

ARTICLE XIV. HOOKAH PARLORS

Sec. 18-650. Purpose and findings.

The city council finds that hookah parlors have been associated with increases in noise, loitering, public drinking, possession of illegal weapons, underage drinking, and arson; that hookah parlors exacerbate the inherently dangerous behavior of tobacco use around non-tobacco users; diminish the protection of children from exposure to smoking and tobacco while they increase the potential for minors to associate smoking and tobacco with a healthy lifestyle; and weaken the protection of the public from smoking and tobacco-related pollution; and that hookah parlors if allowed in the city would have adverse secondary effects on surrounding properties, including but not limited to lowering property values and introducing incompatible land uses to existing neighborhoods; and that in order to serve public health, safety, and welfare of the residents and businesses within the city, the declared purpose of this article is to prohibit hookah parlors as defined in this article.

(Ord. No. NS-2763, § 2, 3-3-08)

Sec. 18-651. Hookah parlor defined.

(a) *Hookah parlor* shall mean any facility or location whose business operation, whether as its primary use or as an ancillary use, is denoted by the smoking of tobacco or other substances through one or more pipes (commonly known as a hookah, waterpipe, shisha or narghile) designed with a tube passing through an urn of water that cools the smoke as it is drawn through it, including but not limited to establishments known variously as hookah bars, hookah lounges or hookah cafes.

(b) *Ancillary use* shall be defined as that term is defined in section 41-13.5 of the Code.

(c) *Primary use* shall mean a use that is not an ancillary use.

(Ord. No. NS-2763, § 2, 3-3-08)

Sec. 18-652. Hookah parlors prohibited.

It shall be unlawful for any person or entity to own, manage, conduct, or operate any hookah parlor or to participate as an employee, contractor, agent or volunteer, or in any other manner or capacity, in any hookah parlor in the city.

(Ord. No. NS-2763, § 2, 3-3-08)

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Garden Grove Municipal Code

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ENCERPT FROM: GARDEN GROVE MUNICIPAL CODE, TITLE 5:

CHAPTER 75: REGULATION OF SMOKING LOUNGES

SECTION 5.75.010: Definitions

For purposes of this chapter, certain words and phrases shall be defined as set forth in this section.

"Amusement devices" means any arcade game, pinball machine, electronic table top game, billiard or pool table, juke box, air hockey, and any other such device or machine, which is offered for the purpose of holding the attention of, gaining the attention or interest of, or amusing guests or patrons.

"Smoking Lounge" means a business establishment that is dedicated, in whole or part, to the smoking of tobacco or other legal substances, including but not limited to establishments known variously as Cigar Lounges, Hookah Cafs, Hookah Parlors, Tobacco Clubs, or Tobacco Bars. (Ord. 2680 § 2 (part), 2006).

SECTION 5.75.020: Operating Requirements for Smoking Lounges.

It is unlawful, and a public nuisance, for any person to engage in, conduct, or carry on, in or upon any premises within the City the business of a Smoking Lounge except in compliance with all of the following requirements:

- a. The business shall be owner-operated or otherwise exempt from the prohibition of smoking in the workplace set forth in California Labor Code Section 6404.5.
- b. No alcoholic beverages shall be sold or consumed at the business except as permitted pursuant to a conditional use permit issued under Title 9 of this code.
- c. No person under 18 years of age shall be permitted within the business.
- d. No live entertainment, including, but not limited to, karaoke, singers, DJs, dancers, or comedians shall be permitted within the business except as permitted pursuant to a conditional use permit issued under Title 9 of this code.
- e. All business related activities shall be conducted wholly indoors within the premises of the business except as permitted pursuant to a conditional use permit issued under Title 9 of this code.
- f. No admittance fee, cover charge, or requirement of any charge or minimum payment as a condition of entry shall be permitted.
- g. Uniformed security guard(s) shall be provided, as deemed necessary by the Chief of Police or his/her designee.
- h. Window coverings shall not prevent visibility of the interior of the business from its outside during operating hours. Any proposed window tint shall be approved in advance by the Chief of Police or his/her designee.
- i. The interior of the business shall be maintained with adequate illumination to make the conduct of patrons within the premises readily discernable to persons of normal visual acuity.

- DEALERS
 - ☐ CHAPTER 40: POOL ROOMS
 - ☐ CHAPTER 44: PRIVATE PATROL SERVICE -- SECURITY OFFICERS
 - ☐ CHAPTER 48: TAXICAB REGULATIONS*
 - ☐ CHAPTER 52: TOW TRUCKS*
 - ☐ CHAPTER 55: ESCORT BUREAU AND INTRODUCTORY SERVICES
 - ☐ CHAPTER 60: PEEP SHOW ESTABLISHMENTS
 - ☐ CHAPTER 65: FORTUNE TELLING
 - ☐ CHAPTER 70: REGULATION OF COFFEE HOUSES
 - ☐ CHAPTER 75: REGULATION OF SMOKING LOUNGES
 - SECTION 010: Definitions
 - SECTION 020: Operating Requirements for Smoking Lounges
 - SECTION 030: Application to Existing Businesses
 - ☐ TITLE 6: HEALTH AND SANITATION*
 - ☐ TITLE 8: PEACE, SAFETY AND MORALS*
 - ☐ TITLE 9: LAND USE
 - ☐ TITLE 10: VEHICLES AND TRAFFIC*
 - ☐ TITLE 11: PUBLIC PROPERTY*
 - ☐ TITLE 14: WATER*
 - ☐ TITLE 18: BUILDING CODES AND REGULATIONS*
- j. Notwithstanding Section 9.08.050 of this code, Amusement Devices shall not be permitted anywhere within the premises of the business except as permitted pursuant to a conditional use permit issued under Title 9 of this code.
- k. Adequate ventilation shall be provided for the heating of coals and smoking areas in accordance with all requirements imposed by the Garden Grove Fire Department, or as otherwise required by state or federal laws.
- l. The occupancy load shall not exceed the lesser of (1) the occupancy load limit for the premises established by the applicable provisions of the California Building Standards Codes or (2) an occupancy load limit established as a condition of the land use approvals under Title 9 of this code.
- m. The business shall not operate between the hours of 2:00 a.m. and 6:00 a.m.
- n. The business shall also be in conformity with all other city, state and federal laws.
- (Ord. 2680 § 2 (part), 2006).
- SECTION 5.75.030: Application to Existing Businesses.**
- Any Smoking Lounge lawfully existing on the effective date of this chapter which becomes a nonconforming use by reason of the adoption of this chapter shall cease operation, or otherwise be brought into full compliance with the provisions of this chapter, not later than one year following the effective date of the ordinance adopting this chapter.
- (Ord. 2680 § 2 (part), 2006).

If you have any questions about the Municipal Code please contact the City Clerk's office at 714-741-5040.

Anaheim Municipal Code
Title 4 BUSINESS REGULATION Chapter 4.22 SMOKING LOUNGES

Chapter 4.22 SMOKING LOUNGES

Sections:

- 4.22.010 Definitions.
- 4.22.020 Permit required.
- 4.22.030 Operating requirements for smoking lounge.
- 4.22.040 Application for permit.
- 4.22.050 Action by License Collector upon application.
- 4.22.060 Notification.
- 4.22.070 Appeal to City Manger—Notice and hearing.
- 4.22.080 City Manager action upon appeal.
- 4.22.090 Issuance of permit—conditions.
- 4.22.100 Revocation of permit.
- 4.22.110 Application to existing businesses.
- 4.22.120 Rules and regulations.
- 4.22.130 Penalty.

4.22.010 DEFINITIONS.

“Smoking Lounge.” A business establishment that is dedicated, in whole or in part, to the smoking of tobacco or other substances, including but not limited to establishments known variously as cigar lounges, hookay cafs, tobacco clubs or tobacco bars. (Ord. 5999 § 1 (part); December 6, 2005.)

4.22.020 PERMIT REQUIRED.

.010 It is unlawful for any person to engage in, conduct, or carry on, in or upon any premises within the City of Anaheim, the business of a smoking lounge in the absence of a permit issued pursuant to the provisions of this chapter.

.020 The holding or conducting of any event or activity subject to the provisions of this chapter without a valid permit issued therefor pursuant to the provisions of this chapter, unless expressly exempt hereunder, is declared a public nuisance. (Ord. 5999 § 1 (part); December 6, 2005.)

4.22.030 OPERATING REQUIREMENTS FOR SMOKING LOUNGE.

It is unlawful for any person to engage in, conduct, or carry on, in or upon the premises within the City of Anaheim, the business of a smoking lounge except in compliance with all of the following requirements:

.010 The business shall be owner-operated or otherwise exempt from the prohibition of smoking in the workplace set forth in Cal. Labor Code Section 6404.5.

.020 No alcoholic beverages shall be sold or consumed on the business premises within any area where the smoking of tobacco or other substances is allowed, including any outdoor seating area in conformance with Section 18.38.260.020 where the smoking of tobacco or other substance is allowed .

.030 No persons under 18 years of age shall be permitted within any area of the business premises where the smoking of tobacco or other substances is allowed, including any outdoor seating area in conformance with Section 18.38.260.020 where the smoking of tobacco or other substance is allowed.

.040 No live entertainment, including, but not limited to, singers, Djs, dancers, and comedians, shall be permitted within the business except as authorized pursuant to, and in accordance with the terms of, a valid entertainment permit issued pursuant to Chapter 4.18 of Title 4 of this code.

.050 All business related activities shall be conducted wholly within a building, with the exception of outdoor seating in conformance with Section 18.38.060.020. Operation of outdoor barbeques or braziers or lighting coals shall not be permitted.

.060 No admittance fee, cover charge, or requirement of any charge or minimum payment as a condition of entry shall be permitted.

.070 Uniformed security guard(s) shall be provided, as deemed necessary by the Chief of Police or his or her designee.

.080 No window coverings shall prevent visibility of the interior of the tenant space from outside the premises during operating hours. Any proposed window tint shall be approved in advance by the Anaheim Police Department.

.090 The interior of the business shall be maintained with adequate illumination to make the conduct of patrons within the premises readily discernable to persons of normal visual acuity.

.100 No amusement devices, as said term is defined in Section 4.14.010.010, shall be permitted anywhere within the business.

.110 Adequate ventilation shall be provided for the heating of coals in accordance with all requirements imposed by the Anaheim Fire Department, or as otherwise required by state or federal laws.

.120 Parking shall be provided using the standard for bars and nightclubs (17 spaces/1,000 GFA).

.130 The occupancy shall not exceed the lesser of (i) the occupancy limit for the premises established by the Anaheim Fire Department or (ii) an occupancy limit established as a condition of the permit approved pursuant to this chapter, or any zone variance issued pursuant to Title 18 of this Code.

.140 The business shall also be in conformity with all other city, state and federal laws. (Ord. 5999 § 1 (part); December 6, 2005; Ord. 6084 § 1; December 11, 2007.)

4.22.040 APPLICATION FOR PERMIT.

.010 Applications for permits pursuant to this chapter shall be filed with the License Collector on forms provided by him or her and shall include a nonrefundable application fee in an amount designated by resolution of the City Council and, at least, the following information:

.0101 The legal name, residence address and telephone number of the owner(s) of the proposed establishment making application;

.0102 The legal name, residence address and telephone number of the person submitting the application as authorized agent of the owner(s), if applicable;

.0103 The business name, address and telephone number under which the activity will be conducted;

.0104 The exact nature and location of the activity for which the permit is requested and an estimate of the numbers of patrons of the establishment;

.0105 A security plan for control of pedestrian and vehicular traffic and prevention of unlawful conduct by employees and patrons (such as assaults, vandalism, littering, theft, sale or use of controlled substances, and consumption of alcohol) within the building(s) and outside in the areas affected by the public attending the event; provided, however, that this requirement shall be excused in the case of a noncommercial activity or event to which the public is invited free of charge and which event shall not be in conjunction with any other commercial activity;

.0106 A plan for control of noise affecting nearby premises (noise control plan), with special attention to prevention of noise nuisance to nearby residences, if any;

.0107 The hours of operation of the establishment; and

.0108 Such other information pertaining to public health and safety as may be required by the License Collector to ensure compliance with the provisions of this chapter and of the requirements of the Zoning Code relating to smoking lounges and, in addition, any information that the applicant may wish to include.

.020 Submitting false information on the application shall constitute grounds for denial of the permit. (Ord. 5999 § 1 (part); December 6, 2005.)

4.22.050 ACTION BY LICENSE COLLECTOR UPON APPLICATION.

.010 Upon the filing of an application, the License Collector shall determine whether the application is complete. If the application is not complete, the License Collector shall, within five business days, give written notice by mail or personal delivery to the applicant advising that the application is incomplete and cannot be acted upon. The notice shall state what information is needed to complete the application.

.020 Upon the filing of a completed application, the License Collector or designee shall conduct an appropriate investigation, including consultation with the Police, Fire and Planning Departments and inspection of the premises as needed. Within 20 business days after receipt of a completed application, the License Collector or designee shall either grant or deny the application.

.030 An application for a smoking lounge permit pursuant to this chapter shall be granted, subject to compliance with the requirements set forth herein and in Section 18.38.260 of this Code, unless it is found and determined that issuance of the permit would allow the smoking lounge to be held or conducted:

.0101 In violation of any provisions of Titles 4 or 18 of the Anaheim Municipal Code or in violation of any other federal, state or city law or laws; or

.0102 In a building or structure which is hazardous to the health or safety of the employees or patrons of the business, activity, or event, or the general public, under the standards established by the Uniform Codes or the 2001 California Fire Code, adopted pursuant to Sections 15.02.010 and 16.08.020, respectively, of the Anaheim Municipal Code; or

.0103 On premises which lack adequate on site parking area for employees and the public attending the proposed event or activity, under the standards set forth in Title 18 of the Anaheim Municipal Code, except for existing uses that are legal and nonconforming with respect to parking; or

.0104 In a manner in which proposed security measures are determined to be inadequate to deter unlawful conduct on the part of employees or patrons, or to promote the safe and orderly assembly and movement of persons and vehicles, or the proposed noise control plan is determined to be inadequate to prevent disturbance of the neighborhood by excessive noise created by the activity or by patrons entering or leaving the premises. (Ord. 5999 § 1 (part); December 6, 2005.)

4.22.060 NOTIFICATION.

.010 The License Collector shall give written notice to the applicant of the action taken upon the completed application, including any conditions of approval, within 20 business days after receipt of the completed application.

.020 In the event the application is denied, written notice of such denial shall be given to the applicant specifying the grounds for such denial. The notice shall also advise the applicant of this right to appeal the denial of his or her application and shall state the last date on which an appeal may be filed, which shall be the fifteenth working day after the date on which the notice was deposited in the mail or was personally delivered to the applicant. (Ord. 5999 § 1 (part); December 6, 2005.)

4.22.070 APPEAL TO CITY MANAGER—NOTICE AND HEARING.

.010 An applicant whose application for a smoking lounge permit has been denied or has been granted conditionally may appeal such decision directly to the City Manager or his or her designee by filing an appeal with the License Collector. The time within which such a written appeal may be filed shall expire at the end of the fifteenth working day after the date on which notice to the applicant of the action on his or her application is personally delivered or deposited in the mail.

.020 Upon the filing of a timely appeal, the City Manager or his or her designee shall set a hearing to be held within 15 business days from the date of receipt of such appeal. The applicant, by written request, may waive the time limits set forth in this section except the time within which an appeal may be filed. (Ord. 5999 § 1 (part); December 6, 2005.)

4.22.080 CITY MANAGER ACTION UPON APPEAL.

After an administrative hearing and consideration of the report and recommendation of the License Collector and any written materials submitted by the applicant or other persons, the City Manager or his or her designee shall either grant the permit, with or without conditions, or shall deny the permit upon finding that issuance thereof would result in any of the circumstances set forth in Section 4.22.050 of this chapter. The decision of the City Manager or his or her designee on any such permit shall be final. (Ord. 5999 § 1 (part); December 6, 2005.)

4.22.090 ISSUANCE OF PERMIT—CONDITIONS.

.010 After the decision approving or conditionally approving any permit becomes final, the License Collector or designee shall issue the permit.

.020 The permit shall be issued subject to compliance with all operating requirements in Section 4.22.030 and such additional conditions as may be required to ensure compliance with City regulations governing the matters contained in the application. (Ord. 5999 § 1 (part); December 6, 2005.)

4.22.100 REVOCATION OF PERMIT.

.010 Any permit issued pursuant to the provisions of this chapter shall be revoked by the City Manager or his or her designee following a hearing on the basis of any of the following:

.0101 That the business or activity has been conducted in a manner which violates one or more of the conditions imposed upon the issuance of the permit or which fails to conform to the plans and procedures described in the application, or which violates the occupant load limits set by the Fire Department;

.0102 That the permittee has failed to obtain or to maintain all required City, County and State licenses and permits;

.0103 That the permit is being used to conduct an activity different from that for which it was issued;

.0104 That the permittee has misrepresented any material fact in the application for permit or has not answered each question therein truthfully;

.0105 That the permittee has failed to comply with one or more of the required conditions and has failed to cure such noncompliance after reasonable notice thereof;

.0106 That the building or structure in which the permitted event or activity is held or conducted, or is to be held or conducted, is hazardous to the health or safety of the employees or patrons of the business, activity, or event, or of the general public, under the standards set forth in the Uniform Building or Fire Code;

.0107 That the permitted event or activity creates sound levels which violate any ordinance of the City of Anaheim;

.0108 That the security measures provided are inadequate to deter unlawful conduct on the part of employees or patrons, or to promote the safe and orderly assembly and movement of persons and vehicles, or that the noise control measures provided are inadequate to prevent disturbance of the neighborhood by excessive noise created by patrons entering or leaving the premises where the activity takes place.

.020 Written notice of the hearing on the proposed permit revocation, together with written notification of the specific grounds of complaint against the business or activity of the permittee, shall be personally delivered or sent by certified mail to the permittee at least ten days prior to the hearing.

.030 In the event a permit is revoked pursuant to the provisions of this chapter, another permit shall not be granted to the permittee, or to any other applicant, for the subject location within 12 months after the date of such revocation. The City Manager's or his or her designee's determination following a public revocation hearing shall be based upon written findings and shall be final and conclusive in the matter. (Ord. 5999 § 1 (part); December 6, 2005.)

4.22.110 APPLICATION TO EXISTING BUSINESSES.

Any smoking lounge lawfully existing on the effective date of this chapter which becomes a nonconforming use by reason of the adoption of this chapter shall cease operation, or otherwise be brought into full compliance with the provisions of this chapter, not later than either (i) one year following the effective date of this chapter, or (ii) six months following the date of written notice as provided below, whichever is later (the "amortization period"), except that no lawfully existing smoking lounge shall be deemed to be nonconforming for failure to comply with the location and parking requirements established for such uses by this chapter unless said business is terminated for any reason or voluntarily discontinued for a period of 60 consecutive calendar days or more following the effective date of this chapter. A smoking lounge which is not operational due to a fire, flood or natural disaster on the effective date of this chapter shall be deemed a "lawfully existing smoking lounge" for purposes of this section provided such smoking lounge resumes operation within a period of not more than two years from the date of said fire, flood or natural disaster which rendered such business non-operational. Any such lawfully existing smoking lounge may continue to operate, provided said operation is in conformity to all other applicable city, state, and federal laws, until the application pursuant to this chapter has been acted upon and the decision thereon has become final. (Ord. 5999 § 1 (part); December 6, 2005.)

4.22.120 RULES AND REGULATIONS.

The City of Anaheim may establish reasonable administrative rules and regulations to implement the provisions of this chapter. A copy of such rules and regulations shall be made available to applicants by

the License Collector. (Ord. 5999 § 1 (part); December 6, 2005.)

4.22.130 PENALTY.

Any person violating or failing to comply with any of the provisions of this chapter is guilty of a misdemeanor and shall be punished by a fine of not to exceed \$1,000 or by imprisonment not to exceed six months, or by both such fine and imprisonment. Each such person is guilty of a separate offense for each and every day during any portion of which any violation of the provisions of the chapter is committed. (Ord. 5999 § 1 (part); December 6, 2005.)

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Santa Cruz

**Chapter 5.54
HOOKAH PARLORS**

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5.54.010 FINDINGS.

(a) In enacting this chapter the city council hereby adopts the following findings of the World Health Organization pertaining to waterpipe tobacco smoking:

1. Using a waterpipe to smoke tobacco poses a serious potential health hazard to smokers and others exposed to the smoke emitted.
2. Using a waterpipe to smoke tobacco is not a safe alternative to cigarette smoking.
3. A typical one-hour-long waterpipe smoking session involves inhaling one hundred to two hundred times the volume of smoke inhaled with a single cigarette.
4. Even after it has been passed through water, the smoke produced by a waterpipe contains high levels of toxic compounds, including carbon

monoxide, heavy metals and cancer-causing chemicals.

5. Commonly used heat sources that are applied to burn the tobacco, such as wood cinders or charcoal, are likely to increase the health risks because when such fuels are combusted they produce their own toxicants, including high levels of carbon monoxide, metals and cancer-causing chemicals.

6. Pregnant women and fetuses are particularly vulnerable when exposed either actively or involuntarily to the waterpipe smoke toxicants.

7. Secondhand smoke from waterpipes is a mixture of tobacco smoke in addition to smoke from the fuel and therefore poses a serious risk for nonsmokers.

8. There is no proof that any device or accessory can make waterpipe smoking safer.

9. Sharing a waterpipe mouthpiece poses a serious risk of transmission of communicable diseases, including tuberculosis and hepatitis.

10. Waterpipe tobacco is often sweetened and flavored, making it very appealing; the sweet smell and taste of the smoke may explain why some people, particularly young people who otherwise would not use tobacco, begin to use waterpipes.

(b) The city council also hereby finds that:

1. Hookah parlors exacerbate the inherently dangerous behavior of tobacco use around nontobacco users;

2. Hookah parlors diminish the protection of children from exposure to smoking and tobacco, while they increase the potential for minors to associate smoking and tobacco with a healthy lifestyle;

3. Hookah parlors weaken the protection of the public from smoking and tobacco-related pollution;

4. In other California communities where hookah parlors have been allowed to operate, hookah parlors have had adverse secondary effects on surrounding properties, including but not limited to lowering property values and introducing incompatible land uses to existing neighborhoods; and

5. This chapter is therefore necessary in order to serve the public health, safety, and welfare of residents and businesses within the city.

(Ord. 2009-15 § 1 (part), 2009).

5.54.020 HOOKAH PARLOR DEFINED.

As used in this chapter, the term “hookah parlor” shall refer to any facility or location whose business operation, whether as its primary use or as an ancillary use, is devoted to the on-premises smoking of tobacco or other substances through one or more pipes (commonly known as a hookah, waterpipe, shisha or narghile) designed with a tube passing through an urn of water that cools the smoke as it is drawn through it, including but not limited to establishments known variously as hookah bars, hookah lounges or hookah cafes.

(Ord. 2009-15 § 1 (part), 2009).

5.54.030 NUMBER OF HOOKAH PARLORS PERMITTED.

A maximum of two hookah parlors shall be allowed to operate in the city.

(Ord. 2009-15 § 1 (part), 2009).

5.54.040 PERMISSIBLE LOCATIONS.

(a) A hookah parlor may only operate in one of the following city zone districts and hookah parlors shall be prohibited in all other city zone districts: C-C, Community Commercial; IG, General Industrial; and CBD(E), Central Business Subdistrict – Lower Pacific Avenue.

(b) A hookah parlor shall not be permitted to operate within one thousand feet of any public or private pre-school, elementary school, middle school, junior high school or high school.

(c) A hookah parlor shall not be permitted within one thousand feet of any park or recreation facility operated by the city.

(d) A hookah parlor shall not be permitted within one thousand feet of another hookah parlor.

(Ord. 2009-15 § 1 (part), 2009).

5.54.050 PERMITTED HOURS OF OPERATION.

A hookah parlor shall be permitted to operate seven days a week between the hours of 11:00 a.m. and midnight and shall be prohibited from operating at all other times.

(Ord. 2009-15 § 1 (part), 2009).

5.54.060 OTHER SERVICE PROHIBITED.

A hookah parlor shall offer only waterpipe tobacco smoking equipment and accommodations and shall be prohibited from offering any other products or

services to its customers, including but not limited to food and beverage service.

(Ord. 2009-15 § 1 (part), 2009).

5.54.070 MINORS PROHIBITED.

Persons under the age of eighteen years shall be prohibited from entering, working at or patronizing hookah parlors and hookah parlor owners and operators shall be prohibited from personally soliciting persons under the age of eighteen years to patronize a hookah parlor.

(Ord. 2009-15 § 1 (part), 2009).

5.54.080 INTOXICATED PERSONS PROHIBITED.

A hookah parlor owner or operator shall not permit any person obviously under the influence of any intoxicating drug or beverage to enter or patronize a hookah parlor.

(Ord. 2009-15 § 1 (part), 2009).

5.54.090 REQUIRED LITERATURE.

All hookah parlors shall make literature designated by the county of Santa Cruz environmental health department relating to tobacco use easily available to hookah parlor customers at one or more visible locations in the hookah parlor.

(Ord. 2009-15 § 1 (part), 2009).

5.54.100 REQUIRED POSTING.

All hookah parlors shall conspicuously post in at least one location visible from outside of the hookah parlor and one location visible within the hookah parlor signs approved by the county of Santa Cruz environmental health department advising that products smoked at the hookah parlor are tobacco products and warning of the potential adverse health consequences attributed to the smoking of the products offered at the hookah parlor.

(Ord. 2009-15 § 1 (part), 2009).

5.54.110 REQUIRED VENTILATION SYSTEM.

Hookah parlors shall provide adequate ventilation for the smoke and heating of coals in accordance with all requirements imposed by the building and fire departments, or as otherwise required by state or federal law as well as this code. At a minimum, the ventilation system shall also assure that smoke from the hookah parlor is incapable of migrating into any other portion of the building hosting the hookah parlor or into any other building in the vicinity of the hookah parlor.

(Ord. 2009-15 § 1 (part), 2009).

5.54.120 COMPLIANCE WITH STATE LAW.

Hookah parlors shall be in compliance with all state laws pertaining to smoking in the workplace and places of public accommodation and pertaining to the sale or furnishing of tobacco products to minors including but not limited to California Labor Code Section 6404.5 and California Penal Code Section 308.

(Ord. 2009-15 § 1 (part), 2009).

5.54.130 ADMISSION CHARGES PROHIBITED.

No admittance fee, cover charge or requirement of any charge or minimum payment as a condition of entry to a hookah parlor shall be permitted.

(Ord. 2009-15 § 1 (part), 2009).

5.54.140 INDOOR OPERATION ONLY.

All business-related activities of the hookah parlor shall be conducted wholly within the building hosting the hookah parlor. Operation of outdoor barbeques or the lighting of coals outdoors shall not be permitted.

(Ord. 2009-15 § 1 (part), 2009).

5.54.150 LIGHTING – VISIBILITY.

(a) The interior of the hookah parlor shall be maintained with adequate illumination to make the conduct of patrons within the premises readily discernible to persons with normal visual acuity.

(b) No window coverings shall prevent visibility of the interior of the hookah parlor from outside the premises during operating hours. Any proposed window tint shall be approved in advance by the police department.

(Ord. 2009-15 § 1 (part), 2009).

5.54.160 OCCUPANCY LIMITS – PARKING REQUIREMENT.

(a) The maximum occupancy level for a hookah parlor shall be established by the fire department.

(b) Parking shall be provided according to the standard of one parking space for every two hundred square feet of hookah parlor floor area.

(Ord. 2009-15 § 1 (part), 2009).

5.54.170 LOITERING PROHIBITED.

The hookah parlor owner or operator shall prohibit loitering by persons outside the hookah parlor either on the premises or within fifty feet of the premises.

(Ord. 2009-15 § 1 (part), 2009).

5.54.180 PERMIT TO OWN OR OPERATE A HOOKAH PARLOR.

(a) A person or entity seeking to own or operate a hookah parlor must receive a permit from the city, to be issued and renewed yearly by the chief of police. The chief of police shall review each application, conduct any additional investigation which is deemed reasonable by the chief of police in assessing each application, and maintain a record of any person or entity who has received such a permit.

(b) At a minimum, subject to the amortization provisions of Section 5.54.210, the permit shall condition the hookah parlor's operation upon compliance with all of the requirements of this chapter. In addition, the permit shall impose additional conditions which in the discretion of the chief of police are necessary to assure compatibility with other land uses in the vicinity or in the same building.

(Ord. 2009-15 § 1 (part), 2009).

5.54.190 DENIAL OF HOOKAH PARLOR PERMIT APPLICATION.

The chief of police may deny an application for a hookah parlor permit for any of the following reasons:

- (a) The applicant has been convicted of a felony.
- (b) The applicant is under the age of twenty-one years.
- (c) The applicant has made a false statement in the application for a permit.
- (d) The application on its face indicates that the proposed hookah parlor cannot be operated in accordance with the requirements of this chapter, including but not limited to the requirement that only two hookah parlors shall be allowed to operate in the city.

(Ord. 2009-15 § 1 (part), 2009).

5.54.200 REVOCATION OF HOOKAH PARLOR PERMIT.

A hookah parlor permit may be revoked for any of the following reasons:

- (a) The owner or operator of the hookah parlor violates any requirement of this chapter.
- (b) The owner or operator of the hookah parlor is convicted of a felony.
- (c) The hookah parlor is not in compliance with one or more of the conditions of its hookah parlor permit.

(Ord. 2009-15 § 1 (part), 2009).

5.54.210 NONCONFORMING LOCATION – AMORTIZATION.

Any hookah parlor established in the city as of April 30, 2009, at a location other than a location authorized pursuant to Section 5.54.040 shall cease operation at that nonconforming location no later than December 31, 2014. Any hookah parlor established in the city as of December 31, 2008, at a location other than a location authorized pursuant to Section 5.54.040 shall not resume operation at that location if at any time prior to December 31, 2014, the hookah parlor is closed (i.e., not open for business) for twenty-one or more consecutive days. Notwithstanding its nonconforming location, any hookah parlor established in the city as of April 30, 2009, shall conform to all other requirements of this chapter, including but not limited to all of this chapter's operating and permitting requirements, no later than September 30, 2009.

(Ord. 2009-15 § 1 (part), 2009).

This page of the Santa Cruz Municipal Code is current through Ordinance 2010-03, passed January 26, 2010.
Disclaimer: The City Clerk's Office has the official version of the Santa Cruz Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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