

Prior Ancillary Sale Definition

“Ancillary sale” shall mean where a grocery store, supermarket, convenience store or similar market uses no more than two percent of its gross floor area, or 200 square feet, whichever is less, for the display, sale, distribution, delivery, offering, furnishing, or marketing of conventional cigars, cigarettes or tobacco. For any grocery store, convenience store, retail kiosk or similar use consisting of 250 square feet or less, “ancillary sale” shall mean where no more than five square feet are used for the display, sale, distribution, delivery, offering, furnishing, or marketing of conventional cigars, cigarettes or tobacco. The Community Development Director may approve minor exceptions to the display area requirements, if a determination is made that the sale of tobacco products is clearly an ancillary use within the grocery store, supermarket or convenience store.

Updated Ancillary Sale Definition

“Ancillary sale” includes grocery stores, supermarkets, convenience stores and similar uses in which tobacco product display and sales is secondary to the primary use of the business. To qualify as “ancillary sale” no more than one percent of the gross floor area, or fifty square feet of vertical display area, may be used for the sale and marketing of tobacco products. The Community Development Director may require reductions in display area, or permit minor increases, for the purpose of ensuring that the sale and display of tobacco products is ancillary to the primary use. Businesses that include “ancillary sale” of tobacco products are not subject to the provisions of Section 10-2.1642, but must obtain, maintain and comply with at all times a valid Tobacco Retailer license as required pursuant to Section 5-9.202.