MUNICIPALITY OF BETHEL PARK
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NO. 10-12-26C

AN ORDINANCE OF THE MUNICIPALITY OF BETHEL PARK, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 69 (ZONING ORDINANCE) OF THE MUNICIPALITY OF BETHEL PARK CODE OF ORDINANCES TO REGULATE VAPE SHOPS AS A PERMITTED USE SUBJECT TO SPECIFIED CONDITIONS

WHEREAS, the Municipality of Bethel Park is a Home Rule Municipality organized under the laws of Commonwealth of Pennsylvania with full authority to enact and amend Zoning Ordinances pursuant to the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10101 et. seq. ("The MPC"); and

WHEREAS, the Council of the Municipality of Bethel Park finds it necessary and appropriate to amend Chapter 69 of the Borough Zoning Ordinance to address regulation of vape shops within the Municipality; and

WHEREAS, the Municipal Council finds it necessary and appropriate to clarify and update the permitted uses subject to the Conditional Approval Process set forth in Section 69.73.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by the Council of the Municipality of Bethel Park, County of Allegheny, Commonwealth of Pennsylvania as follows:

SECTION ONE: Amendment to Chapter 69.8 "Definitions" of the Zoning Code.

Section 69.8 shall be amended to add the following definition to be inserted in alphabetical order:

> Smoke and Vape Shop: A retail business in which more than thirty percent (30%) of products for retail sale including but not limited to, alternative nicotine products such as any product or devices that employs an electronic heating element, power source, electronic circuit, battery, or other electronic, chemical or mechanical means to produce a vapor

that delivers nicotine to the person inhaling from the device, including electronic or non-electric cigarettes, cigars, hookahs, bongs and pipes. The thirty percent (30%) standard shall apply to establishments for which total gross revenues for the previous twelve (12) months derived from sale of these products exceed thirty percent (30%) or for which more than thirty percent (30%) of total floorspace is used for storage, display or sale of such products.

SECTION TWO: Amendment to Requirements for Conditional Use

Article XXIII. Chapter 69 of the Bethel Park Code of Ordinances is hereby amended to add "Vape Shop" as "69.92 Vape Shops:"

69.92.1 Districts in which the use may be permitted:

C-2 (General Commercial District) and M (Manufacturing, Light Industrial District)

69.92.2. Location:

a. No Vape Shop shall be located within 1000 feet of any K-12 School, licensed daycare facility, public park or playground or religious institution. Distance to be measured from property boundary to property boundary.
b. No Vape Shop as defined in this Ordinance shall be located within 1000 feet of another business establishment qualified as a Vape Shop. Distance to be measured from property boundary to property boundary.

69.92.3. Hours of Operation.

Hours of Operation shall be limited to 9 a.m. to 11 p.m. Monday-Sunday.

69.92.4. Advertising of Products.

Advertisement of products including Price Promotions shall be prohibited on the outside of the premises.

69.92.5 Age Restriction

No person under the age of 21 shall be permitted on the premises of any Vape Shop, unless accompanied by an individual who is at least 21 years of age.

These limitations shall be posted on the exterior of every such commercial premise.

69.92.6. Signage

Illuminated, animated, flashing or neon signage shall be prohibited. Any signage directed at minors, including but not limited to cartoon imagery, shall be prohibited.

69.92.7. Management

Each Vape Shop enterprise shall designate a responsible employee on the premises at all times and verify training for employees on ID checks and prohibited sales.

69.92.8. Sales

No tobacco products, vaping products or Electronic Nicotine Delivery Systems (ENDS) shall be displayed or offered in a self-service manner accessible to customers without direct assistance from an employee.

69.92.9. Storage

All tobacco products, vaping products or ENDS products must be stored behind the counter in a locked display case or otherwise secured so to as require employee intervention for customer access, except that customers may have free access to a humidor that is stocked only with cigars, defined as cylindrical rolls of dried tobacco wrapped in tobacco leaf.

69.92.10. Automated Sales

No tobacco products, vaping products or ENDS products shall be sold distributed or otherwise transferred to any person by self-service mechanisms including vending machines or any other means.

69.92.11. Enclosure of Products.

All tobacco products, vaping products or ENDS products should be displayed and sold only within a closed building. No outdoor displays, sale or storage of tobacco products, vaping products or ENDS shall be permitted.

69.92.12. Age Restriction on Sales

No tobacco products, vaping products or ENDS products should be served or offered for sale or otherwise furnished to anyone under twenty-one (21) years of age, or such higher minimum ages as may be established by applicable federal, state or local law. Operators shall implement and maintain a written age verification policy.

69.92.13. Alcohol

The sales, service or consumption of alcohol on the premise of any Vape Shop shall be strictly prohibited.

69.92.14. Parking and Off-street Loading.

All vape shops shall comply with parking and off street loading standards applicable to retail uses in underlying C-2 or M districts. The applicant shall demonstrate compliance with all applicable parking requirements.

69.92.15. Ventilation.

Any Vape Shops that permits on premises smoking, vaping or use of tobacco products shall provide and maintain a ventilation system which prevents migration of smoke, vapor of fumes to any area adjacent to the premises or any right of way sidewalk to public area. Documentation at the time of permitted use verifying the proposed ventilation system and demonstrating that it meets mechanical and building code standards shall be maintained at all times.

69.92.16 Other Legal Restrictions

Any owner or operator of any Vape Shops shall comply at all times with applicable current state or federal laws governing sale, display or use of tobacco products, vaping products or ENDS products.

SECTION THREE: Severability

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION FOUR: Effective Date

This Ordinance shall take effect within thirty (30) days of adoption.

ORDAINED AND ENACTED into law this 12th day of October, 2026.

ATTEST:

Kristen Denne, Municipal Manager

MUNICIPALITY OF BETHEL PARK

Joseph Janosik, Council President

EXAMINED AND APPROVED by me this 12th day of October, 2026.

John T. Allen, Mayor