

ORDINANCE NO. 2025-_____

**AN ORDINANCE REGULATING CONDUCT OF TOBACCO AND
SMOKING BUSINESSES IN THE CITY OF LATROBE, COUNTY
OF WESTMORELAND, COMMONWEALTH OF PENNSYLVANIA**

WHEREAS, The City, through its planning and zoning regulations, intends to provide for its citizens and tourists an atmosphere that is both safe, healthy and aesthetically pleasing and one that fosters activities appropriate for residents and visitors of all ages within the downtown area, the commercial corridors, and adjacent neighborhoods.

WHEREAS, regulation of vape shops, hookah bars, smoke shops, tobacco stores and neighborhood convenience stores is necessary to promote the health, safety and general welfare of the citizens of the City.

NOW, THEREFORE, be it enacted and ordained by the Council of the City of Latrobe, and the City of Latrobe hereby ordains as follows:

SECTION 1. Chapter 166 – Zoning shall be amended as follows:

166-16:

USE	C-1	C-2	C-3	C-4
Hookah Bar	C	C	C	C
Smoke Shop/Tobacco Store	C	C	C	C
Neighborhood Convenience	C	C	C	C

166-31:

USE	NUMBER OF SPACES
Hookah Bar	1 for each 4 occupants at its highest peak.
Smoke Shop/Tobacco Store	1 for each 300 square feet of gross floor area.
Neighborhood Convenience	1 for each 500 square feet of gross floor area.

**Chapter 166 Article XVI – Vape Shops, Hookah Bars, Smoke Shops, Tobacco Stores
Neighborhood Convenience Stores**

166-98 – Applicability. Article XVI of the Zoning Code of the City of Latrobe shall apply to all tobacco and smoking businesses, unless noted otherwise herein.

166-99 – **Definitions:**

HOKAH – A substance typically smoked 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 substance.

HOKAH 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 hookah. The term “hookah bar” includes, but is not limited to, establishments variously known as “hookah parlors,” “hookah cafes,” and “hookah lounges”.

SROKE SHOP / TOBACCO STORE – A retail sales or wholesale establishment primarily engaged in selling tobacco, tobacco products, and/or vaping products. A retail or wholesale establishment which holds itself out as a “tobacco store”, a “smoke shop”, a “vape shop” or similar establishment, shall also be considered a “smoke shop/tobacco store” for the purposes of this Chapter.

VAPING PRODUCTS – Vaping products shall include, without limitation, a device, liquid, or component of a device, vaporizers, vape pens, vapor products, hookah pens, electronic cigarettes, e-cigarettes, e-cigs, e-pipes and any other electronic nicotine delivery systems (“ENDS”) are examples of vaping products referred to in this Chapter.

ELECTRONIC NICOTINE DELIVERY SYSTEMS – Electronic nicotine delivery system (ENDS) shall be devices and components used to consume noncombustible tobacco products.

TOBACCO PRODUCTS – Tobacco products as referred to in this Chapter shall include, without limitation, matches, lighters, hookahs, pipes, chewing tobacco, cigarette rolling machines, ashtrays, pipe tools, pipe supplies and pipe accessories.

NEIGHBORHOOD CONVENIENCE STORE – A neighborhood convenience store is a direct retail store with a floor area of 3,000 square feet or less which generally sells for off-site consumption and/or use any combination of (1) food and/or beverages; (2) over-the-counter drugs; (3) reading materials; (4) household supplies; and/or (5) tobacco products.

166-100 – **Hookah Bar:**

A. Location. Each hookah bar shall be located no closer than 500 feet, measured property line to property line, from any other hookah bar, tobacco store/smoke shop, and/or neighborhood convenience store.

Each hookah bar shall be located no closer than 500 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.

B. Signage. Each hookah bar shall post clear signage stating that minors may not enter the premises. At least one such sign shall be placed in a conspicuous location near each public entrance to the space occupied by the business.

C. Sales. No self-service tobacco shall be permitted. No distribution of free or low-cost tobacco, as well as coupons for tobacco products or tobacco paraphernalia, shall be permitted.

D. Sales License. Each hookah bar selling a tobacco product shall post near the entrance or near the cash register in an unobstructed location the valid Tobacco Sales license issued by the Pennsylvania Department of Revenue.

E. Hours of Operation. Hookah bars shall not be permitted to operate within the hours of 12:00 am to 8:00 am.

F. Ventilation. Any establishment that will allow any sort of smoking on site shall provide adequate ventilation. The requirements imposed by the Code Enforcement 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 permits indoor smoking.

G. Compliance. Each hookah bar shall comply with all current Federal, Commonwealth, and local laws including, but not limited to the Clean Indoor Air Act. Failure to comply with governing law and the regulations in §166-23 Special Exceptions and Conditional Uses, B. Failure to comply with said Conditional Uses shall result in rejection of an occupancy permit, suspension of an occupancy permit, or termination of an occupancy permit.

H. Nonconforming Use. Each hookah bar in existence on the effective date of this section may continue to operate as legal nonconforming uses and shall not be required to obtain a conditional use permit. However, any change of the nonconforming use or any violation Federal, Commonwealth, and local law shall require compliance with this chapter and a conditional use permit.

I. Violations and Penalties. Each hookah bar found by the Code Enforcement Department to be in violation of any City Code is subject to violations and penalties as listed in §166-67 Violations and Penalties.

166-101 - Smoke Shop/Tobacco Store:

A. Location. Each smoke shop / tobacco store shall be located no closer than 500 feet, measured property line to property line, from any other hookah bar, smoke shop/tobacco store, and/or neighborhood convenience store.

Each smoke shop / tobacco store shall be located no closer than 500 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.

B. Sales. No self-service tobacco shall be permitted. No distribution of free or low-cost tobacco, as well as coupons for tobacco products or tobacco paraphernalia, shall be permitted.

C. Sales License. Each smoke shop / tobacco store shall post near the entrance or near the cash register in an unobstructed location the valid Tobacco Sales license issued by the Pennsylvania Department of Revenue.

D. Hours of Operation. Smoke Shop / Tobacco Store shall not be permitted to operate within the hours of 12:00 am to 8:00 am.

E. Ventilation. Any establishment that will allow any sort of smoking on site shall provide adequate ventilation. The requirements imposed by the Code Enforcement 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 permits indoor smoking.

F. Compliance. Each smoke shop / tobacco store shall comply with all applicable Federal, Commonwealth, and local laws including, but not limited to the Clean Indoor Air Act. Failure to comply with governing law and the regulations in §166-23 Special Exceptions and Conditional Uses, B. Failure to comply with said Conditional Uses, shall result in rejection of an occupancy permit, suspension of an occupancy permit, or termination of an occupancy permit.

G. Nonconforming Use. Each smoke shop / tobacco store legally existing on the effective date of this section may continue to operate as a nonconforming use and shall not be required to obtain a conditional use permit. However, any change of the nonconforming use and/or any violation of Federal, Commonwealth, and local law shall require compliance with this chapter and a conditional use permit.

H. Violations and Penalties. Each smoke shop / tobacco store found by the Code Enforcement Department to be in violation of any City Code is subject to violations and penalties as listed in §166-67 Violations and Penalties.

166-102 – Neighborhood Convenience Stores:

A. Location. Each neighborhood convenience store shall be located no closer than 500 feet, measured property line to property line, from any other hookah bar, tobacco store/smoke shop, and/or neighborhood convenience store.

Each neighborhood convenience store shall be located no closer than 500 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.

B. Sales. No self-service tobacco shall be permitted. No distribution of free or low-cost tobacco, as well as coupons for tobacco products or tobacco paraphernalia, shall be permitted.

C. Sales License. Each neighborhood convenience store selling a tobacco product shall post near the entrance or near the cash register in an unobstructed location the valid Tobacco Sales license issued by the Pennsylvania Department of Revenue.

D. Hours of Operation. Neighborhood convenience operation shall not be permitted to operate within the hours of 2:00 am to 6:00 am.

E. Compliance. Each neighborhood convenience store shall comply with all Federal, Commonwealth, and local laws, including, but not limited to the Clean Indoor Air Act. Failure to comply governing law or the regulations in §166-23 Special Exceptions and Conditional Uses, B. Failure to comply with said Conditional Uses, shall result in rejection of an occupancy permit, suspension of an occupancy permit, or termination of an occupancy permit.

F. Nonconforming Use. Each neighborhood convenience store legally existing on the effective date of this section may continue to operate as a nonconforming use and shall not be required to obtain a conditional use permit. However, any change of the nonconforming use or violation of Federal, Commonwealth, and local law shall require compliance with this chapter and a conditional use permit.

G. Violations and Penalties. Each neighborhood convenience store found by the Code Enforcement Department to be in violation of any provision of the City Code is subject to violations and penalties as listed in §166-67 Violations and Penalties.

SECTION 2. That the within Ordinance shall take effect on the date of publication of the post-enactment notice of passage of the same.

SECTION 3. That the City Manager, the City Secretary, Mayor, and any other proper City officer is authorized and directed to execute any and all documents and to take any and all action necessary in order to carry in effect the within ordinance.

ENACTED AND ORDAINED this ____ day of _____, 2025.

ATTEST:

COUNCIL OF THE CITY OF
LATROBE

Karen Meholic
Secretary

By: _____
Eric Bartels
Mayor