

Council of the City of York, PA  
Session 2025  
Bill No. **24**  
Ordinance No.

INTRODUCED BY: Edquina Washington

DATE: September 2, 2025

**AN ORDINANCE**

Amending Part Thirteen (Planning and Zoning Code), Title One (Zoning Ordinance) of the City of York Codified Ordinances, Article 1302 (Definitions) to provide for definitions related to Vape and Smoke Shops, Article 1303 to provide for Vape and Smoke Shops as a permissible use in the EC district, and Article 1304 (Use Definitions, General Provisions, Accessory Uses, Conditional Uses, and Special Exception Use Requirements) to include regulations governing a Vape and Smoke Shop use within the City.

WHEREAS, the City of York is empowered to enact ordinances directing the uses of land for the protection and promotion of the safety, health and morals of its citizens and visitors; *and*

WHEREAS, businesses are moving into the City marketing vape, tobacco, cannabinoid and other products legal to sell to adults in the Commonwealth of Pennsylvania while such business also sell products targeted to minors; *and*

WHEREAS, there have been incidents of these businesses selling products to minor children with adverse effects; *and*

WHEREAS, the City believes that it is in the best interest of the citizens to establish regulations related to the location and use of these businesses within the City.

NOW, THEREFORE, BE IT ORDAINED, by the Council for the City of York, Pennsylvania as follows:

**SECTION ONE:** Part Thirteen (Planning and Zoning Code), Title One (Zoning Ordinance) of the City of York Code of Ordinances is hereby amended as set forth herein:

- I. Article 1302 (Definitions), Section 1302.02 (Terms and Definitions) is hereby amended to insert the following in alphabetical order within the Section without disturbing the existing Terms:*

**CANNABINOID**

A type of chemical found in marijuana (cannabis sativa, cannabis indica, or other cultivars of the cannabis plant) that causes drug-like effects all through the body, including the central nervous system and the immune system. The term includes, without limitation, Tetrahydrocannabinol (THC), Cannabidiol (CBD), Cannabinol (CBN), Cannabichromene (CBC), Cannabigerol (CBG), as well as natural and synthetic compounds which are isolated or intended to mimic the effects of marijuana, or to otherwise cause intoxication, such as Delta-8-Tetrahydrocannabinol ( $\Delta$ 8-THC), Delta-9-Tetrahydrocannabinol ( $\Delta$ 9-THC), Dronabinol (Marinol), Kratom (mitragyna speciosa), Tianeptine, Phenibut, and Salvia divinorum.

### **REGULATED CANNABINOID SUBSTANCES RETAILER**

A retail establishment that, pursuant to a license, franchise, permit, or other approval issued by the Commonwealth, sells, prepares, maintains or otherwise distributes cannabinoid substances that are regulated by the Commonwealth.

### **UNREGULATED CANNABINOID PRODUCT**

A Cannabinoid that is consumed whether inhaled or ingested, that contains one or more cannabinoids. The term “Unregulated Cannabinoid Product” shall not include any retail establishment that lawfully sells, prepares, maintains, or distributes unregulated products which contain no cannabinoids other than cannabidiol (CBD).

### **TOBACCO PRODUCTS**

Any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco, chewing tobacco, and related accessories, including, but not limited to, matches, lighters, grinders, hookahs, pipes, cigarette rolling machines or papers, ashtrays, pipe tools, pipe supplies and pipe accessories, and vaping products and accessories.

### **VAPE PRODUCTS**

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 or cannabinoid delivery systems. Examples of vape products referred to in this Section include, without limitation, vaporizers, vape pens, vapor products, hookah pens, electronic cigarettes, e-cigarettes, e-cigs, e-pipes and any other electronic nicotine or Cannabinoid delivery system.

- II. *Article 1303 (Districts, Maps and Boundaries), Section 1303.08 (Table of Permissible Uses), Table 1303.08(A) (Permissible Use Table) is hereby amended as follows to insert the below row in numerical order without disturbing the existing rows:*

| #        | USE<br>DESCRIPTION      | RS1 | RS2 | UN1 | UN2 | MUI<br>1 | MUI<br>2 | CBD | EC | OS | GW |
|----------|-------------------------|-----|-----|-----|-----|----------|----------|-----|----|----|----|
| 4.01.002 | Vape and<br>Smoke Shops |     |     |     |     |          |          |     | SE |    |    |

- III. *Article 1304 (Use Definitions, General Provisions, Accessory Uses, Conditional Uses, and Special Exception Use Requirements), Section 1304.01 (Principle Uses), is hereby amended to establish Section 4.01.002 (Vape and Smoke Shops) as follows in numerical order within the Section:*

#### 4.01.02 Vape and Smoke Shop

**a) Definition:** A Vape and Smoke Shop means a retail sales or wholesale establishment primarily engaged in selling tobacco, Tobacco Products, Vape Products, or Cannabinoid Products. A retail sales or wholesale establishment which maintains 10% or more of its total merchandise as tobacco, Tobacco Products, Vape Products, or Unregulated Cannabinoid Products shall be considered a Vape and Smoke Shop, whether one or more of Vape, Tobacco, or Unregulated Cannabinoid Products are offered for sale or use for the purposes of this Article. A Regulated Cannabinoid Substances Retailer or retail store exclusively offering cigars shall not be considered a Vape and Smoke Shop.

**b) General Provisions:**

1. No Vape or Smoke Shop may be located closer than 500 feet from any other tobacco store or smoke shop, measured property line to property line.
2. No Vape or Smoke Shop may be located closer than 500 feet to any private or public school or school facility, religious structure, public recreation facility, day care center, or public library, measured property line to property line.
3. No Vape or Smoke Shop shall be established as a commercial use with any residential use on the same parcel.
4. No minors shall be permitted to enter the premises unless accompanied by a parent or legal guardian and no minors may be employed at the premises. The exterior of the shop must be posted with clear signage stating that no minors are permitted to enter without being accompanied by a parent or legal guardian. At least one such sign shall be placed in a conspicuous location near each public entrance to the space occupied by the business.
5. No sales may be solicited or conducted on the premises by minors. 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.
6. No smoking shall be permitted on the premises at any time.
7. Windows may not be covered, regardless of opacity, more than 10% of the total window area.
8. No food may be sold in or at the store.

**c) Special Exception Provisions:** All General Requirements in addition to the Special Exception provisions of Section 1311.11(c).

**d) Parking:** One (1) off-street parking space required for each 150 feet of gross floor area or fraction thereof.

**e) Nonconforming Use:** Each Vape and Smoke Shop legally existing on the effective date of this Section may continue to operate as a legal nonconforming use until any change or expansion of the legal nonconforming use or a violation of any Federal, Commonwealth, or local law. After which, the use shall lose its legal nonconforming use status and must comply with this Section.

SECTION TWO: The provisions of this Ordinance are severable, and if any article, section, subsection, clause, sentence or part thereof shall be held or declared illegal, invalid or unconstitutional by any court of competent jurisdiction, the decision shall not affect or impair any of the remaining articles, sections, subsections, clauses, sentences or parts thereof of this Ordinance. It is hereby declared to be the intent of City Council that this Ordinance would have been adopted if such illegal, invalid or unconstitutional article, section, subsection, clause, sentence or part thereof had not been included herein.

SECTION THREE: This ordinance shall become effective in accordance with the law.

PASSED FINALLY:

BY THE FOLLOWING VOTE:

YEAS: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

NAYS: \_\_\_\_\_.

\_\_\_\_\_  
Edquina Washington, President of Council

ATTEST:

\_\_\_\_\_  
Dianna L. Thompson, City Clerk

Presented the Mayor for approval this \_\_\_\_\_ day of \_\_\_\_\_.

APPROVED: \_\_\_\_\_  
Mayor Date

VETOED: \_\_\_\_\_  
Mayor Date