

**ORDINANCE NO. 19- 02**

**AN ORDINANCE OF THE CITY OF COMMERCE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY, BY AMENDING APPENDIX A – ZONING, IN PART, BY AMENDING PART II. USES, SECTION 10. – USE OF LAND AND BUILDINGS, SUBSECTION 10-301 DEFINITIONS AND EXPLANATIONS APPLICABLE TO USE SCHEDULE, ADDING THE DEFINITION OF AN ELECTRONIC CIGARETTE ESTABLISHMENT; AND, PROVIDING AN EFFECTIVE DATE.**

A regular meeting of the City Council of the City of Commerce, Texas, was held in Commerce, Texas, at City Hall, on the 18<sup>th</sup> day of December 2018 at 6:00 p.m., a majority of Council Members being present and constituting a quorum, the following Ordinance was adopted:

**WHEREAS**, the Planning and Zoning Commission of the City of Commerce, Texas, in accordance with Section 10-601 of the Zoning Ordinance of the City of Commerce, Texas, conducted a public hearing on December 4, 2018, and all other prerequisites relating thereto, for the consideration of establishing a new zoning use to allow Electronic Cigarette Establishments within certain zoning districts within the City of Commerce;

**AND WHEREAS**, the Planning and Zoning Commission of the City of Commerce, Texas, after conducting the public hearing and considering the nature and described performance of the proposed use and its compatibility with the uses permitted in the applicable zoning districts, voted unanimously to recommend approval to establish a new zoning use for Electronic Cigarette Establishments;

**AND WHEREAS**, the minutes of the City of Commerce, Texas, Planning and Zoning Commission meeting of December 4, 2018, are attached hereto, marked Exhibit “A” and made a part hereof as if copied herein verbatim; and,

**AND WHEREAS**, the City Council, after having reviewed the action of the Planning and Zoning Commission and its recommendation, as well as having complied with all prerequisites of the Zoning Ordinance of the City of Commerce, Texas, relative to establishing a new zoning use, deems it in the best interest and general welfare of the City of Commerce that said new zoning use should be approved.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE, TEXAS:**

That the Zoning Ordinance of the City of Commerce, Texas, duly passed by the governing body of the City of Commerce on the 15<sup>th</sup> date of April, 2003, as heretofore amended, be, and the same is hereby amended by amending Appendix A – Zoning, Part II. Uses, Section 10. – Use of Land and Buildings, Subsection 10-301 Definitions and Explanations Applicable to the Use Schedule, in part, by adding the definition of an Electronic Cigarette Establishment, to read as follows:

(103) Electronic Cigarette Establishment: A business establishment offering for sale and/or on premises use of electronic cigarettes, an electronic device composed of a mouthpiece, heating element, battery and electronic circuits that provides, or is manufactured or intended to provide, a vapor of liquid nicotine and/or other substances mixed with propylene glycol and/or other substances delivered or deliverable to the user that he/she can inhale in simulation of smoking, including every version and type of such devices whether they are manufactured or marketed as electronic cigarettes, e-cigarettes, electronic cigars, e-cigars, electronic pipes, e-pipes, or under any other product name or description.

**BE IT FURTHER ORDAINED** that the Mayor of the City of Commerce, Texas, be authorized and he is hereby authorized to execute this Ordinance;

**BE IT FURTHER ORDAINED** that the City Secretary be authorized, and she is hereby authorized, to attest to the signature of the Mayor to this Ordinance; and

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect immediately from and after its passage.

**PASSED AND APPROVED on the FIRST READING** at a regular meeting of the City Council of the City of Commerce, Texas, on the 18<sup>th</sup> day of December, 2018.

**PASSED AND APPROVED on the SECOND READING** at a regular meeting of the City Council of the City of Commerce, Texas on this the 15<sup>th</sup> day of January, 2019.

ATTEST:

CITY OF COMMERCE, TEXAS

\_\_\_\_\_  
Molly Jacobsen, City Secretary

\_\_\_\_\_  
Wyman Williams, Mayor

(seal)

APPROVED AS TO FORM:

\_\_\_\_\_  
Charles Anderson, City Attorney

I, Molly Jacobsen, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of an Ordinance, and that the same has not been repealed and is in full force and effect.

(seal)

\_\_\_\_\_  
Molly Jacobsen, City Secretary  
City of Commerce, Texas

Sworn to and subscribed before me, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2019 to certify which witness my hand and seal of office.

(Seal)

\_\_\_\_\_  
Notary Public, State of Texas