at least 20 percent of retail space is devoted to tobacco products, and those that sell water pipes, bongos, bowls and other smoking apparatus.

Under the proposal, shops would no longer be allowed in neighborhood commercial districts, which are closer to residential

areas. Shops aside from the high-end tobacco shops would not be allowed downtown.

The proposal calls for stores currently located downtown or in neighborhood commercial districts to be amortized, meaning they would be required to close within three years.

The 10 stores below were identified by city staff as potentially facing closure unless they move, seek rezoning, or adjust their operations to be more like a convenience store. Harmon said he does not have a list indicating how each store is classified, and therefore, which aspects of their operations make them subject to the ordinance.

The original list of the city's tobacco shops was compiled by the Police Department, Harmon said. Police spokesmen on Friday could not provide the criteria for their initial list. The planning department, Harmon said, has not removed any shop from the list of those expected to be subject to amortization because staff does not know what the final ordinance will require.