

MARPLE TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2026-2

**AN ORDINANCE OF THE TOWNSHIP OF MARPLE, DELAWARE COUNTY, PENNSYLVANIA PURSUANT TO ARTICLE VI OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE AMENDING CHAPTER 300 ZONING, TO DEFINE AND ADD SPECIFIC REQUIREMENTS FOR HOOKAH BAR, SMOKE SHOP AND CIGAR LOUNGE USES IN THE I LIGHT INDUSTRIAL DISTRICT**

**WHEREAS**, Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. §10601, *et seq.*, authorizes Marple Township to enact, amend and repeal Zoning Ordinances within the Township; and

**WHEREAS**, the Board of Commissioners deems it to be in the best interest and general welfare of the residents of the Township to update and amend provisions of the Marple Township Zoning Ordinance to provide for Hookah Bar, Smoke Shop and Cigar Lounge; and

**WHEREAS**, the Board of Commissioners of the Township desires to add provisions to the Zoning Ordinance relating to Hookah Bar, Smoke Shop and Cigar Lounge Uses;

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED AS FOLLOWS:**

**SECTION I.** Chapter 300 Zoning, §300-14 of the Marple Township Code of Ordinances, entitled Definitions, is amended to add the following definitions:

**Hookah Bar:** Any establishment that is devoted to, marketed as, or designed for, whether as its primary use or as an ancillary 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, arguile, shisha, hubble-bubble and goze, or any similar devise used for on-premise smoking. The term "hookah bar" includes, but its not limited to, establishments variously known as hookah parlors, hookah cafes, and hookah lounges.

**Smoke Shop:** A retail sales or wholesale establishment primarily engaged or marketed as selling tobacco, tobacco products/accessories, and/or vaping products and accessories. A retail sales or wholesale establishment which maintains 15% or greater of its retail floor space (as calculated in the Zoning Ordinance §300-47.F) as tobacco, tobacco products/accessories, and /or vaping products or accessories shall be considered a tobacco store/smoke shop for the purposes of this Chapter. For the purposes of this Chapter, retail or wholesale establishment which 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, shall also be considered a tobacco store/smoke shop for the purposes of this Chapter.

**Cigar Lounge:** Any establishment that is devoted to, marketed as, or designed for, whether as its primary use or as an ancillary use, the on-premises use of cigars or tobacco products not including Hookah. This includes, but is not limited to, establishments variously known as cigar lounges, cigar clubs, cigar bars or smoking parlors. Sales of cigars or cigar accessories are permitted as an ancillary use as long as they remain secondary in nature.

**Tobacco Products:** Tobacco Products shall include, without limitation, any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco, and related accessories, including but not limited to matched, lighters, grinders, hookahs, pipes, cigarette rolling machines or papers, ashtrays, pipe tools, pipe supplies and pipe accessories, and vaping products and accessories. Vaping products and accessories include, without limitation, e-cigarettes or vape cartridges or refills, vaporizers, vape pens, vapor products, hookah pens, electronic cigarettes, e-cigarettes, e-cigs, e-pipes, and any other electronic nicotine delivery system ("ENDS"). ENDS shall be considered noncombustible Tobacco Products.

**SECTION II.** Chapter 300 Zoning, Article IV Industrial District shall be and is hereby amended to add Hookah Bar, Smoke Shop and Cigar Lounge as uses permitted by Special Exception.

**SECTION III.** Chapter 300 Zoning, Article IV Industrial District §300-45: Permitted Uses and Attachment 7 Permitted Uses – Industrial shall be amended by the addition of the following new use classifications:

Use Classification: Hookah Bar permitted in I District by Special Exception (SE).

Use Classification: Smoke Shop permitted in I District by Special Exception (SE).

Use Classification: Cigar Lounge permitted in I District by Special Exception (SE).

**SECTION IV.** Chapter 300 Zoning, Article IV Industrial District §300-47 Light Industrial District shall be amended by addition of §300-47.F as follows.

F. Hookah Bar, Smoke Shop and Cigar Lounge. Subject to the general standards set forth in §300-130 and criteria set forth in §300-44.B governing special exception, Hookah Bar, Smoke Shop and Cigar Lounge uses shall each be permitted as special exception uses when authorized by the Zoning Hearing Board. In addition to those items required by §§300-44.A through J and §300-46, Hookah Bar, Smoke Shop and Cigar Lounge uses shall meet the following additional criteria which shall be addressed by the applicant and reviewed by the Zoning Hearing Board:

- (1) Each Hookah Bar, Smoke Shop and Cigar Lounge shall be located no closer than 1000 feet from any other tobacco store/smoke shop;
- (2) Each Hookah Bar, Smoke Shop and Cigar Lounge shall be located no closer than 1000 feet from any public, private or charter school;
- (3) There shall be one (1) off-street parking space required for each 200 feet of gross floor area or fraction thereof;
- (4) There shall be adequate ventilation for occupied spaces;
- (5) Hookah Bar, Smoke Shop and Cigar Lounge shall cease operations between the hours of 9:00 p.m. and 10:00 a.m.;
- (6) No alcoholic beverages shall be served or consumed on the premises;
- (7) Where located on a parcel within 300 feet of a residentially zoned property or institutional use, the Hookah Bar, Smoke Shop and Cigar Lounge must include a planted buffer, privacy fence, and/or other sound or visual barrier adequate to screen adjacent residential properties from any activities on the premises to the satisfaction of the Zoning Hearing Board;
- (8) Tobacco products are prohibited from being sold to individuals under 21 years of age;
- (9) Individuals under 21 years of age are prohibited from being present in the Hookah Bar, Smoke Shop and Cigar Lounge;
- (10) The consumption of cannabis or cannabis derived substances is prohibited within the premises of a Hookah Bar, Smoke Shop and Cigar Lounge.
- (11) Applicant must comply with spot checks from the Township staff, including the Codes Officer and Fire Marshall;
- (12) Violations of these Special Exception requirements, or any other federal or state law, statute, or regulation will result in loss of a Hookah Bar, Smoke Shop and Cigar Lounge's use and occupancy permit, and suspension of their Special Exception status. A suspended Special Exception status may only be reinstated by the Zoning Hearing Board upon petition.
- (13) **The Smoke Shop Display area is calculated as follows:**
  - (a) Measure the total display area by tobacco products.
    - (i) Measure area by multiplying length of tobacco products by width of tobacco products. The area shall be measured by the largest geometric rectangle formed by the extreme outside edge of the

furthest item accessory as described in the definition of tobacco products.

- (b) This number will then be divided by the store's retail floor area and multiplied by 100
  - (i) The floor area will be calculated by measuring the area of usable retail space. This space includes but is not limited to, shelf space, floor displays, wall displays, customer seating, refrigeration units, freezers, lottery machines, ATMs, games of skill and counter space. This area will not include storage areas, hallways, restaurants, offices, kitchens and areas not accessible to the public.

**SECTION V.** All Township elected and appointed officials are authorized to take all actions necessary to ensure the implementation and effect the purpose hereof.

**SECTION VI: Severability.** If any sentence, clause, section, or part of this Ordinance or of the Zoning Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Township of Marple that this Ordinance and the Zoning Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION VII. Repealer.** All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

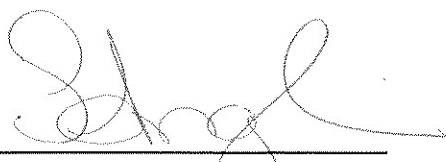
**SECTION VIII. Effective Date.** This Ordinance shall take effect five (5) days after its adoption.

ENACTED AND ORDAINED this 13 day of July, 2026.

TOWNSHIP OF MARPLE

By: 

Robert Fortebuono, Vice President  
Board of Commissioners

ATTEST: 

Sharon Angelaccio  
Township Secretary