

GARFIELD COUNTY ORDINANCE No. 2017-1
AN ORDINANCE AMENDING GARFIELD COUNTY LAND USE
ORDINANCE TO PROHIBIT SMOKE SHOPS

WHEREAS the Garfield County Land Use Ordinance sets forth provisions and restrictions for the use of land in Garfield County; and

WHEREAS Garfield County has an interest in promoting a tobacco-free lifestyle to citizens and especially youth of the community; and

WHEREAS Utah Code §17-50-333 gives counties the power to deny business licenses to retail tobacco specialty business; and

WHEREAS Garfield County has concern that retail tobacco specialty businesses may use business licenses as a way to subvert the law and sell illegal drug paraphernalia.

NOW THEREFORE, THE COUNTY LEGISLATIVE BODY OF GARFIELD COUNTY, STATE OF UTAH, ORDAINS AS FOLLOWS:

Retail Tobacco Specialty Businesses Prohibited

Definitions

- A. “Retail tobacco specialty business” has the same meaning as defined in Utah Code Ann. §17-50-333 (1)(b), as amended: a commercial establishment in which
1. The sale of tobacco products amounts for more than 35% of the total annual gross receipts for the establishment;
 2. Food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and
 3. The establishment is not a licensed pharmacy under Utah Code.
- B. “Tobacco product” is defined in Utah Code §17-50-333c , as amended, to mean any cigar, cigarette, or electronic cigarette, as well as any product made of or containing tobacco, including chewing tobacco or any substitute for a tobacco product, including flavor or additives to tobacco. “Tobacco product” also includes tobacco paraphernalia.
- C. “Tobacco paraphernalia” is defined in Utah Code §76-10-104.1 as amended, means any equipment, product, or material of any kind which is used, intended for use, or designed for use to package, repack, store, contain, conceal, ingest, inhale, or otherwise introduce a cigar, cigarette, or tobacco in any form into the human body, excluding matches or lighters but including,
1. metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screen, hashish heads, or punctured metal bowls;
 2. water pipes;
 3. carburetion tubes and devices;
 4. smoking and carburetion masks;
 5. roach clips; meaning objects used to hold burning material, such as a cigarette that has become too small or too short to be held in the hand;

6. chamber pipes;
7. carburetor pipes
8. electric pipes;
9. air-driven pipes;
10. chillums;
11. bonges; and
12. ice pipes or chillers.

Prohibition

- 1) The establishment and/or operation of a retail tobacco specialty business is prohibited in all of Panguitch City.
- 2) Panguitch City shall not issue a business license to any retail specialty business for use in any zone.
- 3) The use of a properly obtained business license for the operation of a retail tobacco specialty business in any zone in Panguitch City is prohibited.

All former codes or parts thereof conflicting or inconsistent with the provisions of this Ordinance or of the Code hereby adopted are hereby repealed.

The provisions of the Code shall be severable, and, if any provisions thereof or any application of such provision is held invalid, it shall not affect any other provisions of this code or the application in a different circumstance.

This Ordinance shall be effective upon the required posting.

This Ordinance shall take effect on _____, _____, 2017.

The County Clerk is ordered to publish this ordinance in accordance with Utah State law.

ADOPTED this _____ day of _____, 2017.

ATTEST:
Commissioners,

CAMILLE MOORE
Garfield County Clerk/Auditor

LELAND POLLOCK, Chair
Board of
Garfield County

Commissioner Pollock voted ___
Commissioner Tebbs voted ___
Commissioner Taylor voted ___

