

**WEST NORRITON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2025-781

AN ORDINANCE AMENDING THE WEST NORRITON TOWNSHIP ZONING CODE, CHAPTER 27, TO CREATE THE USE OF A “SIGNIFICANT TOBACCO RETAILER AND AMUSEMENT DEVICES” 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, Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, *et. seq.*, provides that municipalities are permitted to address the intensity of uses within a zoning district and provide for the promotion, protection and facilitation of public health, safety, morals, and the general welfare, and coordinate practical community development; and

WHEREAS, tobacco use is still the leading cause of preventable death in the United States; and

WHEREAS, tobacco use places a huge financial cost on the nation's healthcare system and constraints on productivity imposed on the nation's economic system; and

WHEREAS, since 2014 electronic cigarettes have been the most commonly used tobacco products among the youth of the United States; and

WHEREAS, amusement devices and electronic games are commonly enjoyed and played by, and often attract, children and young adults who are not legally permitted to use tobacco products; and

WHEREAS, the use of game of skill machines are believed to have a deleterious impact on children, may encourage gambling, and continual use of such machines may increase the risk of crime and endanger employees and customers of a business; and

WHEREAS, the Board desires to amend its Zoning Code, Chapter 27, as set forth below, to provide for the use of a “SIGNIFICANT TOBACCO RETAILERS AND AMUSEMENT DEVICES” in certain zoning districts and associated regulations and restrictions on such uses;

WHEREAS, the Board desires to define Convenience Store, to define E-Liquids, Electronic Cigarettes, Electronic Nicotine Delivery Systems, Significant Tobacco Retailers Smoke Shops, Game of Skill Machines, Hookah Bars, Indoor Recreational or Amusement Facilities, and Mechanical Amusement Devices; to prohibit Mechanical Amusement Devices within the premises of Significant Tobacco Retailers and to prohibit Game of Skill Machines in Convenience Stores; to expressly prohibit Significant Tobacco Retailers in any District besides the B-P, Commercial, LC&I, and I Zoning Districts;

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 definitions:

CONVENIENCE STORE

A mini food market designed to attract and serve a large volume of stop-and-go traffic, specializing in fast sales of bread, dairy, luncheon meats, as well as both made-to-order and ready-to-consume sandwiches, meals and beverages intended for consumption off the premises, and providing a limited supply of grocery store stock as a convenience to its patrons, with less than 10% of its retail floor area or display area dedicated to, or which maintains 20% or less of its total merchandise, whether on display or in stock, for products containing tobacco, tobacco paraphernalia, Delta-8 THC (or Delta-8-tetrahydrocannabinol) products, kratom, ingestible CBD/cannabidiol products, and/or Electronic Nicotine Delivery Systems (ENDS), ENDS-related products and/or any materials that can be used in Electronic Nicotine Delivery Systems. A store exceeding this 10% requirement shall be considered a Significant Tobacco Retailer.

E-LIQUID

Any liquid that contains vegetable glycerin, propylene glycol, nicotine, water, and possibly flavoring that can be used in Electronic Nicotine Delivery Systems (ENDS) devices. E-liquids can also be referred to as "vape" or "vape juice."

ELECTRONIC CIGARETTE

- (1) An electronic oral device, such as one composed of a heating element and battery or electronic circuit, or both, which provides a vapor of nicotine or any other substance and the use or inhalation of which simulates smoking.
- (2) The term includes any ELECTRONIC NICOTINE DELIVERY SYSTEMS (ENDS) device, notwithstanding whether the device is manufactured, distributed, marketed or sold as an e-cigarette, e-cigar and e-pipe or under any other product, name or description.

ELECTRONIC NICOTINE DELIVERY SYSTEMS (ENDS)

Any device designed or used to transform an e-liquid (that may contain nicotine) into an aerosol that the user inhales. ENDS can also be referred to as "vapes," "vaporizers," "vape pens," "hookah pens," "electronic cigarettes," "e-cigarettes," "e-cigs," and "e-pipes."

MECHANICAL AMUSEMENT DEVICE

Any machine, apparatus, or device which, upon the insertion of a coin, slug, token, plate, card, disk or key into any slot, crevice or other opening, or by the payment of any price, may be operated or used as a game, entertainment or amusement, whether or not registering a score and whether or not a prize or redeemable tickets or points are offered. It shall include, without limitation, such devices as Game of Skill Machines, skill games, marble machines, pinball machines, skill ball, skee ball, mechanical grab or "claw" machines, mechanical or video bowling machines, electronic dart boards, golf simulator games, photoelectric or video shooting games or target machines, electronic video games,

air-hockey tables, football games or other ball, disk, or bag throwing, rolling, or kicking games, riding or driving games or devices, virtual reality games, and all other games, operations, or transactions similar thereto under whatever name they may be designated or described. It shall not include devices or machines which dispense candy or merchandise unrelated to playing a game or Pennsylvania Lottery kiosks or devices. No mechanical amusement device shall be permitted within the same premises as a Significant Tobacco Retailer.

GAME OF SKILL MACHINE

A gaming machine, apparatus, or device that resembles and often functions like casino slot machines, in that a player inserts money, tokens or a card for the chance to win more money, credits, or a similar benefit, but where the outcome is determined mainly by mental or physical skill, rather than chance.

SIGNIFICANT TOBACCO RETAILER

Any of the following establishments:

- (1) Any retailer or wholesale establishment that devotes 10% or more of floor area or display area to, or maintains 20% or more of its total merchandise, whether on display or in stock, for Tobacco Products, Vape Products, Delta-8 THC (or Delta-8-tetrahydrocannabinol), kratom, ingestible CBD/cannabidiol products, Electronic Nicotine Delivery Systems (ENDS), and/or ENDS-related products and/or any materials that can be used in Electronic Nicotine Delivery Systems;
- (2) Any retailer or wholesale establishment that holds itself out as, or otherwise promotes or markets itself as, a "tobacco store," a "smoke shop," a "vape shop," a "cigar shop" or a similar establishment selling Tobacco Products and/or Vape Products or predominantly advertises Tobacco Products or Vape Products on

its storefront or website;

- (3) A Hookah Bar, regardless of whether Tobacco Products or Vape Products are sold from the premises.

TOBACCO PRODUCTS

Any substance containing tobacco leaf or accessory items used with or for tobacco consumption, including, but not limited to, cigarettes, cigars, pipe tobacco, shisha, snuff, chewing tobacco, dipping tobacco, other noncombustible tobacco products, matches, lighters, grinders, hookahs, pipes, cigarette rolling machines or papers, ashtrays, pipe tools, pipe supplies and pipe accessories.

VAPE PRODUCTS

Products containing nicotine and/or nicotine flavoring that are inhaled from a device designed for such purpose and/or products used to assist with the inhalation of nicotine including, but not limited to, any device designed or used to transform an e-liquid (that may contain nicotine) into an aerosol that the user inhales, e-liquids, e-cigarettes, vape or e-cigarette cartridges or refills, vaporizers, vape pens, vapor products, hookah pens, electronic cigarettes, e-cigs, e-pipes, Electronic Nicotine Delivery Systems (ENDS), and/or ENDS-related products and/or any materials that can be used in ENDS. Vape Products shall also be deemed a noncombustible tobacco product.

- B. Part 14, General Regulations, is hereby amended to change Section 27-1422, from “Hookah Bars” to be entitled “Significant Tobacco Retailers”, and to provide as follows:**

§27-1422. Significant Tobacco Retailers.

A. Purpose and Findings.

- (1) The purpose of this section is to promote and protect the health, safety, and general welfare of the community by regulating the location, operation, and proliferation of Significant Tobacco Retailers and similar establishments within West Norriton Township. This ordinance seeks to reduce the adverse public health impacts associated with the use of tobacco, nicotine, and related products, especially among

youth and vulnerable populations, and to ensure that such businesses are operated responsibly and in accordance with community standards.

- (2) Tobacco use remains the leading cause of preventable disease and death in the United States. According to the Centers for Disease Control and Prevention (CDC), smoking causes more than 480,000 deaths annually, including from cancer, heart disease, stroke, and lung diseases. Use of nicotine in any form, including through e-cigarettes and vaping devices, poses serious health risks and leads to addiction, particularly among youth.
 - (3) There has been a rapid increase in the number of smoke shops, vape stores, and establishments selling tobacco, nicotine, and cannabis-related products in the community. This proliferation often occurs in areas with higher youth populations and near schools, parks, and other sensitive land uses, increasing the likelihood of exposure and access by minors.
 - (4) Secondhand smoke and aerosol from vaping devices contain harmful chemicals and carcinogens that pose health risks to non-users. Additionally, improper disposal of tobacco and vaping products contributes to environmental pollution, particularly in public spaces.
 - (5) 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.
 - (6) 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.
 - (7) In light of the substantial public health risks and community concerns associated with these establishments, West Norriton Township finds it necessary to enact local regulations to manage their operation, ensure proper distancing from sensitive land uses, and prevent undue concentration within specific neighborhoods.
- B. A Significant Tobacco Retailer, 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 Significant Tobacco Retailer 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 Significant Tobacco Retailer
- (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 for Hookah Bars. 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. for Hookah Bars and 8:00 a.m. to 10:00 p.m. for all other Significant Tobacco Retailers.
- (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 a 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 for Hookah Bars. 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.

(10) No Mechanical Amusement Devices shall be permitted within the same premises as a Significant Tobacco Retailer, as defined under Chapter 27.

(11) No Game of Skill Machines shall be permitted within the same premises as a Convenience Store, as defined under Chapter 27.

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

7. Significant Tobacco Retailers 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 an amended subsection 16 which provides:

16. Significant Tobacco Retailers 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 an amended subsection S which provides:

S. Significant Tobacco Retailers 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 an amended subsection H which provides:

H. Significant Tobacco Retailers 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 13th day of January, 2026.

ATTEST:

**WEST NORRITON TOWNSHIP
BOARD OF COMMISSIONERS**

By: _____
Jason Bobst, Township Secretary

By: _____
Anne Pavone, President