

ORDINANCE NO. 1478

AN ORDINANCE AMENDING CITY OF LAMPASAS ORDINANCE NO. 878 - THE CITY OF LAMPASAS ZONING ORDINANCE,, SECTION 35 “USE REGULATIONS (CHARTS)” TO ALLOW FOR SMOKE/TOBACCO SHOPS AS AN ALLOWABLE USE; AND SECTION A.3 “DEFINITION” BY ADDING THE TERMS “SMOKE/TOBACCO SHOP”, “ELECTRONIC CIGARETTE OR E-CIGARETTE” AND “LIQUID NICOTINE”; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 4th, 2016, after the required notice and public hearings, the City of Lampasas Planning & Zoning Commission recommended that the City’s Zoning Ordinance (Ordinance No. 878, adopted June 14, 1999) be amended; and

WHEREAS, the Planning & Zoning Commission recommended that the City’s Zoning Ordinance be amended, as further detailed herein below; and

WHEREAS, on February 8, 2016, after providing the required public notice, the City Council of the City of Lampasas, Texas, conducted a public hearing on the proposed contextual changes to the City's Zoning Ordinance, as set forth in Section 1 of this ordinance, heard input from the attendees and considered same, and determined that the City’s Code of Ordinance No. 878 should be amended as set forth herein.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF LAMPASAS, TEXAS:

SECTION 1: That the City of Lampasas’ Zoning Ordinance be amended as shown on Exhibit A, attached hereto and incorporated herein for all purposes.

SECTION 2: All provisions of the City of Lampasas’ Zoning Ordinance not hereby amended shall remain in full force and effect. All Ordinances or parts of the ordinances of the City of Lampasas, Texas that are not consistent with or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3: It is hereby declared to be the intention of the City Council of the City of Lampasas, Texas that the phrases, clauses, sentences, paragraphs, and sections of this Order are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without incorporation in this Ordinance of such unconstitutional phrases, clause, sentence, paragraph, or section.

SECTION 4: This Ordinance shall become effective upon the final date of adoption noted below, with the penalty provisions contained herein, *if any*, to take effect and become enforceable

by the City ten (10) days following the publication of the ordinance in the Lampasas Dispatch Record.

PASSED AND APPROVED ON FIRST READING ON THIS 8th DAY OF February, 2016.

PASSED AND APPROVED ON SECOND READING ON THE 22nd DAY OF February, 2016.

APPROVED:

ATTEST:

Mayor Christian Toups

Christina Marez, City Secretary

APPROVED:

Sue Zane Faulkner, City Attorney

Exhibit A

Amended Zoning Ordinance

Ordinance No. _____

Part 1: That Section 35 of the City's Zoning Ordinance, "Use Charts", Sections 35.10 and 35.11, respectively, be amended to indicate that "Smoke/tobacco shop" will be allowed in Retail Zoning Districts and Commercial Zoning Districts within the City of Lampasas by "Specific Use Permit" only, pursuant to the requirements found in Section 34, *et seq.* of the City's Zoning Ordinance.

Part 2: That Appendices A.3 "Definitions" be amended to include the following definitions;

Electronic cigarette or E-Cigarette: shall mean any device that uses an atomizer or similar device that allows users to inhale a vapor of liquid nicotine or other vapor without the use of fire, smoke, ash or carbon monoxide. The definition of e-cigarette includes any of its component parts. The term includes such devices regardless of the details of the product appearance or marketed name.

Liquid nicotine: shall mean any liquid product composed either in whole or in part of nicotine, propylene glycol and/or any other substance and manufactured for use with e-cigarettes.

Smoke/tobacco shop: An establishment in which seventy-five percent (75%) of sells are from tobacco products such as cigarettes, cigars, E-Cigarettes, liquid nicotine, chewing tobacco, snuff, pipe tobacco, and tobacco paraphernalia and which prohibits minors to enter or remain upon the premises, unless the minor is accompanied by the minor's parent.