THE CITY OF WEST JORDAN, UTAH

ORDINANCE NO. 26-23

AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE (RETAIL TOBACCO SHOPS); Title 4, Chapter 2, Article T

WHEREAS, the City of West Jordan ("**City**") adopted West Jordan City Code ("**City Code**") in 2009; and the City Council of the City ("**Council**" or "**City Council**") desires to amend Title 4, Chapter 2, Article T of the City Code ("**proposed City Code amendments**"); and

WHEREAS, the City Council desires to amend the City Code to reflect changes in State Law and to ensure that the City Code is more easily navigated and understood; and

WHEREAS, the City Council finds it to be in the best interest of the public health, safety, and welfare of the residents of the City to adopt the proposed City Code amendments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH AS FOLLOWS:

Section 1. Amendment of City Code Provision. City Code Title 2, Chapter 2, Article T, is amended as shown in Attachments 1 (Legislative Version) and 2 (Clean Version) to this Ordinance.

Section 2. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 4. Effective Date. This Ordinance shall become effective immediately upon posting or publication as provided by law and upon (i) the Mayor signing the Ordinance, (ii) the City Council duly overriding the veto of the Mayor as provided by law, or (iii) the Mayor failing to sign or veto the Ordinance within fifteen (15) days after the City Council presents the Ordinance to the Mayor.

PASSED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THIS 14TH DAY OF APRIL 2026.

CITY OF WEST JORDAN

By: Bob Bedore (Apr 21, 2026 15:58:13 MDT)
Bob Bedore
Council Chair

ATTEST:

Cindy M. Quick, MMC
Council Office Clerk

Voting by the City Council	**"YES"**	**"NO"**
Council Chair Bob Bedore	☒	☐
Council Vice-Chair Jessica Wignall	☒	☐
Council Member Annette Harris	☒	☐
Council Member Zach Jacob	☒	☐
Council Member Chad Lamb	☒	☐
Council Member Kent Shelton	☒	☐
Council Member Kayleen Whitelock	☒	☐

(*continued on the following pages*)

PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON APRIL 21, 2026

Mayor's Action: X Approve _____ Veto

By: _____ Apr 21, 2026
Mayor Dirk Burton Date

ATTEST:

_____
Tangee Sloan, MMC, UCC
City Recorder

STATEMENT OF APPROVAL/PASSAGE (check one)

X The Mayor approved and signed Ordinance No. 26-23.

_____ The Mayor vetoed Ordinance No. 26-23 on _____ and the City Council timely overrode the veto of the Mayor by a vote of _____ to _____.

_____ Ordinance No. 26-23 became effective by operation of law without the Mayor's approval or disapproval.

_____
Tangee Sloan, MMC, UCC
City Recorder

CERTIFICATE OF PUBLICATION

I, Tangee Sloan, certify that I am the City Recorder of the City of West Jordan, Utah, and that a short summary of the foregoing ordinance was published on the Utah Public Notice Website on the 23rd day of April 2026. The fully executed copy of the ordinance is retained in the Office of the City Recorder pursuant to Utah Code Annotated, 10-3-711.

_____
Tangee Sloan, MMC, UCC
City Recorder

(Attachments on the following pages.)

Attachments 1 and 2 to

ORDINANCE NO. 26-23

AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE (RETAIL TOBACCO SHOPS); Title 4, Chapter 2, Article T

Attachment 1 – Title 4, Chapter 2, Article T - Legislative Version

Attachment 2 – Title 4, Chapter 2, Article T - Clean Version

(See the following pages for the attachments.)

TITLE 4

CHAPTER 2

ARTICLE T. TOBACCO SPECIALTY BUSINESSES

SECTION:

4-2T-1: Definitions

4-2T-2: License Required

4-2T-~~2~~3: ~~Spacing~~ License Requirements

~~4-2T-3: Special License Revocation~~

4-2T-4: Preexisting Tobacco Specialty Businesses

4-2T-1: DEFINITIONS:

All terms listed in this article shall use the definitions found in section 10-8-41.6 of the State Code, or successor provision.

4-2T-2: LICENSE REQUIRED:

It shall be unlawful to operate as a retail tobacco specialty business within the city without first obtaining a valid city business license and a ~~city~~ retail tobacco specialty business license. (Ord. 13-14, 3-27-2013)

4-2T-~~2~~3: ~~SPACING~~ LICENSE REQUIREMENTS:

A. ~~Spacing~~ Proximity Requirements ~~Enumerated~~: A ~~city~~ retail tobacco specialty business license ~~shall~~ may not be granted ~~to any tobacco specialty business~~ if such business is located within:

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

B. ~~Measurement Protocol:~~ For purposes of the spacing ~~provided in subsection A of this section~~requirements above, the proximity shall be measured in a straight line from the

nearest entrance of the tobacco specialty business to the nearest property boundary of any other tobacco specialty business, community location , or agricultural or residential use, without regard to intervening structures or zoning districts.

C. A retail tobacco specialty business license may not be granted until the person provides the city with proof that the retail tobacco specialty business has:

1. a valid permit for a retail tobacco specialty business issued under Title 26B, Chapter 7, Part 5, Regulation of Smoking, Tobacco Products, and Nicotine Products, by the local health department having jurisdiction over the area in which the retail tobacco specialty business is located; and

2. (a) for a retailer that sells a tobacco product, a valid license issued by the State Tax Commission in accordance with Section 59-14-201 or 59-14-301 to sell a tobacco product; and

(b) for a retailer that sells an electronic cigarette product or a nicotine product, a valid license issued by the State Tax Commission in accordance with Section 59-14-803 to sell an electronic cigarette product or a nicotine product.

(Ord. 13-14, 3-27-2013)

~~4-2T-3: SPECIAL LICENSE REVOCATION:~~

~~In addition to the other grounds for license revocation provided in chapter 1 of this title, the city may revoke a tobacco specialty business license:~~

~~A. If a licensee engages in a pattern of unlawful activity under Utah Code title 76, chapter 10, part 16, pattern of unlawful activity act; or~~

~~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. (Ord. 13-14, 3-27-2013)~~

4-2T-4: PREEXISTING TOBACCO SPECIALTY BUSINESSES:

~~A. Preexisting Tobacco Specialty Businesses Exempted: In accordance with subsection B of this section, a tobacco specialty business that has a city business license and is operating lawfully within the city on or before May 8, 2012, is exempt from section 4-2T-2 of this article.~~

~~B. Limitations On Exemption: A preexisting tobacco specialty business may maintain an exemption under subsection A of this section, if:~~

~~1. All required licenses are renewed continuously without lapse or revocation;~~

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

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

~~4. The tobacco specialty business maintains the right to operate under the terms of other applicable laws, including zoning ordinances, building codes, and any business or county license issued prior to May 8, 2012.~~A retail tobacco specialty business may be exempt from the proximity requirements listed in section 4-2T-3(A) if they meet the requirements of State Code section 10-8-41.6(7), or its successor provision. (Ord. 13-14, 3-27-2013)

TITLE 4

CHAPTER 2

ARTICLE T. TOBACCO SPECIALTY BUSINESSES

SECTION:

4-2T-1: Definitions

4-2T-2: License Required

4-2T-3: License Requirements

4-2T-4: Preexisting Tobacco Specialty Businesses

4-2T-1: DEFINITIONS:

All terms listed in this article shall use the definitions found in section 10-8-41.6 of the State Code, or successor provision.

4-2T-2: LICENSE REQUIRED:

It shall be unlawful to operate as a retail tobacco specialty business within the city without first obtaining a valid city business license and a retail tobacco specialty business license. (Ord. 13-14, 3-27-2013)

4-2T-3: LICENSE REQUIREMENTS:

A. Proximity Requirements: A retail tobacco specialty business license may not be granted if such business is located within:

1. 1,000 feet of a community location;
2. 600 feet of another retail tobacco specialty business; or
3. 600 feet from property used or zoned for:
   a. Agriculture use; or
   b. Residential use.

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

C. A retail tobacco specialty business license may not be granted until the person provides the city with proof that the retail tobacco specialty business has:

1. a valid permit for a retail tobacco specialty business issued under Title 26B, Chapter 7, Part 5, Regulation of Smoking, Tobacco Products, and Nicotine Products, by the local health department having jurisdiction over the area in which the retail tobacco specialty business is located; and

2. (a) for a retailer that sells a tobacco product, a valid license issued by the State Tax Commission in accordance with Section 59-14-201 or 59-14-301 to sell a tobacco product; and

   (b) for a retailer that sells an electronic cigarette product or a nicotine product, a valid license issued by the State Tax Commission in accordance with Section 59-14-803 to sell an electronic cigarette product or a nicotine product.

(Ord. 13-14, 3-27-2013)

4-2T-4: PREEXISTING TOBACCO SPECIALTY BUSINESSES:

A retail tobacco specialty business may be exempt from the proximity requirements listed in section 4-2T-3(A) if they meet the requirements of State Code section 10-8-41.6(7), or its successor provision. (Ord. 13-14, 3-27-2013)

Ordinance No. 26-23 Amd Title 4, Ch 2, Art T Retail Tobacco Shops

Final Audit Report 2026-04-23

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