



# Prince George's County, Maryland

## Inter-Office Memorandum

### Office of Law

#### LEGISLATIVE COMMENT

**DATE:** October 17, 2022

**TO:** Robert J. Williams, Jr., Council Administrator  
COW Committee

**THRU:** Joseph C. Ruddy, Deputy County Attorney

**FROM:** Amanda Denison Associate County Attorney

**RE:** CB-103-2022

The Office of Law has reviewed the above referenced **bill** as it was **presented** on **September 20, 2022**, as well as the Memorandum submitted by the MNCPPC Planning Board. The Office of law concurs with the Planning Board on the following two drafting issues:

1. The mile radius provision must come out of the definitions section because that particular provision does not apply to all tobacco shops county wide. Therefore, such a requirement belongs in the regulations portion of the Code.
  - a. Pg. 2, Lines 7-11
2. For the same reason, the provision limiting the mile radius requirement to those shops processed under the transitional provisions must also be removed from the Definitions section because it does not apply to all tobacco shops county wide.
  - a. Pg. 2, Line 11-13

The Office of Law also finds that if the presented interpretation of the legislative intent is correct in that the mile radius requirement applies only to new shops governed under the old

Zoning Ordinance, then the Office of Law concurs with the suggested changes in the Planning Board Memo pertaining to the “Transitional Provision” clause. We advise striking the language from its current location (Pg. 3, Ln 5-6) and adding it to Sec. 27-1704 as a new section:

(m) Notwithstanding the provisions specified within this section, no tobacco shop, electronic cigarette shop, or retail tobacco business that sells tobacco or electronic cigarette products for offsite use may be approved if it is located within a five-mile radius of another tobacco shop, electronic cigarette shop, or retail tobacco business that also sells tobacco or electronic cigarette products for offsite use

If, however, that is not the intended intent of the legislation, then this section needs further clarification and is legally ambiguous. As stated now, it is unclear if this provision pertains to **only** those new shops that remain governed by the old Zoning Ordinance and suggest clarifying this language.