

City of Cincinnati
An Ordinance No. _____

JLF

EESW

- 2025

MODIFYING the provisions of Title VIII, “Business Regulations,” of the Cincinnati Municipal Code by **ORDAINING** new Chapter 847, “Hookah and Other Smoking Establishments,” to regulate the operating hours of hookah and other smoking establishments and to protect the public health, safety, and welfare of Cincinnati residents and visitors.

WHEREAS, the prevalence of hookah and other smoking establishments and related nuisance activity has increased significantly over the past few years; and

WHEREAS, hookah and other smoking establishments in the city of Cincinnati are frequently open during late night and early morning hours similar to bars and night clubs, but without similar licensing or permit requirements, whose customers often frequent hookah and other smoking establishments after bars and night clubs close; and

WHEREAS, hookah and other smoking establishments attract large crowds that congregate in residential areas near these establishments for extensive periods of time between the hours of 12:00 a.m. and 5:00 a.m. and make excessive noise, disturbing the peace and quiet of residents; and

WHEREAS, unregulated hookah and other smoking establishments attract customers who have often left licensed liquor establishments after late-night closing hours and the congregation of large, frequently intoxicated, crowds significantly interferes with the quiet enjoyment of Cincinnati residents who live near these establishments; and

WHEREAS, hookah and other smoking establishments attract criminal activity including shootings, disorder in public rights of way, liquor violations, and drug activity; and

WHEREAS, the City of Cincinnati has recently pursued litigation to address nuisance activity associated with hookah and other smoking establishments, namely City of Cincinnati v. After Valley LLC DBA Jerina’s Lounge, Case No. A2302766 (filed in response to liquor law violations and over fifteen shootings in a two-year period near this hookah establishment), City of Cincinnati v. Red Room Hookah Lounge LLC, Case No. A2304418 (lawsuit initiated to address pervasive public safety concerns including numerous shootings, liquor law violations, and persistent noise and litter complaints from neighboring residents), and City of Cincinnati v. 2927 Legacy LLC DBA Legacy Lounge, Case No. A2403571 (litigation filed because this hookah establishment was the subject of multiple liquor law violations and building code violations, and because it strained Police Department resources due to multiple shootings and other criminal activity); and

WHEREAS, a recent incident involving a large and disorderly crowd comprised of, among others, individuals leaving a local hookah establishment after 2:00 a.m. resulted in law enforcement officers being assaulted and the ingress and egress of a local Cincinnati Fire station being blocked, putting public safety at risk; and

WHEREAS, more recently, there were three shootings that occurred between midnight and 4:00 a.m. during a single weekend outside of two separate local hookah establishments; and

WHEREAS, Council desires to limit the operating hours of hookah and other smoking establishments to protect the health, safety, and welfare of Cincinnati residents; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That new Chapter 847, "Hookah and Other Smoking Establishments," of Title VIII, "Business Regulations," of the Cincinnati Municipal Code is hereby ordained to read as follows:

Chapter 847 – HOOKAH AND OTHER SMOKING ESTABLISHMENTS

Sec. 847-1. - Definitions.

For the purpose of this Chapter the words and phrases shall have their ordinary meaning unless defined herein.

Sec. 847-1-H. – Hookah.

"Hookah" means a water pipe or similar products or devices used to inhale or otherwise consume fumes, smoke, or vapor from the burning of tobacco, organic, or synthetic material, including, but not limited to, herbs, shisha, or other plant materials.

Sec. 847-1-H2. – Hookah Establishment.

"Hookah establishment" means a business whose operations include hookah smoking on its premises, including, but not limited to, hookah bars, hookah lounges, or hookah cafes.

Sec. 847-1-S. – Smoking Establishment.

"Smoking establishment" means any business whose operations include the smoking of tobacco products or other legal substances on its premises, including, but not limited to, cigar lounges, tobacco lounges, tobacco clubs, or tobacco bars.

Sec. 847-1-V. – Vape Establishment.

"Vape establishment" means any business whose operations include the smoking of vape products on its premises.

Sec. 847-1-V2. – Vape Product.

"Vape Product" means a product utilizing a heating element that vaporizes a substance releasing nicotine, tobacco, flavored or non-flavored vapor, or fumes from any other organic or synthetic material including, but not limited to, plants or herbs through one or more electronic or battery operated delivery device(s), including any device known as an electronic cigarette

(also commonly referred to as an e-cig, e-cigarette, e-pipe, electronic cigarillo, hookah pen, vape pen, vape pipe, or any other electronic cigarette product).

Sec. 847-3. Hours of Operation.

Hookah establishments, smoking establishments, and vape establishments shall operate only between the hours of 9:00 a.m. and 10:00 p.m. Sunday through Thursday and between the hours of 9:00 a.m. and 11:00 p.m. Friday and Saturday.

Sec. 847-99. – Enforcement.

The City Solicitor is authorized to bring proceedings to enforce this Chapter pursuant to the remedies provided by Section 1501-27.

Section 2. That the proper City officials are authorized to take all necessary actions to carry out the terms of Section 1.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2025

Aftab Pureval, Mayor

Attest: _____
Clerk

Deletions are indicated by strikethrough; additions are indicated by underline.