

**CITY OF GATESVILLE, TEXAS
ORDINANCE 2026-10**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GATESVILLE, TEXAS AMENDING THE CODE OF ORDINANCES, BY AMENDING CHAPTER 32 – LICENSES, PERMITS, AND MISCELLANEOUS REGULATIONS AND ADDING ARTICLE X “VAPE SHOPS & CANNABIS-RELATED SHOPS;” PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF \$500.00 FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Gatesville, Texas (the “City”), is a home rule municipality located in Coryell County, Texas, created under the provisions of Chapter 9 of the Texas Local Government Code and operating according to the enabling legislation of the State of Texas; and

WHEREAS, pursuant to Texas Local Government Code Chapter 51, the City has general authority to adopt ordinances and regulations that are for the good government, peace, or order of the City and that are necessary or property for carrying out a power granted by law to the City; and

WHEREAS, the City Council finds that conditions unique to Vape Shops and related retail shops require additional regulations to ensure the health and safety of citizens; and

WHEREAS, the City Council finds and determines that the regulations provided herein are reasonable and necessary for the public health, safety and welfare of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GATESVILLE, TEXAS THAT:

SECTION 1. The City of Gatesville Code of Ordinances is hereby amended by amending Chapter 32 “Licenses, Permits, and Miscellaneous Regulations” by adding a new Article X “Vape Shops & Cannabis-Related Shops” to read in its entirety as follows:

CHAPTER 32 – LICENSES, PERMITS, AND MISCELLANEOUS REGULATIONS

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ARTICLE X. – VAPE SHOPS & CANNABIS-RELATED SHOPS

Sec. 32-281. Purpose.

The purpose of this ordinance is to establish reasonable business regulations for vape shops, vape bars, and similar establishments. These regulations are intended to ensure compatibility with surrounding properties, support orderly commercial development, and align with the city's public health objectives. This ordinance also aims to provide clear guidelines for the location, operation, and advertising of such businesses in accordance with local, state, and federal laws.

Sec. 32-282. Definitions.

For the purpose of this article the following definitions apply.

1. Electric vaping device. Any electronically powered or battery powered device designed to simulate the smoking of tobacco cigarettes pipes or cigars. An electronic vaping device includes personal vaporizers, electronic cigarettes (e-cigarettes), electronic pipes (e-pipes), electronic cigars (e-cigars), and any other type of electronic nicotine delivery system or any part thereof.
2. Vape Shop. A commercial establishment that sells vaping products, including e-cigarettes, e-liquids, or related accessories, including flavored vaping products as defined herein. This definition shall be construed to include establishments known variously as vape lounges and similar establishments but shall not include an establishment which derives more than 50 percent of its gross revenue from food, beverage or gasoline fuel sales.
3. Cannabis-Related Business. Any business that sells, distributes or markets cannabis, hemp-derived products, or cannabinoids, including CBD stores and dispensaries, where permitted by state law.
4. Sensitive Area. Any location designated as a Drug-Free Zone under Texas Health and Safety Code 481.134, including but not limited to:
 - a. Schools, institutions of higher education, and educational facilities.
 - b. Childcare facilities and day care centers.
 - c. Video arcade facilities.
 - d. Parks, playgrounds, walking trails, and recreational areas.
 - e. Youth and community centers.
 - f. Libraries.
 - g. Church, mosque, temple, synagogue, or other faith-based institution.
 - h. City, County, State, and Federal facilities.
 - i. Residential zones as designated by city zoning ordinances.

Sec. 32-283. Proximity, Location Restrictions and Other Restrictions.

1. Distance Requirements. Vape shops and cannabis-related shops are prohibited from operating within one thousand (1,000) feet of a sensitive area as defined in Sec. 32-282. (4) or where otherwise prohibited by the city's zoning regulations.

2. Business Concentration Restriction. No vape shop or cannabis-related shops shall be located within one thousand (1,000) feet of any other vape shop or cannabis-related shop.
3. Temporary and Pop-Up Vendors. Temporary or pop-up vendors selling vape or smoke products are prohibited from operating within one thousand (1,000) feet of any sensitive area as defined in Sec. 32-282. (4).
4. Distance Measurement Standard. All distance measurements shall be made in a straight line, without regards to intervening structures or objects, from the nearest point on the property line of a vape shop to a sensitive area as defined in Sec. 32-282. (4) and to any other vape shop and cannabis-related shop.
5. No Outside Sales. Sales outside of a vape shop or cannabis-related shop structure are prohibited.
6. Hours of Operation. Hours of operation are limited to 8:00 a.m. – 12:00 a.m. Any operations outside of this time frame are prohibited.
7. Prohibit the sale of products unlawful under Texas Law.

Sec. 32-284. Advertising Restrictions.

1. Compliance with Federal, State, and Local Restrictions. In addition to the advertising restrictions provided for herein, all advertising and promotional activities for vape shops and cannabis-related shops must comply with all applicable federal, state, and local regulations.
2. Proximity-Based Advertising Restrictions. No outdoor advertisements, signage, or promotional materials for vape shops, vape or vape related products, or cannabis-related products may be placed within one thousand (1,000) feet of any Sensitive Area as defined in Sec. 32-282. (4).
 - a. No depiction of a marijuana leaf.
 - b. No cartoon imagery.
 - c. No youth-oriented graphics.
 - d. No explicit smoking imagery.
3. All other signs are required to adhere to Chapter 42 in the Code of Ordinances.

Sec. 32-285. Grandfathering and Exceptions

1. Any vape, smoke, or cannabis-related shop legally established prior to the adoption of this ordinance may continue operations at its existing location, even if it does not comply with Sec. 32-283.
2. If such business relocates or reopens after a closure of more than 60 days, the location must comply with all provisions of this ordinance.

Sec. 32-286. Enforcement and Compliance

1. Regulatory Oversight. Enforcement of this ordinance shall be the responsibility of the City Manager or City Manager's designee, which may include but is not limited to the City's

law enforcement officers, Director of Development Services, Building Official, or Code Compliance Officials.

2. Inspections and Monitoring. The designated authority may conduct periodic inspections to ensure compliance with this ordinance. Complaints regarding violations may be reported to the designated enforcement department or employees, which shall investigate and take appropriate actions.

Sec. 32-287. Annual Permit required.

1. Ownership and/or operation of a vape shop or cannabis-related shop within the City requires an annual license issued by the City in accordance with the provisions of this article.
2. A person commits an offense if the person:
 - a. Recklessly or with criminal negligence owns or operates vape shop or cannabis-related shop without the appropriate license issued by the City of Gatesville; or
3. Acquisition of a **permit** under this article is a separate and distinct requirement from any other licensing requirement required by the state or any other entity. Possession of some other license shall not relieve a person of the requirement to obtain a **permit** pursuant to this article.
4. An annual application for a **permit** to operate a vape shop or cannabis-related shop must be made to the **permitting** officer on the form prescribed by that official.
5. All applications must be accompanied by a non-refundable annual application fee in an amount determined as a part of the city's annual budget and published in the City's fee schedule, as may from time to time be amended or updated. An application shall not be considered to have been filed until the application fee is paid and all information required by the application form is submitted.

Sec. 32-288. Application Review.

1. Preliminary inspection. The **permitting** officer shall forward a copy of all vape shop and cannabis-related shop applications to the police department, planning department, inspection department and any other city department involved in the review process. Upon receipt of the copy of the application, each department shall make such inspection and/or investigation of the applicant, premises, and equipment as is necessary for the enforcement of ordinances and laws for which the department has responsibility. Upon completion of the review, the reviewing department shall forward to the licensing officer its recommendation for approval or disapproval of the application. If the recommendation is for disapproval, the reviewing department shall clearly set forth its reason for the recommendation. If all departments recommend approval, then a final inspection shall be conducted.
2. Final inspection. The city shall make a final inspection of the facility after all equipment and furnishings are in place to ensure the facility complies with all applicable codes and ordinances. If after final inspection, the recommendation is for disapproval, the city shall clearly set forth its reason for the recommendation. If the recommendation is for approval, a **permit** shall be issued in accordance with section 32-289.

Sec. 32-289. Permit issuance or denial; term; time limitation for compliance.

1. Issuance. Following successful final inspection and a recommendation for approval, the **permitting** officer shall issue a **permit**, upon payment of the **permit** fee, to an applicant within thirty (30) days, unless the licensing officer finds one (1) or more of the following is true:
 - a. An applicant is under eighteen (18) years of age;
 - b. An applicant has falsely answered a question or request for information on the application form;
 - c. The vape shop and/or cannabis-related shop is not in compliance with applicable laws and ordinances;
 - d. The applicant has been denied a **permit** or the renewal of a **permit** under this article within the preceding twelve (12) months or has had a **permit** issued under this article revoked within the preceding twenty-four (24) months and the denial or revocation has not been successfully appealed; or
 - e. An applicant has been convicted of a crime involving paraphernalia; any felony offense; the sale of an alcoholic beverage without a permit or license from the state; prostitution or promotion of prostitution; manifesting the purpose of engaging in prostitution; family violence assault with bodily injury; or unlawfully carrying a weapon, provided;
 - i. If the conviction was for a misdemeanor offense, two (2) years have elapsed since the date of the conviction or the date of release from confinement for the conviction, or
 - ii. If the conviction is for a felony offense, five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction; or
 - iii. If the conviction is for two (2) or more misdemeanor offenses or a combination of misdemeanor offenses occurring within any twenty-four (24) month period, five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction.
 - iv. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.
 - v. Transitional Compliance for Existing Vape Shops and Cannabis-related shops. Any shop or business operating within the City of Gatesville on the effective date of this ordinance that is in possession of a valid permit may continue to operate under the terms of that permit until its expiration. Upon expiration, no license or permit shall be renewed or reissued unless the facility or business is in full compliance with all provisions of the Gatesville Code of Ordinances. This transitional period does not constitute an exemption or grandfathering. All facilities and businesses shall be required to meet the current regulatory standards upon permit renewal.
2. Extension of review period. If the applicant is in the process of correcting conditions on the premises so that the premises will comply with applicable ordinances and laws, the

applicant may be granted thirty (30) days from date of notice to bring the premises into compliance, or a new application shall be required.

3. Term. No **permit** shall be effective until it has been issued. All **permits** for vape shops and cannabis-related shops issued under the provisions of this article shall be valid for a period of one (1) year from the date of issuance. The date of issuance shall be stated on the permit.

Sec. 32-290. Suspension and Revocation of Permit.

1. The City of Gatesville, through an official designated by the City Manager, may suspend or revoke a permit if it is determined that:
 - a. The owner, operator, or facility supervisor has refused to allow an inspection of the premises, as authorized by this article;
 - b. A cause of suspension occurs, and the **permit** has already been suspended within the preceding twelve (12) months;
 - c. An owner or operator gave false or misleading information in the material included on or with his original application or a renewal application or in response to an inquiry by the city;
 - d. An owner, operator, or facility supervisor has been convicted of a violation set forth in Sec. 32-289(1)(e);
 - e. The shop is being operated in violation of the building codes or city ordinances, or state law.
2. The fact that a conviction is being appealed shall have no effect on the suspension or revocation of the license.
3. Notice of suspension shall be served either in person or by certified mail to the owner of the shop and the owner of the building in which the shop is located.

Sec. 32-291. Permit Renewal.

1. A renewal application on the form prescribed by the **permitting** officer may be submitted no earlier than sixty (60) days before the expiration of the **permit**. The renewal application must be accompanied by a renewal fee set by the city council as a part of the city's annual budget. When an application for renewal is submitted less than thirty (30) days before the expiration date of the **permit**, the expiration date of the **permit** will not be affected.
2. When the renewal application has been filed as required above, the **permitting** officer shall have seven (7) days to determine whether to issue a renewal **permit**, or to reject the renewal application and require the applicant to file an original application and review the renewal request under the same standards as the original **permit** application. If the **permitting** officer requires that the renewal be handled as though it were a new application, the review period set out in Sec. 32-289 shall commence upon the filing of the completed original application form, not upon the filing of the renewal application form.

Sec. 32-292. Appeal.

Appeal of denial. suspension or revocation of permit.

1. The initial decision and notice by an inspector to suspend or revoke a permit may be appealed to the supervisor over the inspector by giving written notice to the supervisor no later than the fifth calendar day after receipt of the written notice of the decision. The supervisor may uphold, reverse, or modify the decision of the inspector. If an appeal is not filed as provided herein, the decision of the inspector is final, and no further appeal will be considered.
2. The initial denial of a permit, or the decision of the supervisor over the inspector following a timely appeal of the inspector's decision to suspend or revoke a permit as provided in subsection (1) above, may be appealed to the city manager by filing a written notice of appeal with the director no later than the fifth day after receipt of written notice of the initial or appeal decision. The city manager may uphold, reverse, or modify the decision to deny, suspend or revoke the permit. If an appeal is not filed as provided herein, the initial or appeal decision is final, and no further appeal will be considered.
3. The decision of the city manager is final.

Sec. 32-293. Criminal Penalties.

A violation of this article shall be a Class C misdemeanor and the penalty for violating this article shall be a fine of not more than five hundred dollars (\$500.00) and each day a violation exists shall be a separate offense. It is also a criminal violation of this article and a Class C misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00) and not less than fifty dollars (\$50.00) to intentionally, knowingly, recklessly or with criminal negligence provide false answers or information to the City of Gatesville on or in connection with the application for or application for renewal of an indoor amusement facility license.

Sec. 32-294 – 32-300. Reserved.

SECTION 2. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, or the Gatesville Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 3. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Gatesville Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 4. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Gatesville Code of Ordinances, as amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 5. This ordinance shall take effect immediately after the third and final reading.

Ordinance No. 2026-10 was read the first time and passed to the second reading this **26th day of May, 2026.**

Ordinance No. 2026-10 was read the second time and passed to the third reading this _____ day of _____, 2026.

Ordinance No. 2026-10 was read the third time and duly approved, passed and adopted this the _____ day of _____, 2026.

APPROVED:

Gary Chumley, Mayor

ATTEST

Holly Owens, City Secretary, T. R.M.C.