

**WEST NORRITON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2023-765

**AN ORDINANCE AMENDING THE WEST NORRITON TOWNSHIP ZONING
CODE, CHAPTER 27, TO CREATE THE USE OF A “HOOKAH BAR” AND TO
PROVIDE FOR DEFINITIONS, PERMITTED USES IN THE B-P, COMMERCIAL,
LC&I, AND I ZONING DISTRICTS, AND ASSOCIATED TIME AND
OPERATIONAL REGULATIONS ON SUCH USE**

WHEREAS, the Pennsylvania First Class Township Code and the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, *et seq.*, authorizes the Board of Commissioners of West Norriton Township (“Board”) to make, amend, and adopt ordinances that are consistent with the constitution and laws of the Commonwealth when necessary for the proper management, care and control of West Norriton Township (“Township”) and the maintenance of peace, good government, health and welfare of the Township and its citizens;

WHEREAS, as set forth in more detail in the purpose and findings provisions below, the Board desires to prevent the overconcentration of hookah bars and lounges within the Township and to mitigate the negative impacts associated with such use;

WHEREAS, the Board desires to amend its Zoning Code, Chapter 27, as set forth below, to provide for the use of a “Hookah Bar” in certain zoning districts and associated regulations and restrictions on such use;

WHEREAS, the Board has met the procedural requirements of the Pennsylvania Municipalities Planning Code, for the adoption of the proposed ordinance, including advertising, submission to the planning commissions, and holding a public hearing; and

WHEREAS, the Board, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety and general welfare of the residents and guests of the Township will be served by this amendment of the West Norriton Township Zoning Code.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners of West Norriton Township, Montgomery County, Pennsylvania, as follows:

Section I. Code Amendment. Chapter 27, Zoning, of the West Norriton Township Code, is hereby amended as follows:

A. Section 27-2001, Definition of Terms, is hereby amended to provide for the following definition:

HOOKAH BAR - Any establishment that is devoted to, marketed as, or designed for, whether as its primary use or as an accessory use, the on-premises use of smoking through a water pipe with a smoke chamber, a bowl, a pipe and a hose, commonly referred to as a "hookah," and also known as narghile, argileh, shisha, hubble-bubble and goza, or any similar device used for on-premises smoking. The term "hookah bar" includes, but is not limited to, establishments variously known as hookah parlors, hookah cafes, and hookah lounges. On-premises cigar smoking is not included in this term.

B. Part 14, General Regulations, is hereby amended to provide for a new Section 27-1422, entitled "Hookah Bars", to provide as follows:

§27-1422. Hookah Bars.

A. Purpose and Findings.

- (1) The use of hookah pipes and other similar devices used in a Hookah Bar and the activities associated with such businesses (including loud music, large numbers of customers congregating for long periods, etc.) have been associated with increases in odors, noise, vapors, second-hand smoke, parking impacts, loitering, and disturbances in the peace. The purpose of this section is to prevent the overconcentration of this use and to mitigate the negative impacts associated with this use.
- (2) Smoking and vaping uses expose minors to dangerous secondhand smoke by-products and increase the potential for minors to associate smoking of hookah pipes with a normative or healthy lifestyle.
- (3) Tobacco smoke, including secondhand smoke, from hookah pipes contributes to indoor air pollution and is a significant health hazard and carcinogen to smokers and nonsmokers alike, including employees and guests of hookah bars.
- (4) The U.S. Centers for Disease Control and Prevention reports that smoking a hookah has many of the same health risks as cigarette smoking; that hookah use by youth is increasing; that the charcoal used to heat hookah tobacco can have negative health risks because it produces high levels of carbon monoxide, metals, and carcinogens; that hookah smokers may absorb more of the toxic substances also found in cigarette smoke than cigarette smokers do; that secondhand smoke from hookahs can be a health risk for nonsmokers; and that new forms of electronic hookah smoking are now on the market and very little information is available on the health risks of electronic tobacco products.

B. A Hookah Bar, if otherwise permitted by this Chapter, shall only be permitted pursuant to the following regulations and requirements:

- (1) Distance Requirement. The parcel of land where the Hookah Bar is situated shall be located at least 1,000 feet from parcels containing the following uses:
 - a. A place of worship and assembly;
 - b. A public or private pre-elementary, elementary or secondary school;
 - c. A public library;
 - d. A child-care facility or nursery school;
 - e. A boundary of any residential district;
 - f. A public park;
 - g. A community/recreation center; or
 - h. Another Hookah Bar
- (2) Age Requirement. No persons under 21 years of age shall be permitted within a Hookah Bar and business owners or operators shall require proof of identification to verify the age of customers and visitors.
- (3) Parking Standards. Parking shall be provided under the standards established for a "Restaurant, Cafe, Tea Room, Barroom or other Similar Establishment", as set forth under Section 27-1410.F, as may be amended.
- (4) Hours of Operation. Operating hours shall be limited from 8:00 a.m. to 12:00 a.m.
- (5) Indoor Operation Only. All business-related activity, including smoking, shall be conducted entirely within a building. Outdoor seating, operating outdoor barbecues or braziers, and/or lighting coals or fires outdoors shall not be permitted.
- (6) Alcoholic beverages shall not be permitted to be brought onto the premises for on-premises consumption by customers or visitors. The sale and service of alcohol by the Hookah Bar shall comply with all federal, commonwealth, and local laws.
- (7) Visibility and Illumination. No window coverings or signage shall prevent visibility of the interior of the establishment from the outside during operating hours. The interior of the establishment shall have lighting adequate to make the conduct of patrons within the establishment readily discernible to people of normal visual capabilities.
- (8) Ventilation. Adequate ventilation must be provided in accordance with all standards imposed by the Township building official and fire department, and those establishments by federal, commonwealth and local laws. The requirements imposed by the building official, or fire department may be more comprehensive than current building codes to prevent negative health and nuisance impacts on neighboring properties, including a requirement for a separate system to prevent smoke and vapors from migrating to adjoining suites or buildings. The ventilation shall, at a minimum, prevent smoke and vapors from migrating into adjacent buildings and/or suites and to outdoor public areas. A mechanical exhaust hood system shall be required if an establishment heats coal indoors.

(9) Noise. Any amplified noise shall be subject to the regulations established in the West Norriton Township Code.

C. Section 27-710, Use Regulations, in the B-P Business and Professional Districts is amended to provide for a new subsection 7 which provides:

7. Hookah Bars shall be permitted, provided that the requirements of §27-1422.B are met.

D. Section 27-801, Use Regulations, in the Commercial Districts is amended to provide for a new subsection 16 which provides:

16. Hookah Bars shall be permitted, provided that the requirements of §27-1422.B are met.

E. Section 27-1001, Use Regulations, in the LC & I Limited Commercial and Industrial Districts is amended to provide for a new subsection S which provides:

S. Hookah Bars shall be permitted, provided that the requirements of §27-1422.B are met.

F. Section 27-1101, Use regulations, in the Industrial Districts is amended to provide for a new subsection H which provides:

H. Hookah Bars shall be permitted, provided that the requirements of §27-1422.B are met.

Section II. Repealer. In addition to the above, all other ordinances or parts of ordinances that are inconsistent herewith, are hereby repealed. Further, it is understood and intended that all other sections, parts, provisions, and ordinances that are not otherwise specifically in conflict with or inconsistent with this Ordinance, shall remain in full force and effect, the same being reaffirmed hereby.

Section III. Severability. If any section, sentence, clause, phrase, or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

Section IV. Effective Date. This Ordinance shall take effect immediately upon its legal enactment.

Section V. Failure to Enforce Not a Waiver. The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

Section VI. Enactment. The Board of Commissioners of West Norriton Township, in the County of Montgomery, Commonwealth of Pennsylvania does hereby approve and ordain and this Ordinance for the Township of West Norriton, this 12th day of December, 2023.

ATTEST:

By: 

Jason Bobst, Township Secretary

**WEST NORRITON TOWNSHIP
BOARD OF COMMISSIONERS**

By: 

Peter D. Smock, President