

13.04 DEFINITIONS

RESTAURANT: A place of business where food is prepared and served to the public for consumption on or off the premises.

RETAIL, GENERAL: A use that sells goods for consumer use available for purchase and removal from the premises; excluding food sales or markets, ~~and a specialty~~ retail sales such as Tobacco Specialty Business as defined in UTAH CODE ANN. §10-8-41.6(1) and other retail uses specifically classified in another definition herein.

RETAINING WALL: A wall designed and constructed to resist the lateral displacement and erosion of soils or other materials.

5.92 TOBACCO SPECIALTY BUSINESS

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5.92.010 Definitions

For purposes of this chapter:

1. "Tobacco specialty business" means the same as "retail tobacco specialty business" as defined in UTAH CODE ANN. §10-8-41.6(1).
2. "Tobacco product" means any substance or product as defined in UTAH CODE ANN. §10-8-41.6(1).

5.92.020 License Required

It is unlawful to license for any person to operate, conduct, carry on or maintain a tobacco specialty business within the City of Holladay boundaries

5.92.030 Location Restrictions

A license to operate a tobacco specialty business shall not be issued within City of Holladay municipal limits, in accordance with 13.100 Appendix A Land Use Table 13.

5.92.040 Zoning Requirements

1. A license to operate a tobacco specialty business shall not be issued on any property that does not meet all applicable zoning requirements under Title 19 of this code.
2. In addition to the city's zoning requirements, the following design standards shall be required for all tobacco specialty businesses:
 1. At least 25% of the first floor facade that faces a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allows views into and out of the building at eye level;
 2. The use of bars, chains, or similar devices that are visible from a public street or sidewalk are prohibited; and
 3. The use of neon lighting is prohibited on the building exterior exclusive of building signage.

5.92.050 Unlawful Conduct And Activities

1. In addition to the restrictions and limitations contained in this chapter, and as set forth under state law, a tobacco retailer under this chapter may not:
 1. Engage in a pattern of unlawful activity as set forth under Utah state law;
 2. Violate the regulations restricting the sale and distribution of cigarettes and smokeless tobacco to protect children and adolescents issued by the United States Food and Drug Administration, 21 C.F.R. Part 1140; or

- 56 3. Engage in any act prohibited by the provisions of the Utah Controlled Substances Act, the
57 Imitation Controlled Substances Act, the Utah Controlled Substance Precursor Act, the
58 Clandestine Drug Lab Act, or any other provision of law, whether federal, state or local, providing
59 for the prohibition or regulation of activities related to the sale or consumption of controlled
60 substances or imitation controlled substances.
61 2. The city's license official shall work with local law enforcement to enforce the provisions of this section.
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63 **5.92.060 Violation**

64 Any person or entity violating the provisions of this chapter, or permitting the same to be violated by its employees
65 or agents, is guilty of a Class B misdemeanor.
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