

**CITY OF WASHINGTON TERRACE
ORDINANCE NO. 25-05**

ALCOHOL AND TOBACCO ADVERTISING REGULATIONS

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH,
REPEALING AND RE-ENACTING SECTION 5.05.010 OF THE
WASHINGTON TERRACE MUNICIPAL CODE FOR THE BUSINESS
REGULATION OF THE RETAIL SALE OF ALCOHOL AND TOBACCO
PRODUCTS; SEVERABILITY; AND PROVIDING AN EFFECTIVE
DATE.**

WHEREAS, the City of Washington Terrace (hereafter referred to as the "City") is an incorporated municipality duly existing under the laws of the state of Utah;

WHEREAS, *Utah Code Annotated* §10-8-84 and §10-8-60 authorizes municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, *Utah Code Annotated* §10-8-47, 1953, as amended, authorizes the City Council to regulate alcohol and tobacco sales within the City by this Ordinance;

WHEREAS, *Utah Code Annotated* §10-8-28, 1953, as amended, authorizes the City Council to regulate or prevent the flying of flags, banners or signs across the streets or from houses;

WHEREAS, *Utah Code Annotated* §10-8-42, 1953, as amended, authorizes the City Council to regulate any person from knowingly having in the person's possession any intoxicating liquor, and the manufacture, sale, keeping or storing for sale, offering or exposing for sale, importing, carrying, transporting, advertising, distributing, giving away, exchanging, dispensing or serving of intoxicating liquors;

WHEREAS, the City desires to amend Washington Terrace Municipal Code (WTMC) Section 5.05.010 to regulate the retail sale of alcohol and tobacco products;

NOW, THEREFORE, be it ordained by the Washington Terrace City Council as follows:

Section 1: Repealer. WTMC Section 5.05.010 is hereby repealed in its entirety.

Section 2. Re-enactment. WTMC Section 5.05.010 entitled "Retail Sale of Alcohol and Tobacco Products" is hereby enacted to read as follows:

5.05.010. Retail Sale of Alcohol and Tobacco Products.

1. State Code Compliance. A retail tobacco specialty business, as defined by Utah Code

Annotated §10-8-41.6, is subject to the additional regulations provided for in Utah Code Annotated §10-8-41.6. In addition to the causes for revocation of a business license specified in this Title, the City may revoke a business license for a retail tobacco specialty business in violation of Utah Code Annotated §10-8-41.6 and subject to the same.

2. Definitions:

- a. "Advertisement or Advertising" means any visual or verbal message, display, or sign calculated to induce the purchase or consumption of goods, products, or services.
- b. "Gas pump" means a device used for dispensing fuel, including any display screens or affixed signs on the pump or its housing.
- c. "Marquee" means a sign or projecting canopy over the entrance to a building.
- d. "Outdoor sign" means any outdoor sign, banner, billboard, or other form of commercial advertisement, of any size, located outside or alongside a highway, roadway, or sidewalk.
- e. "Protected Location" means a place of worship, public building, school, day care, or park.
- f. "School Access Routing Plan" means the plan used by a public school for access and routing of walking students, that includes sidewalks and pathways along the route.
- g. "Tobacco" means tobacco products, including but not limited to cigarettes, cigars, smokeless tobacco, and electronic nicotine delivery systems (e-cigarettes or vape products).

3. General Advertising Regulations.

- a. Minimum Window Advertising. Any commercial establishment shall not have more than forty percent (40%) of its total window area covered by advertisements. This is to ensure adequate light and visibility into and out of the establishment, promoting safety and aesthetics.
- b. Prohibited Advertisements. The following products or services shall not be advertised on outdoor sign, marquee, or gas pumps located within the City:
 - i. Alcoholic beverages as defined by Utah law.
 - ii. Tobacco products as defined by this Section.

4. Protected Location. The total surface area of all advertisements on a single establishment or business, including window and building-mounted signs, must be limited to 20% if the establishment is located on a School Access Routing Plan, or within 500 feet of Protected Location.

5. Population-Based Prohibition. One (1) retained tobacco specialty business is permitted to operate within the City for each 15,000 residents, as determined by the most recent U.S. Census Bureau data.

6. Alcohol Advertising. All alcohol advertising permitted within the City shall comply with the regulations set forth by the Utah Department of Alcoholic Beverage Services (DABS) and the Utah Alcoholic Beverage Control Act. In addition, no advertising

for alcoholic beverages shall:

- a. Target or primarily appeal to a person under the age of twenty-one (21) years through the use of symbols, language, music, cartoon characters, or other themes with a primary appeal to minors.
- b. Promote excessive consumption or associate alcohol with positive outcomes like social, professional, or athletic success.
- c. Be misleading or deceptive in any manner, including claims about the product's intoxicating effects.
- d. Portray the act of drinking or associate alcohol with illegal or antisocial behavior.

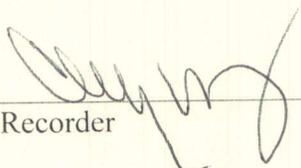
Section 3: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

Section 4: Effective date. This Ordinance takes effect immediately upon adoption and posting.

PASSED AND ADOPTED by the City Council on this 4 day of November, 2025.


Mayor MARK C. ALLEN

ATTEST:

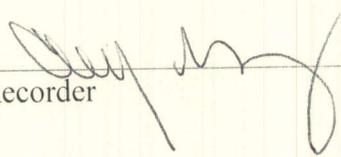


City Recorder

RECORDED this 5 day of November, 2025.
PUBLISHED OR POSTED this 5 day of November, 2025.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the City Recorder of Washington Terrace City, hereby certify that foregoing ordinance was duly passed and published, or posted as provided in State Law.



City Recorder

DATE: 11-05-25