

CITY OF SHARON
MERCER COUNTY, PENNSYLVANIA

ORDINANCE NO. 06- 2025

AN ORDINANCE OF THE CITY OF SHARON, MERCER COUNTY, PENNSYLVANIA, IN ACCORDANCE WITH THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE ("MPC"), AMENDING PORTIONS OF PART 12, TITLE 4 OF THE SHARON CODE OF ORDINANCES, RELATED TO ZONING, ALSO KNOWN AS THE "SHARON ZONING ORDINANCE"; AMENDING SECTION 902 TO PROVIDE FOR THE TERMS "GAMING FACILITIES" AND "SMOKE SHOPS"; PERMITTING SAID USES BY SPECIAL EXCEPTION IN THE C-2, M-1, M-2, AND M-3 ZONING DISTRICTS; AND TO AMEND SECTION 309 TO ADD SECTIONS 309.37 AND 309.38 TO PROVIDE VARIOUS PERFORMANCE CRITERIA FOR SAID USES.

WHEREAS, the City of Sharon ("City") encourages the reasonable development of all legal uses of property for the benefit of City residents and guests; and

WHEREAS, upon substantial consideration, the City adopted Ordinance 7-2005, which repealed the previous Zoning Ordinance and replaced, along with the Zoning District map, in its entirety; and

WHEREAS, a number of business establishments have been provided throughout the facilities which exist for gaming that have not been ruled unlawful by the courts of the Commonwealth or Mercer County; and

WHEREAS, likewise, the City has seen a substantial increase in business establishments created for the purpose of selling tobacco products along with accessories for smoking or inhaling legal (or illegal) substances; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF SHARON, MERCER COUNTY, PENNSYLVANIA, AND THE CITY OF SHARON HEREBY ORDAINS AND ENACTS BY AUTHORITY OF THE SAME AS FOLLOWS:

SECTION 1. AMENDMENT OF PART 12, TITLE 4, SECTION 902. Part 12, Title 4, the Zoning Ordinance, Section 902 is hereby amended to add the following definitions in alphabetical order within the list of defined specific terms:

Gaming Facility – A facility whose primary purpose is to provide devices for the use of its customers that offers a cash payout or other award of value, or compensation directly or indirectly, where such rewards are paid in a manner that is deemed not to constitute unlawful gambling in accordance with prevailing law. Any such facility providing gambling shall be prohibited.

Smoke Shop – A retail sales or wholesale establishment primarily engaged in selling tobacco and/or 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 “tobacco store/smoke shop” for the purposes of this Chapter. Examples of vaping products referred to in this Chapter include, without limitation, vaporizers, vape pens, vapor products, hookah pens, electronic cigarettes, ecigarettes, e-cigs, e-pipes and any other electronic nicotine delivery systems (“ENDS”). ENDS shall be deemed noncombustible 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. For the purposes of this Chapter, cannabidiol products, also known as “CBD” products, shall be excluded when counting the total merchandise of such a retail sales or wholesale establishment. Any such facility providing a product in violation of 35 P.S. § 780-101, *et seq.*, or any other applicable law, shall be prohibited.

SECTION 2. AMENDMENT OF PART 12, TITLE 4, SECTION 306.10. Part 12, Title 4, the Zoning Ordinance, Section 306.10 is hereby amended to add the following uses in the appropriate districts as follows:

- Gaming Facility shall be allowed as a permitted use by special exception in the C-2, M-1, M-2, and M-3 zoning districts, subject to the requirements of Section 309.37.
- Smoke Shop shall be allowed as a permitted use by special exception in the C-2, M-1, M-2, and M-3 zoning districts, subject to the requirements of Section 309.38.

SECTION 3. AMENDMENT OF PART 12, TITLE 4, SECTION 309. Part 12, Title 4, the Zoning Ordinance, Section 309 is hereby amended to provide a new Section 309.37, which shall read as follows:

Gaming Facility – This use shall be subject to the following conditions and/or criteria:

- (a) Said facilities shall obtain all licenses, permits, and/or other authorizations required by applicable law, including all City ordinances.
- (b) Said facility shall be permitted only for so long as all uses located therein are deemed to be lawful in accordance with applicable laws.
- (c) Windows to the facility shall not be tinted, covered, or in any other way made opaque to prevent people outside the establishment from seeing inside.
- (d) A Gaming Facility shall not be located within 1,000 feet, measured from the nearest edge of each property line, from an educational institution, child care facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other use where individuals under 21 years of age regularly gather.
- (e) A Gaming Facility shall not be located within 1,000 feet, measured from the nearest edge of each property line, from another Gaming Facility.

SECTION 4. AMENDMENT OF PART 12, TITLE 4, SECTION 309. Part 12, Title 4, the Zoning Ordinance, Section 309 is hereby amended to provide a new Section 309.38, which shall read as follows:

Smoke Shop – This use shall be subject to the following conditions and/or criteria:

- (a) Said facilities shall obtain all licenses, permits, and/or other authorizations required by applicable law, including all City ordinances.
- (b) Said facility shall be permitted only for so long as all uses located therein are deemed to be lawful in accordance with applicable laws.
- (c) Windows to the facility shall not be tinted, covered, or in any other way made opaque to prevent people outside the establishment from seeing inside.
- (d) A Smoke Shop shall not be located within 1,000 feet, measured from the nearest edge of each property line, from an educational institution, child care facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other use where individuals under 21 years of age regularly gather.
- (e) A Smoke Shop shall not be located within 1,000 feet, measured from the nearest edge of each property line, from another Smoke Shop.

SECTION 5. SEVERABILITY. The provisions of this Ordinance shall be severable and, if any of the provisions hereof shall be held unconstitutional, void or otherwise unenforceable, such shall not affect the validity of any of the remaining provisions of said Ordinance.

SECTION 6. REPEALER. All ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 7. EFFECTIVE DATE. The provisions of this ordinance shall become effective in ten (10) days.

SHARON ORDAINS AND ENACTS AND IT IS HEREBY ORDAINED AND ENACTED FINALLY INTO LAW BY THE COUNCIL OF THE CITY OF SHARON THIS 16TH DAY OF JULY 2025.

ATTEST:



City Clerk

**CITY OF SHARON
COUNCIL**

By: 

President