

**TOWN OF PANTEGO, TEXAS
ORDINANCE NO. 2025-936**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PANTEGO, TEXAS, AMENDING CHAPTER 14, "ZONING," OF THE CODE OF ORDINANCES OF THE TOWN OF PANTEGO, TEXAS, BY AMENDING SECTION 14.07.15(A)(20), "SMOKING ESTABLISHMENT," OF ARTICLE 14.07, "NONRESIDENTIAL DISTRICTS," TO REMOVE CERTAIN RESTRICTIONS RELATED TO ON-PREMISE TOBACCO USE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Pantego ("Town") is a Type A General Law Municipality in Tarrant County, Texas, created in accordance with the provisions of Local Government Code, Chapter 6, and operating pursuant to enabling legislation of the State of Texas; and

WHEREAS, the Town has complied with all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication, and procedural requirements for these text amendments; and

WHEREAS, the purpose of Chapter 14, "Zoning," of the Code of Ordinances, Town of Pantego, Texas, reflects the intent of the Town to provide regulations, prohibitions, and provisions to protect and promote the development standards of nonresidential districts of the Town; and

WHEREAS, the Town Council finds it necessary to regulate and restrict smoking establishments in non-residential districts in the best interest of the health, safety, and general welfare of the citizens of the Town and the public.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF PANTEGO, TEXAS:

SECTION 1. The findings above are found to be true and correct and are incorporated herein.

SECTION 2. Subsection 14.07.015(a)(20), "Smoking establishment," of Article 14.07, "Nonresidential districts," of Chapter 14, "Zoning," of the Code of Ordinances, Town of Pantego, Texas, is hereby amended to read as follows:

"(20) Smoking establishment.

- (A)** Any smoking establishment seeking a certificate of occupancy after July 30th, 2012 must be located at least one thousand feet (1,000') from any other smoking establishment.
- (B)** The distance of one thousand feet (1,000') stated in subsection (A) above, shall be measured in a direct line as the crow flies from the main customer entrance of each smoking establishment, without regard to property lines, streets, walkways, walls or any other obstruction.

- (C) Any smoking establishment that is created after January 10, 2022 (either by application for a new certificate of occupancy or by adding "smoking establishment" to its existing use) allowing on-premises use of tobacco products is required to restrict such use to outdoor use not visible from the public right-of-way;
- (D) Any smoking establishment that is created after January 10, 2022 (either by application for a new certificate of occupancy or by adding "smoking establishment" to its existing use) must be able to verify that tobacco sales generate less than 50% of its total income."

SECTION 3. This Ordinance shall be cumulative of all provisions of ordinances of the Town, except where the provisions of this Ordinance are in direct conflict with the provisions of such existing ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 4. It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining, phrase, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the Town Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 5. Any person, firm, or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in accordance with Section 1.01.009, Code of Ordinances, Town of Pantego, Texas. Each such violation shall constitute a separate offense and shall be punishable as such hereunder.

SECTION 6. All rights and remedies of the Town are expressly saved as to any and all violations of the provisions of the Code of Ordinances, Town of Pantego, Texas, as amended, or any other ordinances affecting smoking establishments at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7. The Town Secretary of the Town is hereby directed to publish the caption and penalty clause in the official Town newspaper as authorized by Section 52.011 of the Texas Local Government Code.

SECTION 8. This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

AND SO, IT IS ORDAINED, ON THIS, THE 28TH DAY OF JANUARY 2025, BY A VOTE OF __ AYES, __ NAYS, AND __ ABSTENTIONS DURING A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF PANTEGO, TEXAS.

ATTEST:

APPROVE:

LESLIE E. GALLOWAY, MPA, TRMC
ASSISTANT CITY MANAGER & CITY SECRETARY

RUSSELL "RUSS" S. BREWSTER
MAYOR OF PANTEGO