

ORDINANCE NO. 2026-14

AN ORDINANCE OF THE CITY OF BRECKENRIDGE, TEXAS AMENDING CHAPTER 22 “ZONING” OF THE BRECKENRIDGE CODE OF ORDINANCES BY AMENDING ARTICLE III “ZONING DISTRICT REGULATIONS”, SECTION 7.E “USE TABLES”, TABLE 8 “GENERAL BUSINESS RETAIL USES”, TO ADD “VAPE SHOPS” AS A USE WHICH IS PROHIBITED IN ALL ZONING DISTRICTS; AMENDING ARTICLE V “SUPPLEMENTARY DEVELOPMENT REGULATIONS”, SECTION 30 “DEFINITIONS” TO ESTABLISH A DEFINITION FOR “VAPE SHOP”; PROVIDING FOR A PENALTY ; PROVIDING REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Breckenridge (the “City”) is a Texas home-rule city operating pursuant to its Charter adopted by the electorate pursuant to the Texas Constitution;

WHEREAS, the City Commission of the City (the “City Commission”) adopted a comprehensive zoning ordinance in 2026 pursuant to Chapter 211 of the Texas Local Government Code, which is or will be codified as Chapter 22 of the Breckenridge Code of Ordinances (the “Zoning Ordinance”) to enact regulations regarding permitted uses in accordance with the City’s comprehensive plan;

WHEREAS, the Zoning Ordinance does not currently address shops which sell vaping devices and related products (“vape shops”), as a use in any zoning district within the City, although they may be considered a use similar to a convenience store, which are currently allowed in the Retail, General Commercial, and Light Industrial Zoning Districts;

WHEREAS, citizens of the City have urged City officials to take action to prevent vape shops within the City as these shops are seen as appealing to youth and promoting the use of nicotine by young people;

WHEREAS, City staff has proposed to prohibit vape shops within the City in an effort to minimize the adverse effects of vaping within the City and, to that end, proposes that the Zoning Ordinance be amended to clearly define “vape shops” and prohibit them in all zoning districts;

WHEREAS, the City’s Planning and Zoning Commission held a public hearing on August 3, 2026, after providing due notice therefor, and has made a recommendation that the Zoning Ordinance be amended as reflected in this Ordinance; and

WHEREAS, the City Commission held a public hearing on August 4, 2026, after providing due notice therefor, and has given reasonable consideration, among other things, to the recommendation of the Planning and Zoning Commission and the compatibility of the proposed amendment with the City’s comprehensive plan and Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS, THAT:

I. Incorporation of Premises. All of the above premises are found to be true and correct findings of the City Commission and are incorporated into the body of this Ordinance as if fully set forth herein.

II. Findings. After due deliberations, the City Commission has concluded that the adoption of this Ordinance is in the best interest of the City of Breckenridge, Texas, and of the public health, safety, morals, and welfare of its citizens.

III. Amendment of Section 7.E., Table 8. Chapter 22 “Zoning”, Article III “Zoning District Regulations”, Section 7.E “Use Tables”, Table 8 “General Business Retail Uses” of the Breckenridge Code of Ordinances is hereby amended to read as described in the attached **Exhibit “A”**, with the additions underlined, and all other parts of said Chapter and Section not so amended shall remain in full force and effect.

IV. Amendment of Section 30. Chapter 22 “Zoning”, Article V “Supplementary Development Regulations”, Section 30 “Definitions” of the Breckenridge Code of Ordinances is hereby amended to add the following definition and all other parts of said Chapter and Section not so amended shall remain in full force and effect.

VAPE SHOP – A retail establishment utilized primarily for the sale of e-cigarettes, vaping devices, edibles and other devices for the inhalation or consumption of tobacco, CBD or other hemp derived products, and other supplies or paraphernalia, with no on-site smoking or tobacco consumption.

V. Repeal. All ordinances or ordinance provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

VI. Penalty. Any person, firm, entity or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding \$2,000.00. Each continuing day’s violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Breckenridge from filing suit to enjoin the violation. Breckenridge retains all legal rights and remedies available to it pursuant to local, state and federal law.

VII. Severability Clause. It is hereby declared to be the intention of the City Commission of the City of Breckenridge that any phrase, sentence, section, or paragraph of this ordinance shall be declared unconstitutional or otherwise invalid by final judgment of a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remainder of this ordinance since the same would have been enacted by the City Commission without the incorporation of the unconstitutional or invalid phrase, sentence, section or paragraph.

VIII. Effective Date. This Ordinance shall become effective immediately upon its adoption by the City Commission and after publication as required by law.

PASSED, APPROVED, AND ADOPTED on this the 4th day of August 2026.

Kord Trammel, Mayor

ATTEST:

Jessica Sutter, City Secretary

S E A L

Exhibit "A"

TABLE 8 R GENERAL BUSINESS RETAIL USES	Residential Districts										Non-Residential Districts					
	AG	SF 5.0	SF 6.0	SF 7.5	SF 10.0	SF 15.0	TH	DUP	MF	MH	R	C	DT	REC	LI	I
Alcoholic Beverage Retail Sales*												C				
Antique/Consignment Shop (No Outside Storage)												P			P	
Antique/Consignment Shop (With Outside Storage)															P	
Appliance (Major) Sales, Rental, Repair (With Outside Storage)												P			P	
Appliance (Minor) Sales, Rental Repair (No Outside Storage)												P			P	
Bakery or Confectionary Shop (Retail)											P	P	P		P	
Convenience Store (With Gasoline Sales)												P			P	
Convenience Store (Without Gasoline Sales)											P	P			P	
Garden Center/Nursery/Florist (No Outside Storage)												P			P	
Garden Center/Nursery (With Outside Storage)												C			P	
Gravestone/Tombstone Sales												C			P	
General Merchandise (Dry Goods) – Stores Less than 12,000 Sq. Ft.											P	P			P	
General Merchandise (Dry Goods) – Stores 12,000 Sq. Ft. or Larger											P	P			P	
Grocery/Food Store – Less than 12,000 Sq. Ft.												P			P	
Grocery/Food Store – 12,000 Sq. Ft. or Larger												P			P	
Light Equipment Sales or Service (No Outside Storage)												P			P	
Light Equipment Sales or Service (With Outside Storage)												C			P	
Market (Public, Flea, Produce, etc.) permanent															P	
Pawn Shop												P			P	
Pet Shop/Supplies/Grooming											P	P			P	
Pharmacy											P	P			P	
Recycling Kiosk												C			P	

Exhibit “A”

Restaurant (Without Drive-Thru Service)											P	P			P	
Restaurant (With Drive-Thru or Drive-In Service)												P			P	
Second Hand Thrift Store or Used Merchandise (Inside Only)											P	P			P	
<u>Vape Shop</u>																