

CITY OF HOLLADAY

ORDINANCE NO. 2022-04

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOLLADAY AMENDING
PORTIONS OF TITLE 13 AND TITLE 5 RELATING TO “RETAIL TOBACCO
SPECIALTY” BUSINESSES**

WHEREAS, upon enactment of HB 23 (2020), staff was directed to review and make necessary changes to Title 5: Business License and Regulations relating to “Retail Tobacco Specialty” businesses within the City; and

WHEREAS, upon further review, City staff determined that additional changes to Title 13 relating to the definition of General Retail are also necessary; and

WHEREAS, City staff has proposed the following amendments to Title 5 Chapter 92 and Title 13 Chapter 4; and

WHEREAS, the Planning Commission has held a public hearing and has recommended that the City Council adopt the proposed amendments and the City Council has held a public hearing and now desires to adopt the proposed amendments;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Holladay, Utah as follows:

Section 1. Amendment. Chapter 5.92 of the City Code of the City of Holladay is hereby amended to read in its entirety as follows:

5.92 TOBACCO SPECIALTY BUSINESS

5.92.010 Definitions

5.92.020 License Required

5.92.030 Location Restrictions

5.92.040 Zoning Requirements

5.92.050 Unlawful Conduct And Activities

5.92.060 Violation

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 for any person to operate, conduct, carry on or maintain a tobacco specialty business within the City of Holladay boundaries without a license.

5.92.030 Location Restrictions

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

5.92.040 Zoning Requirements

A license to operate a tobacco specialty business shall not be issued to a new or existing retailer within any land use zone within the City of Holladay.

5.92.050 Violation

1. Any person or entity violating the provisions of this chapter, or permitting the same to be violated by its employees or agents, is guilty of a Class B misdemeanor.
2. The city's business license official shall have the authority to work with county and local law enforcement to enforce the provisions of this section.

Section 2. Amendment. The definition of RETAIL, GENERAL, within Chapter 13.04 Definitions of the City Code of the City of Holladay is hereby amended to read in its entirety as follows:

RETAIL, GENERAL: A use that sells goods for consumer use available for purchase and removal from the premises; excluding food sales or markets, 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.

Section 3. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 5. Effective Date. This Ordinance shall take effect upon publication or posting or thirty (30) days after passage, whichever occurs first.

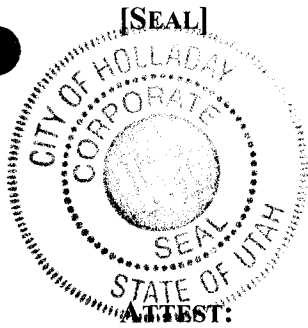
PASSED AND APPROVED this 20th day of January, 2022.

HOLLADAY CITY COUNCIL

By: _____



Robert Dahle, Mayor



ATTEST:

Stephanie N. Carlson
Stephanie N. Carlson, MMC
City Recorder

VOTING:

Ty Brewer
Matt Durham
Paul Fotheringham
Drew Quinn
Dan Gibbons
Robert Dahle

Yea	✓	Nay	___
Yea	✓	Nay	___
Yea	✓	Nay	___
Yea	✓	Nay	___
Yea	✓	Nay	___
Yea	✓	Nay	___

DEPOSITED in the office of the City Recorder this 20th day of January, 2022.

RECORDED this 20th day of January, 2022.