

ORDINANCE NO. 2026 - 06

AN ORDINANCE REPEALING CHAPTER 5.98, RETAIL TOBACCO SPECIALTY BUSINESS LICENSES, OF THE SOUTH JORDAN MUNICIPAL CODE.

WHEREAS, in 2012 the City of South Jordan (“City”) enacted Chapter 5.98, Retail Tobacco Specialty Business Licenses, which created a license for certain types of retail tobacco sales which are regulated by Utah Code §10-8-41.6; and

WHEREAS, Utah Code § 10-8-41.6(3)(a) prohibits any person from operating a retail tobacco specialty business in a municipality without a business license from the municipality; and

WHEREAS, Utah Code does not require a municipality to issue a retail tobacco specialty business license pursuant to Utah Code § 10-8-41.6(6)(a)(i); and

WHEREAS, the City Council of the City of South Jordan (“City Council”) finds it in the best interest of the health and welfare of South Jordan City residents to repeal Chapter 5.98, Retail Tobacco Specialty Business Licenses and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH:

SECTION 1. Repealing. Chapter 5.98 of the South Jordan Municipal Code, is repealed as follows:

CHAPTER 5.98 RETAIL TOBACCO SPECIALTY BUSINESS LICENSES

5.98.010: PURPOSE

5.98.020: DEFINITIONS

5.98.030: LICENSE REQUIRED TO OPERATE A RETAIL TOBACCO SPECIALTY BUSINESS

5.98.040: LOCATION REQUIREMENTS

5.98.050: APPLICATION PROCESS

5.98.060: FEES

5.98.070: REVOCATION

5.98.080: EXCEPTION

5.98.010: PURPOSE

~~It is the purpose of this chapter to control and regulate the location and activities of retail tobacco specialty businesses within the city as required by 10-8-41.6, Utah Code Annotated. It is also the purpose of the city to preserve the right to adopt regulations that may be stricter than those imposed by state law.~~

5.98.020: DEFINITIONS

~~For the purposes of this chapter definitions found in the regulation of retail tobacco~~

specialty business act⁺, as amended, are adopted by the city.

5.98.030: LICENSE REQUIRED TO OPERATE A RETAIL TOBACCO SPECIALTY BUSINESS

~~It shall be a class B misdemeanor for any person to engage in the business of the sale of retail tobacco specialty items within the city without first procuring and having properly displayed the appropriate license issued by the city.~~

5.98.040: LOCATION REQUIREMENTS

~~A. A retail tobacco specialty business license will not be issued if it is located within:~~

- ~~1. One thousand feet (1,000') of a community location;~~
- ~~2. Six hundred feet (600') of another retail tobacco specialty business; or~~
- ~~3. Six hundred feet (600') from property used or zoned for:
 - ~~a. Agriculture use; or~~
 - ~~b. Residential use.~~~~

~~B. For purposes of subsection A of this section, the proximity requirements shall be measured in a straight line from the nearest entrance of the retail tobacco specialty business to the nearest property boundary of the community location, other retail tobacco specialty business or agricultural or residential use, without regard to intervening structures or zoning districts.~~

5.98.050: APPLICATION PROCESS

~~A. Application Forms: All applications for a retail tobacco specialty business license shall be made on forms provided by the city and shall conform to this chapter and applicable state statutes.~~

~~B. Complete Application: The application will include a completed form, including evidence of proximity to any community location, other retail tobacco specialty business, or any agricultural or residential zone.~~

5.98.060: FEES

~~Application fees shall be established by the city council as published in the city fee schedule.~~

5.98.070: REVOCATION

~~The city may revoke a business license issued under this chapter:~~

~~A. If a licensee engages in a pattern of unlawful activity under Utah Code Annotated, title~~

~~76, chapter 10, part 16, pattern of unlawful activity act;~~

~~B. If a licensee violates 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 CFR part 1140; or~~

~~C. Under other provisions of state law or local ordinance.~~

5.98.080: EXCEPTION

~~1. A retail tobacco specialty business that has a general business license and is operating lawfully in the city on or before May 8, 2012, is exempt from sections 5.98.030 and 5.98.040 of this chapter.~~

~~2. A retail tobacco specialty business may maintain an exemption under subsection A of this section if:~~

~~1. The business license is renewed continuously without relapse or permanent revocation;~~

~~2. The retail tobacco specialty business is not closed for business or otherwise suspends the sale of tobacco products for more than sixty (60) consecutive days;~~

~~3. The retail tobacco specialty business does not substantially change the business premises or its business operation; and~~

~~4. The retail tobacco specialty business maintains the right to operate under the terms of other applicable laws, including zoning ordinances, building codes, and the business license issued on or prior to May 8, 2012.~~

<< Signatures on Following Page. >>

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS _____ DAY OF _____, 2026 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	_____	_____	_____	_____
Kathie Johnson	_____	_____	_____	_____
Donald Shelton	_____	_____	_____	_____
Tamara Zander	_____	_____	_____	_____
Jason McGuire	_____	_____	_____	_____

Mayor: _____
Dawn R. Ramsey

Attest: _____
City Recorder

Approved as to form:



Office of the City Attorney