



## City Council Meeting Agenda

**Our Vision: A well-planned lakeside community of quality neighborhoods, distinctive amenities, diverse employment, and cultural charm. Rowlett: THE place to live, work and play.**

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**Monday, June 15, 2026**

**6:00 PM**

**Municipal Building – 4000 Main**

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Pursuant to Texas Government Code Section 551.127, on a regular, non-emergency basis, members may attend and participate in the meeting remotely by video conference. Should that occur, a quorum of the members, including the presiding officer, will be physically present at the location noted above on this Agenda.

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item herein.

The City of Rowlett reserves the right to reconvene, recess or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

**Process for Public Input: If you are not able to attend in person, you may complete the [Public Input Form](#) on the City's website by 3:30 p.m. the day of the meeting. All forms will be forwarded to the City Council prior to the start of the meeting.**

**For in-person comments, request to speak forms/instructions are available inside the door of the City Council Chambers.**

**1. Call to Order**

**2. Citizens' Input**

At this time, comments will be taken from the audience on any topic. No action can be taken by the Council during Citizens' Input.

**3. Work Session**

**3.A.** Receive a presentation regarding Scenic Drive parking concerns.

**3.B.** Receive a presentation regarding proposed amendments to the Short-Term Rental Ordinance.

**3.C.** Receive a presentation regarding Vapor Stores Ordinance

**4. Discuss Consent Agenda Items for June 16, 2026, City Council Meeting**

**5. Adjournment**

*Deborah Sorensen*

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Deborah Sorensen, TRMC, MMC, City Secretary

I certify that the above notice of meeting was posted on the bulletin boards located inside and outside the doors of the Municipal Center, 4000 Main Street, Rowlett, Texas, as well as on the [City's website](#) on June 9,

2026, by 5:30 p.m.

**City of Rowlett City Council meetings are available to all persons regardless of disability. If you require special assistance, contact the City Secretary at 972-412-6109 or write 4000 Main St., Rowlett, Texas, 75088, at least 48 hours in advance of meeting.**

**City of Rowlett ~ 4000 Main Street, Rowlett TX 75088 ~ [www.rowlett.com](http://www.rowlett.com)**

**Meeting Date:** 6/15/2026

**Agenda Item:** 3.A.

**Title**

Receive a presentation regarding Scenic Drive parking concerns.


**Staff Representative**

Mike Denning, Police Chief  
 Gary Enna, Interim Director of PW/City Engineering

**Executive Summary**

The City has received multiple Action Center complaints from citizens regarding parking issues on Scenic Drive. The purpose of this item is to discuss the concerns raised, outline the actions and solutions staff have implemented to address these complaints, and present additional options identified by staff to help resolve the problem.

**Strategic Priority and Goal(s)**

Strategic Priority	Strategic Goal
 <p><b>Invest in Transportation &amp; Infrastructure</b></p>	<p>6.4 Improve traffic flow across all transportation modes.</p>

**Background Information**

The Police Traffic Division was notified on March 23, 2026, of reported parking issues on Scenic Dr near its intersections with Chimneywood Dr, and Terra Lago Dr in which visibility and the proper flow of traffic were identified as concerns. The Police Department partnered with the Engineering Department to study the problem and identify solutions to the problems.

**Discussion**

The Police Department determined that traffic violations (parking) were occurring primarily during the overnight hours. The Police Department took enforcement action during the study by identifying parking violations. Furthermore, they conducted roadway assessments and line-of-sight studies, which identified visibility concerns caused by residential parking on Scenic Dr. The Police Department responded to 16 calls for service related to parking violations during March, April, and May. Seven of those calls were citizen-generated, while nine were officer-generated. Twelve cars were tagged for 24-hour follow-up and moved by the next day, resulting in 100 percent compliance. No citations were issued. The Engineering Department identified areas where "no parking"

signs should be installed to increase visibility near intersections and improve safety. A memo and PowerPoint will be attached to this memo to provide a better understanding of the problem, solutions implemented, and additional options identified by Engineering for consideration.

**Financial/Budget Implications**

N/A

**Recommended Action**

No action required. Information only.

**Attachments**

1. Memorandum for Scenic Dr Issues



*Michael Denning*  
*Chief of Police*  
*972-412-6202*  
*Fax 972-463-3970*



**ROWLETT POLICE DEPARTMENT  
MEMORANDUM**

**DATE: June 9, 2026**  
**TO: Kristoff Bauer, Interim City Manager**  
**FROM: Michael Denning, Police Chief**  
**SUBJECT: Parking Violations and Roadway Safety Assessment – Scenic Drive Area**

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The Police Traffic Division received a Citizen Action Center complaint on March 23, 2026, regarding parking violations and potentially unsafe roadway conditions in the Scenic Drive area. Traffic Officers were assigned to monitor the location and take enforcement action as needed.

From March 24, 2026, through May 20, 2026, Traffic Officers conducted regular checks between 6 AM and 6 PM and observed no violations. It was later determined that the reported violations were likely occurring outside normal Traffic Division hours.

On April 15, 2026, Night Patrol units were requested to monitor the area between 6 PM and 6 AM. Since that request, and as of June 9, 2026, Patrol has identified a total of 12 violations, resulting in:

- 12 vehicles stickered
- 1 warning issued
- 33 grid patrols conducted
- 19 calls for service (8 citizen-initiated, 11 officer-initiated)

Traffic Officers have continued periodic daytime checks and have not observed any violations between 6 AM and 6 PM as of June 9, 2026. Night Patrol has also reported no new violations. This reflects full compliance following the initial enforcement efforts, with no additional calls for service—either citizen-reported or officer-initiated—related to parking violations.

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**Roadway Assessment**

One of the concerns raised involved whether Scenic Drive was wide enough to safely accommodate parking on both sides without obstructing traffic flow. Traffic Units, in coordination with the Engineering Department, measured Scenic Drive at 42 feet wide. Engineering confirmed this exceeds the city



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*Chief of Police*  
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## ROWLETT POLICE DEPARTMENT MEMORANDUM

standard of 40 feet for that roadway classification and provides adequate space for parking on both sides.

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### **Line-of-Sight Study at Chimneywood Drive and Terra Lago Drive (Conducted April 30, 2026)**

A joint Traffic and Engineering line-of-sight study was conducted to evaluate visibility and safety at the intersection. The study included photographic documentation, rolling-wheel measurements, and a diagram illustrating the findings.

#### **Findings:**

- Visibility concerns were identified on Terra Lago Drive, particularly where vehicles were parked within the 30-foot intersection clearance zone.
  - Even when accounting for the 30-foot setback, visibility and reaction-time gaps remain limited.
  - The analysis indicates that additional parking restrictions—such as increased setback requirements and signage—may be necessary along Terra Lago Drive to improve safety.
  - From the centerline of Chimneywood Drive, visibility extended approximately 3 feet beyond the required 130-foot braking and reaction distance.
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#### **Methodology**

To ensure accurate assessment of safe operating and turning visibility, the following process was used:

- A patrol vehicle was positioned at the stop sign.
- An officer walked away from the intersection carrying a 2-foot-tall cone.
- The officer in the patrol vehicle signaled when the cone was no longer visible.
- That location was marked and measured.
- Measurements were taken from three separate driver viewpoints and documented in the attached diagram.



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*Chief of Police*  
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**ROWLETT POLICE DEPARTMENT  
MEMORANDUM**

Math used to calculate the distance required to stop

**At 30 MPH (44ft/s)**

☐ Reaction:  $44 \times 1.5 \approx 66$  ft

☐ Braking:  $44 \times 44 / 30 \approx 64$  ft

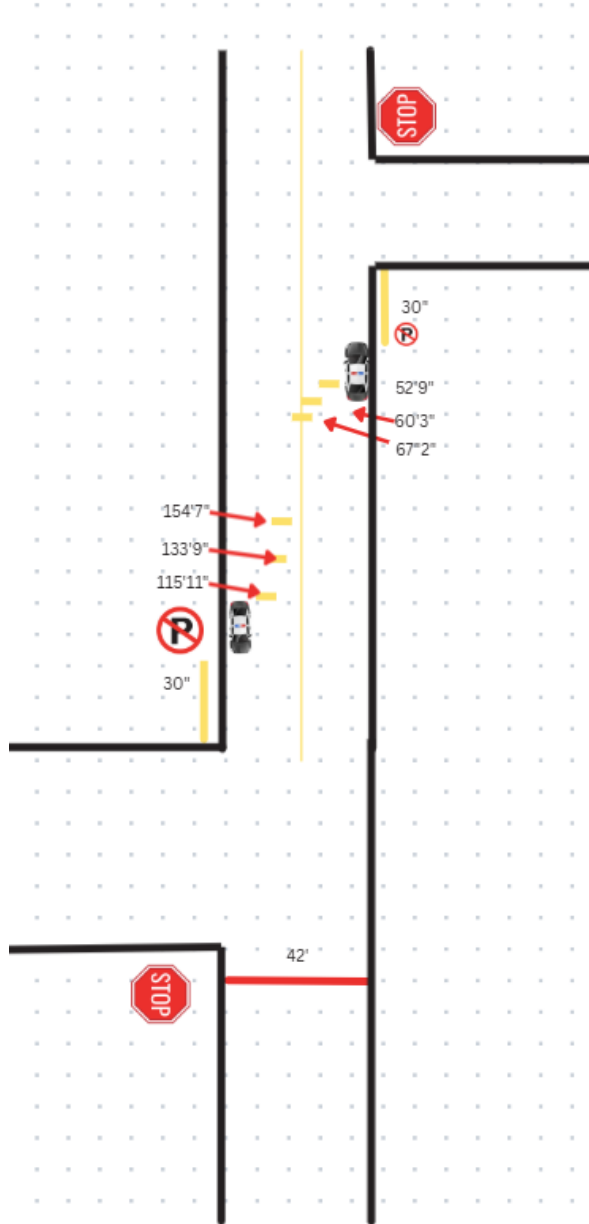
☐ Total: **~130 ft**



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## ROWLETT POLICE DEPARTMENT MEMORANDUM





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*Chief of Police*  
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## ROWLETT POLICE DEPARTMENT MEMORANDUM

### **Adjustments made to Cabbot Cove/Scenic Dr by PW and Engineering.**

No Parking signs were installed per the Texas Manual on Uniform Traffic Control Devices (TMUTCD). The signs were placed to ensure safe passage through a pinch point on a curved section of road. A city ordinance is required for enforcement and will be presented at a future Council meeting. These signs were placed on 6/3/2026 and have been observed to have 100% compliance.





Michael Denning  
Chief of Police  
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## ROWLETT POLICE DEPARTMENT MEMORANDUM



NO PARKING FROM HERE TO CORNER sign on west side of Scenic 30lf from the median nose. Directional arrow pointing towards Cabott Cove and Scenic Intersection. Two NO PARKING BETWEEN SIGNS signs with opposing arrows will be placed on the east side of Scenic. The justification is sight distance and curved section of the road causing a pinch point.



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*Chief of Police*  
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**ROWLETT POLICE DEPARTMENT  
MEMORANDUM**



**Meeting Date:** 6/15/2026

**Agenda Item:** 3.B.

**Title**

Receive a presentation regarding proposed amendments to the Short-Term Rental Ordinance.


**Staff Representative**

Andrew Espinoza, Asst. Director Community Director/Chief Building Official

**Executive Summary**

The purpose of this item is to seek City Council direction regarding the Short Term Rental Ordinance. The intent of the Short Term Rental Ordinance is to adopt and implement proposed ordinance amendments designed to address ongoing community concerns; while maintaining the economic benefits associated with short-term rentals. These amendments are intended to establish reasonable standards governing the density and operation of short-term rentals. The goal is to promote compliance, ensure safety, and maintain balanced oversight without compromising the health, safety, and welfare of city residents.

**Strategic Priority and Goal(s)**

	<b>STRENGTHEN NEIGHBORHOOD LIVABILITY</b>	3.1 Value existing neighborhoods. 3.2 Sustain a community that is appealing to people at all stages of life.
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**Background Information**

At their April 1, 2025, meeting, the City Council adopted Ordinance ORD-012-25 regulating Short Term Rentals. Although the city currently maintains an adopted short-term rental ordinance, updates have been recommended to strengthen its effectiveness. Specifically, the City Council established a subcommittee to assess the current ordinance and propose amendments to realize additional density regulations aimed at ensuring that short-term rental operations remain safe, compliant, and compatible with residential neighborhoods.

At their January 5, 2026, work session, the City Council received feedback from the Short-Term Rental Committee regarding the amendments to the current ordinance. Recommendations included processing applications on a first come first serve basis and implementing a 1,000-foot separation requirement to limit short-term rental density,

with exemption to properties located in the Form Based Bayside Special District.

At their May 5, 2026, meeting, the City Council made the decision to allow further consideration of this subject and allow new Council members to be updated on the proposed changes. Furthermore, there was also discussion regarding how to address owner-occupied short term rentals.

**Discussion**

These updated requirements seek to create a more balanced framework that supports responsible operation and preserves neighborhood integrity.

Further recommendations were considered requiring short-term rental operators to place signage to be posted on the front door of the occupancy, so the surrounding community is aware of the short-term rental operation and how to report concerns, identify a point of contact, and link to City Code by adding a new Section 10.458A “Density Regulations; Exceptions”, and by amending Section 10–459 to require an exterior sign; providing a severability clause; providing a conflict clause; and providing an effective date.

The proposed amendments include the following.

Density Regulations

No short-term rental permit shall be issued to any single-family property or any duplex, townhome, or other multifamily building or structure containing up to four dwelling units that is within 1,000-foot radius of another short-term rental property.

No short-term permit shall be issued for more than two units contained in any single multifamily building or structure containing more than four dwelling units.

The density limitations shall not apply to properties located within Form Base Bayside Special District. Complete permit applications shall be processed and permits issued in the order they are received.

Local Point of Contact

An owner of a short-term rental property must designate the name and contact information of a local point of contact who can be contacted regarding immediate concerns and complaints and who must always be available by phone or in person while occupants are in the short-term rental.

The local point of contact must be present at the rental premises within one hour of a request from the city.

The designated local point of contact shall be authorized to make decisions, accept service of citations for violations, and act as the authorized agent of the property owner.

### Signage

The owner of a short-term rental property must attach a weatherproof sign on the front door of a short-term rental identifying the operation of a short-term rental, name and contact information, including telephone number, of the designated local point of contact, and information link to City short term rental ordinance regulations.

The sign or plaque required by subsection must be at least 8"x10" and posted with visible unobstructed from view from an individual standing at the front property line and the information must be printed in large font and plain enough to be easily read by an individual position at the front door and contain a scannable QR Code linked to city regulations pertaining to short-term rentals.

### **Financial/Budget Implications**

The changes would not have any budget or financial impact on the city.

### **Recommended Action**

Receive direction regarding the proposed Short Term Rental Ordinance.

### **Attachments**

1. Ord Amending STR

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS AMENDING THE CODE OF ORDINANCES, AS HERETOFORE AMENDED, AT CHAPTER 10 “BUSINESSES,” ARTICLE XI “RENTAL HOUSING,” DIVISION 7 “SHORT TERM RENTALS” BY ADDING A NEW SECTION 10.458A “DENSITY REGULATIONS; EXCEPTIONS,” AND BY AMENDING SECTION 10-459 TO REQUIRE AN EXTERIOR SIGN; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONFLICTS CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council finds that the availability of safe, decent, and affordable long-term housing and peaceful, quiet enjoyment of the community character of the neighborhoods of the City is essential to the health, safety, and welfare of City residents; and

**WHEREAS**, the City Council further finds that the proliferation of short-term rental properties may reduce the supply of housing available for permanent residents; and

**WHEREAS**, the City Council finds that concentrations of short-term rental properties in residential neighborhoods has and does create secondary impacts including increased noise, parking congestion, refuse and solid waste violations, and general disruptions to neighborhood character, peace, and quiet enjoyment of their homes by citizens; and

**WHEREAS**, the City Council recognizes that short-term rentals can provide economic benefits to property owners, visitors, and the local economy when appropriately regulated; and

**WHEREAS**, the City Council finds that reasonable regulation of the location, density, and operation of short-term rental properties is necessary to balance economic opportunity with the preservation of residential neighborhoods; and

**WHEREAS**, the City Council finds it to be in the best interest of the citizens of the City and to serve the public health, safety and general welfare to amend the City’s short term rental ordinance to provide density regulations and exceptions thereto and further to provide a requirement for an exterior sign containing contact information for every short term rental unit;

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

**SECTION 1.** The findings set forth above and determined by the City Council to be true and correct and are incorporated herein by this reference.

**SECTION 2.** The Code of Ordinances of the City of Rowlett, Texas, as heretofore amended, is hereby amended at Division 7 “Short-Term Rentals” of Article XI “Rental Housing” of Chapter 10 “Businesses” by adding a new section 10.458A to be entitled “Density Regulations; Exceptions” to read in its entirety as follows:

## **“DIVISION 7 SHORT-TERM RENTALS**

### **Section 10.458A      Density Regulations; Exceptions**

- (a) No permit shall be issued to any single-family property or any duplex, townhome or other multifamily building or structure containing up to four dwelling units that is within a 1,000 foot radius of another single-family property or another duplex, townhome or other multifamily building or structure containing up to four dwelling units for which a current, valid short-term rental permit has been issued and remains in effect, including a property for which the short-term rental permit has been revoked where that revocation is currently on appeal.
  
- (b) No permit shall be issued for more than two units contained in any single multifamily building or structure containing more than four dwelling units.
  
- (c) For purposes of this section, streets and alleys are counted in determining the 1,000 foot radius.
  
- (d) Permit applications will be processed in the order received.
  
- (e) Exceptions: This section shall not apply to properties located within the Form Based Bayside Special District.“

**SECTION 3.** The Code of Ordinances of the City of Rowlett, Texas, as heretofore amended, is hereby amended at Division 7 “Short-Term Rentals” of Article XI “Rental Housing” of Chapter 10 “Businesses” by amending section 10.469 to read in its entirety as follows:

## **“DIVISION 7 SHORT-TERM RENTALS**

### **Section 10.469      Local Point of Contact**

- (a) An owner must designate the name and contact information of a local point of contact who can be contacted regarding immediate concerns and complaints from the public regarding the short term rental property. The local point of contact must be available in person or by phone at all times while occupants are on the premises of the short-term rental. If called, the local point of contact must be present at the short-term rental premises within one hour of a call from the administrator or his/her designee. The local point of contact must be authorized to make decisions regarding the short-term rental premises and its occupants. The local point of contact must be authorized to and shall not refuse to accept service of citation for any violations on the short-term rental premises.

Acceptance of service shall not act to release the owner of any liability under this division.

- (b) The owner of every short-term rental property shall permanently affix a durable, weather-proof sign or plaque within six inches of the front door of the short-term rental unit containing the following information, in the order listed, printed in English:
- a. The following statement: “This property is operating as a short-term rental. Any issues with its operations should be immediately reported to:”
  - b. The name of the local point of contact for the short-term rental;
  - c. The telephone number that the local point of contact will answer twenty-four hours a day, seven days a week to respond to complaints regarding the property; and
  - d. The following statement: “Further information can be obtained by scanning this code using your cellular telephone camera:  
[\[HERE CITY NEEDS TO INSERT THE RELEVANT QR CODE TO CITY REGULATIONS  
DIVISION 7. - SHORT-TERM RENTALS | Code of Ordinances | Rowlett, TX | Municode Library\].”](#)

The sign or plaque required by subsection (b) must be at least eight inches by ten inches in size, visible and unobstructed from view for an individual standing at the front property line, and the information must be printed in font large and plain enough to be easily read by an individual positioned at the front door of the short-term rental.”

**SECTION 4.** Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provisions thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

**SECTION 5.** All provisions of the ordinances of the City of Rowlett in conflict with the provisions of this Ordinance are hereby repealed and all other provisions of the ordinances of the City of Rowlett not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 6.** This Ordinance shall take effect immediately from and after its passage and publication as the law and charter in such cases provide.

**Meeting Date:** 6/15/2026

**Agenda Item:** 3.C.

**Title**

Receive a presentation regarding Vapor Stores Ordinance


**Staff Representative**

Munal Mauldadad, Interim Asst City Manager

**Executive Summary**

At the request of City Council, staff has prepared this presentation to discuss the current Vapor Store Ordinance and to receive feedback, recommendations, and proposed amendments to the current regulations.

**Strategic Priority and Goal(s)**

Strategic Priority	Strategic Goal
 <b>STRENGTHEN            NEIGHBORHOOD            LIVABILITY</b>	<p>3.1 Value existing neighborhoods.</p> <p>3.2 Sustain a community that is appealing to people at all stages of life.</p> <p>3.3 Invest in enjoyable places of lasting value and distinctive character.</p>

**Background Information**

At their August 16, 2022, meeting, the City Council amended Chapter 10, Businesses, of the Code of Ordinances and created Article XII titled Vapor Stores by adopting Ordinance #ORD-027-22 permitting regulations, oversight, and enforcement of Vapor Stores.

Community concerns regarding the proliferation of vapor and CBD stores in the City has become a concern. The purpose of the current ordinance is to ensure that the sale of CBD and Vape items is regulated and also minimize concentrations through a review of percentage of gross sales and a requirement for Special Use Permit (SUP).

The intent of the SUP is to ensure the sale of electronic cigarettes, devices and

accessories as well as CBD products should be located in appropriate locations to encourage proper land use and development and should be situated in locations best suited to accommodate such retail facilities.

The table below lists Vapor Stores in the City.

**Table 1: Vapor Stores**

<b>Business Name</b>	<b>Address</b>	<b>Certificate of Occupancy SUP Issue Date</b>	
The Peace Cloud	3378 Lakeview Parkway	06.02.2015	No
Vapor 100	5401 Kenwood Drive	12.28.2020	No
Just Smoke	7001 Rowlett Road #200	03.07.2022	Yes
The Vapor Store	5328 Lakeview Parkway	10.19.2021	No
3D Smoke Shop	5321 Lakeview Parkway #101	10.15.2020	No
World of Smoke	6310 Dalrock Road #400	09.17.2021	No
Top Cloud	8600 Lakeview Parkway #D	06.28.2019	No
The Vapor Bar	8120 Lakeview Parkway #200	10.10.2024	Yes
Fly Smoke	9400 Lakeview Parkway #119	04.01.2022	No
Rowlett Wellness Dispensary	5321 Lakeview Parkway #102	04.30.2019	No
Endo Dispensary Rowlett	6501 Dalrock Road #100	12.17.2024	No

Zarr	3701 Lakeview Parkway #102	05.16.2023	Yes
Scorpion Liquor and Vape	9400 Lakeview Parkway #127	02.27.2026	No
Smokis	6307 Dalrock Road Suite 200	04.29.2026	No

A map depicting the locations of the stores is also attached for reference.

Applicants seeking a Certificate of Occupancy (CofO) for a retail or general merchandise business must provide anticipated sales information to determine whether sales of e-cigarettes or CBD products are expected to exceed 90% of the business's gross revenue. This determination is made during the CofO review process based on the applicant's projected sales figures.

Businesses whose anticipated sales of e-cigarettes or CBD products do not exceed the 90% threshold are not classified as vapor stores under the ordinance and are therefore not required to obtain a SUP.

The ordinance currently relies on the applicant's projected sales at the time of application and does not establish a mechanism for ongoing monitoring of actual revenues. There are no provisions requiring annual revenue reporting, periodic audits, or reassessment of sales percentages after occupancy has been approved.

## **Discussion**

The current Ordinance establishes regulatory requirements for Vapor Stores operating within the City of Rowlett.

### Definition

A vapor store is defined as a retail establishment that derives at least 90 percent of its gross revenue from the sale of e-cigarettes or e-cigarettes and CBD products. Specific definitions of CBD products and E-Cigarettes are also included in the ordinance which is attached for reference.

## Permits

Operators must maintain a valid permit issued by the Texas Comptroller and publicly display the permit at the business location, maintain a valid Certificate of Occupancy for the premises and obtain approval of a Special Use Permit (SUP) from the City Council prior to operating.

The SUP shall expire on the fifth anniversary after issuance. No vested right in a vapor store shall last for a period of more than five years and the SUP shall be applicable to the site at which the business is conducted and not to the person whom it was granted.

## Enforcement

Vapor stores are subject to City inspections to verify compliance with the Ordinance. They are required to comply with age restrictions prohibiting the sale or distribution of e-cigarettes to individuals under 21 years of age. Operations must comply with all other applicable city regulations and requirements.

## **Considerations**

Article XII, Section 10-435 defines a vapor store as a retail establishment that has at least 90 percent of its gross revenues from the sale of e-cigarettes and CBD products. This provision minimizes the effectiveness of the intent of the ordinance as most Vapor Stores do not compromise this threshold. Perhaps consideration should be given to reducing the gross sales revenue requirements. After consultation with the City Attorney, it is recommended that a SUP would be required for a business establishment with gross revenue sales of 51 percent, the sales of vapor products being the predominant and primary activity of the business.

An alternative to the gross sales requirement, a limitation on the maximum allowable square footage of product displays could be implemented and could be easier to assess instead of sales data. Similar requirements in Texas cities generally define a vapor store as any establishment where the display and sale of these items exceeds 15 to 25 percent of gross floor area.

The City Attorney has recommended that two sections of the Rowlett Development Code, specifically sections 77-301 (Allowed Use Chart) and 77-302 (Use-Specific Standards), be amended to include information indicating that Vapor Store use is only allowed with an SUP in certain identified zoning districts and providing the use-specific standards. As this would be an amendment to the text of the zoning ordinance, it would require public hearings before Planning and Zoning Commission and Council and a recommendation from the P&Z Commission.

## **Financial/Budget Implications**

The discussion and presentation would not have any budget or financial impact on the City.

### **Recommended Action**

Is there is City Council consensus to proceed with an amendment to the Vapor Store Ordinance?

### **Attachments**

1. ORD-027-22 Vapor Stores



# City of Rowlett

## Official Copy

Ordinance: ORD-027-22

4000 Main Street  
Rowlett, TX 75088  
www.rowlett.com

**AN ORDINANCE OF THE CITY OF ROWLETT, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF ROWLETT, TEXAS, BY AMENDING CHAPTER 10 (BUSINESSES) TO ADD A NEW ARTICLE XII, TO BE ENTITLED "VAPOR STORES," TO REQUIRE SPECIAL USE PERMITS FOR ESTABLISHMENTS THAT SELL ELECTRONIC CIGARETTES AND ACCESSORIES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council finds and determines that the proliferation of stores and shops that sell electronic cigarettes and vapor products, often to minors and often including cannabidiol (CBD) oil and CBD-related products, often has a deleterious effect on existing businesses and surrounding residential areas, decreases public safety and property values, contributes to urban blight, and downgrades the quality of life; and

**WHEREAS**, the Council further finds that retail establishments whose primary sales involve the sale of electronic cigarettes, devices and accessories should be located in appropriate places within the City so as to encourage proper land use and development and should be situated in locations best suited to accommodate such retail facilities; and

**WHEREAS**, the Council further finds that requiring special use permits for retail establishments whose primary business involves the sale of electronic cigarettes will enable proper review by the City's Planning Commission and by the Council, will enable the City to impose reasonable conditions to minimize adverse effects, and is in the best interest of the public health, safety, morals and general welfare.

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

**SECTION 1:** That Chapter 10 (Businesses) of the Code of Ordinances, City of Rowlett, Texas, be and is hereby amended to add a new Article XII to be entitled "Vapor Stores," to read in its entirety as follows:

**CHAPTER 10  
BUSINESSES**

...

**ARTICLE XII. VAPOR STORES**

**Sec. 10-435. - Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section, unless the context clearly indicates otherwise:

*CBD products* means oil, oil-based capsules, vaporized liquid, ingestible solid, or any other product that contains cannabidiol in a form designed for human consumption.

*City* means the City of Rowlett, Texas.

*E-cigarette* means:

- a. an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or

electronic circuit to deliver nicotine or other substances to the individual inhaling from the device; or

b. a consumable liquid solution or other material aerosolized or vaporized during the use of an electronic cigarette or other device described by this section.

c. The term "e-cigarette" includes:

1. a device described by this section regardless of whether the device is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description; and

2. a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

d. The term "e-cigarette" does not include a prescription medical device related to the cessation of smoking.

*Vapor store* shall mean a retail establishment that sells or offers for sale e-cigarettes, as defined in this section, which receives at least 90 percent of its gross revenues from the sale of e-cigarettes or e-cigarettes and CBD products.

**Sec. 10-436. – Permits.**

a. No person may engage in the business of an e-cigarette retailer unless the person has a valid permit from the Texas Comptroller, which shall be kept on public display at the place of business for which the permit was issued.

b. No person may sell, offer for sale, or distribute e-cigarettes to any person under the age of twenty-one (21) years.

c. In addition to any other remedy, the City may suspend or revoke a certificate of occupancy for the premises in which the e-cigarette retailer conducts business for a violation of this section. The suspension or revocation of a certificate of occupancy may be appealed to the city manager of the city within ten (10) days of transmittal of a written notice of suspension or revocation. The notice of appeal must contain a short statement of the basis of the appeal and must state that the suspension or revocation is unduly harsh or must deny the facts on which the suspension or revocation was made, or both. An appeal must be made in writing and will be heard by the city manager promptly after receipt of a notice of appeal. The city manager's decision shall be final and binding.

**Sec. 10-437. – Special Use Permit.**

a. No person may engage in the business of a vapor store without a special use permit issued in accordance with the Rowlett Development Code. In granting a special use permit, the city may impose reasonable conditions.

b. Special use permits for vapor stores shall expire on the fifth anniversary after issuance. No vested right in a special use permit for a vapor store shall last for a period of more than five years.

c. A special use permit issued under this section shall be applicable to the site at which the business is conducted and not to the person to whom it was granted.

**Sec. 10-438. – Verification of compliance.**

a. The city may conduct reasonable inspections at any time the business is open or occupied in order to determine compliance with the provisions of this article.

b. It shall be an offense for any person to refuse to allow a city inspection or to deny entry to the premises on which the e-cigarette retailer or vapor store conducts business.

**Sec. 10-439. – Revocation of permit.**

a. Notwithstanding any other provision of the Rowlett Development Code or the Code of Ordinances, a special use permit issued for a vapor store may be revoked by the city council, on recommendation of the planning commission and after required public hearings, for repeated violations of this article.

b. The administrative official responsible for administering the provisions of this article shall transmit written notice to the owner, operator or occupant of the vapor store at least thirty (30) days prior to the effective date of revocation, delivered to the address of the vapor store. The owner may appeal the revocation by filing a written notice of appeal with the city manager, who shall conduct a hearing on whether the special use permit should be revoked. A failure to timely submit the notice of appeal shall be deemed a consent to revocation for all purposes.

c. If the city manager upholds the revocation of the special use permit, he shall do so in writing and a copy of the determination shall be delivered to the owner, who may appeal the city manager's determination to the city council by written notice of appeal which shall be delivered to the city manager within thirty (30) days of the city manager's determination. A failure to timely submit the notice of appeal shall be deemed a consent to revocation for all purposes.

d. The revocation of a special use permit shall be suspended until the council finally determines the appeal. The city council's decision shall be final and binding.

e. Any vested rights in a special use permit are subject to and limited by the provisions of this section."

**SECTION 2:** That all ordinances of the City of Rowlett, Texas, in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City of Rowlett not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 3:** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal or

unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

**SECTION 4:** That 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 Code of Ordinances of the City of Rowlett, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense. Each day in which a continuing violation occurs shall be a separate offense.

**SECTION 5:** That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

At a meeting of the City Council on August 16, 2022 this Resolution be adopted. The motion carried by the following vote:

**Ayes: 7** Mayor Margolis, Mayor Pro Tem Winget, Deputy Mayor Pro Tem Shinder, Councilmember Galuardi, Councilmember Grubisich, Councilmember Britton, Councilmember Bell

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Approved by *Glenn Meyer*  
Mayor

Date August 16, 2022

Approved to form by *[Signature]*  
City Attorney

Date August 16, 2022

Certified by *Saura Hallmark*  
City Secretary

Date August 16, 2022

