

MUNICIPALITY OF NORRISTON
A HOME RULE MUNICIPALITY
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 26-03

AN ORDINANCE OF THE MUNICIPALITY OF NORRISTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 320, TITLED “ZONING” OF THE GENERAL LAWS OF NORRISTOWN TO AMEND SECTION 320-111 TITLED “DEFINITIONS” TO CREATE AND DEFINE A SIGNIFICANT TOBACCO RETAILER USE AND RELATED TERMS AND TO AMEND SECTION 320-86 TO PERMIT SUCH USE BY CONDITIONAL USE IN THE COMMERCIAL DISTRICT (CR); PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Municipality of Norristown is a Home Rule Municipality organized operating in accordance with the Charter of the Municipality of Norristown as permitted by the Home Rule Charter and Optional Plans Law, 53 Pa. C.S. 2901 *et seq.*

WHEREAS, in accordance with the Charter and Pennsylvania law, the Municipal Council has the authority to enact and amend at any time it deems proper the provisions of the Municipality’s General Laws including those provisions relating to zoning within the Municipality;

WHEREAS, after review of its General Laws, particularly its existing zoning regulations, Municipal Council has determined it would be in the best interest of the health, safety and welfare of the Municipality and consistent with the Municipality’s existing Comprehensive Plan to amend its zoning code as codified in Chapter 320 to regulate smoke shops and tobacco store and similar uses within the boundaries of the Municipality.

NOW, THEREFORE, be it **ORDAINED** that Norristown Municipal Council amends its General Laws as follows:

SECTION I. Chapter 320, titled “Zoning,” Article II titled “Definitions”, §320-11 is hereby amended to add in appropriate alphabetical order the following terms and corresponding definitions:

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.

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/or 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. A Hookah Bar 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."

SECTION II.

Chapter 320, titled "Zoning," Article IX CR Commercial Retail District, §320-86.G is hereby amended **to add** the following new subsection (2) as a new use permitted by conditional use:

G. Conditional Use. The following uses when approved by Municipal Council as a conditional use in accord with the Conditional Use standards set forth in §320-326 and any additional standards as listed herein:

...

(2) Significant Tobacco Retailer. A Significant Tobacco Retailer provided that:

(a) the property is not located within 1000 feet, measured property line to property line, from a school (private or public), family day-care home, child-care facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other similar uses where children regularly gather regardless of the municipality or zoning district in which said use is located.

(b) The property is not located within 1000 feet, measured from property line to property line, from another Significant Tobacco retailer.

(c) Significant Tobacco Retailers shall cease operations between the hours of 11:00 PM and 10:00 AM.

(d) No Amusement Devices shall be permitted within the premises of a Significant Tobacco Retailer.

(e) No alcoholic beverages shall be served or consumed within the premises of a Significant Tobacco Retailer.

(f) Minors shall not be permitted to enter or remain within the premises of a Significant Tobacco Retailers unless accompanied by his or her parent or legal guardian; and clear signage stating that minors may not enter the premises unless accompanied by a parent or legal guardian shall be posted in a conspicuous location near each public entrance, which signage shall be in accord with all provisions under Article XXVII of this Chapter relating to signs.

SECTION III. **SEVERABILITY.** In the event that any section, sentence, clause, 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 the validity of the remaining portions of this Ordinance.

SECTION IV: **REPEALER.** All ordinances or resolutions or parts thereof inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specially repealed.

SECTION V: **EFFECTIVE DATE.** This Ordinance shall take effect and be in force from and after its approval as required by the law.

ENACTED AND ORDAINED this 21st day of April, 2026.

**Municipality of Norristown
Municipal Council**

Attest: Jayne Musonye
Jayne Musonye
Interim Municipal Administrator

By: Rashaad Bates
Rashaad Bates
Council President