

ORDINANCE 2024 – 05 - 02

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF COMMERCE, TEXAS DESIGNATING CERTAIN AREAS AS DRUG FREE ZONES WITHIN 1,000 FEET OF PREMISES WHERE CHILDREN GATHER; PROVIDING A REPEALER, SEVERABILITY, AND SAVINGS CLAUSE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Commerce is a home rule municipality with the power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code, and the City of Commerce Charter; and;

WHEREAS, the City Council is the governing body of the incorporated City of Commerce and, determines and declares that controlled substances are a serious threat to public safety and especially to the youth in our community; and

WHEREAS, Section 481.134 of the Texas Health and Safety Code establishes certain drug free zones and provides enhanced penalties for violations of the Texas Controlled Substances Act committed in, on or within 1,000 feet of playgrounds, schools, real property owned, rented or leased to a school, school board, or institution of higher learning, and youth centers; and

WHEREAS, Section 481.134 of the Texas Health and Safety Code establishes certain drug free zones and provides enhanced penalties for violations of the Texas Controlled Substances Act committed in, on or within 300 feet of the premises of public swimming pool(s); and

WHEREAS, the City Council determines that establishing a policy to define drug free zones will provide better protection for children gathering in the City; and

WHEREAS, Section 481.135 (A) of the Texas Health and Safety Code provides that a map produced or reproduced by a City or County Engineer for the purpose of showing the location and boundaries of drug free zones is admissible in the evidence and is prima facie evidence of the location or boundaries of those areas if the governing body of the municipality adopts a resolution or ordinance approving the map as an official finding and record of the location or boundaries of those areas; and

WHEREAS, Section 481.135 (C) provides that the City or County Engineer shall file the original or a copy of every approved or revised map approved as provided by Section 481.135 (A) of the Texas Health and Safety Code with the clerk of the county in which the area is located.

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

SECTION 1. INCORPORATION OF PREMISES. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. DEFINITIONS. For the purposes of this section, the following will be used to define and designate “Drug Free Zones” within the City of Commerce:

Definitions:

- A. For the purposes of this Section, the following terms, words, and the derivations thereof shall have the meanings given herein.
1. “Day-Care Center” means a child-care facility that provides care at a location other than the residence of the director, owner, or operator of the child-care facility for seven or more children under 14 years of age for less than 24 hours a day, but at least two hours a day, three or more days a week.
 2. “Minor” means any person younger than eighteen (18) years of age.
 3. “Youth Center” means any recreational facility or gymnasium that:
 - (A) Is intended primarily for use by persons who are 17 years of age or younger; and
 - (B) Regularly provides athletic, civic, or cultural activities.
 4. “Playground” means any outdoor facility that is not on the premises of a school and that is intended for recreation, is open to the public, and contains two or more play stations intended for the recreation of children, such as slides, swing sets, and teeterboards.
 5. “School” means a private or public elementary or secondary school or a day-care center, as defined herein.
 6. “Swimming Pool” means any structure intended or used by the public for swimming or recreation bathing, regardless of size, and including in-ground, aboveground, and on-ground swimming pools. The term shall not include “swimming” or bathing facilities located on private residential property which is not open for use by the public or swimming or bathing facilities located within an apartment or other multi-family housing complex.
 7. “Video Arcade” means any facility that is open to the public, including persons who are 17 years of age or younger, is intended primarily for the use of pinball or video machines, and

contains at least two pinball or video machines.

8. "Premises" means real property and all buildings and appurtenances pertaining to the real property.
9. "Institution of higher education" means any public or private technical institute, junior college, senior college or university, medical or dental unit, or other agency of higher education as defined by Section 61.003 of the Texas Education Code.

- B. A map, Exhibit "A", depicting the prohibited areas shall be maintained by the City of Commerce. The City shall review the map at least annually for changes. The map will be available to the public at the City of Commerce Police Department and Commerce City Hall. Attached Exhibit "B" is a list of prohibited locations as of the 21st date of May, 2024.

SECTION 3. PENALTY. Any person violating any of the provisions of this ordinance shall be guilty of a Class "C" misdemeanor, and upon conviction shall be fined in any sum not to exceed \$2,000.00 for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 4. SAVINGS AND REPEALING CLAUSE. This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 5. SEVERABILITY. If any section, subsection, clause, phrase or provision of this Ordinance, or any application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or any application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and publication of its Caption as required by law and Charter.

PASSED AND APPROVED on the **FIRST READING** at a regular meeting of the City Council of the City of Commerce, Texas on this the 16th day of April 2024.

PASSED AND APPROVED on the **SECOND READING** at a regular meeting of the City Council

of the City of Commerce, Texas on this the 21st day of May 2024.

ATTEST:

CITY OF COMMERCE:

A blue ink signature of Molly Jacobsen, written in a cursive style, positioned above a horizontal line.

Molly Jacobsen, City Secretary

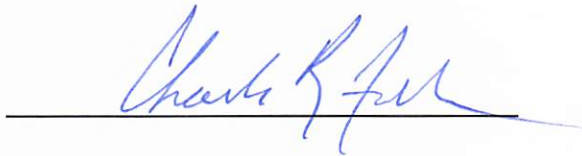
A blue ink signature of Teddy Reel, written in a cursive style, positioned above a horizontal line.

Teddy Reel, Mayor

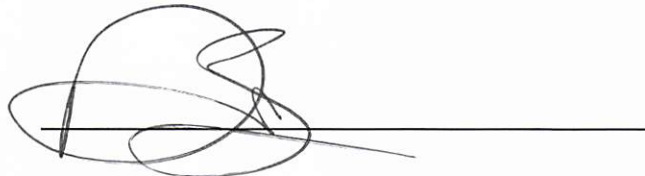
(seal)

Approved as to form:

CITY OF COMMERCE

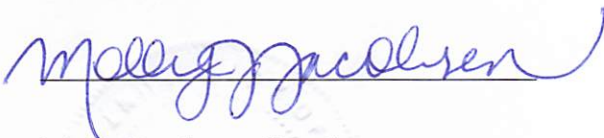
A blue ink signature of Charles Anderson, written in a cursive style, positioned above a horizontal line.

Charles Anderson, City Attorney

A blue ink signature of Kalei Beelitz, written in a cursive style, positioned above a horizontal line.

Kalei Beelitz, Chief of Police

I, Molly Jacobsen, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of an ordinance, and that the same has not been repealed and is in full force and effect.

A blue ink signature of Molly Jacobsen, written in a cursive style, positioned above a horizontal line.

Molly Jacobsen, City Secretary

Exhibit "A"

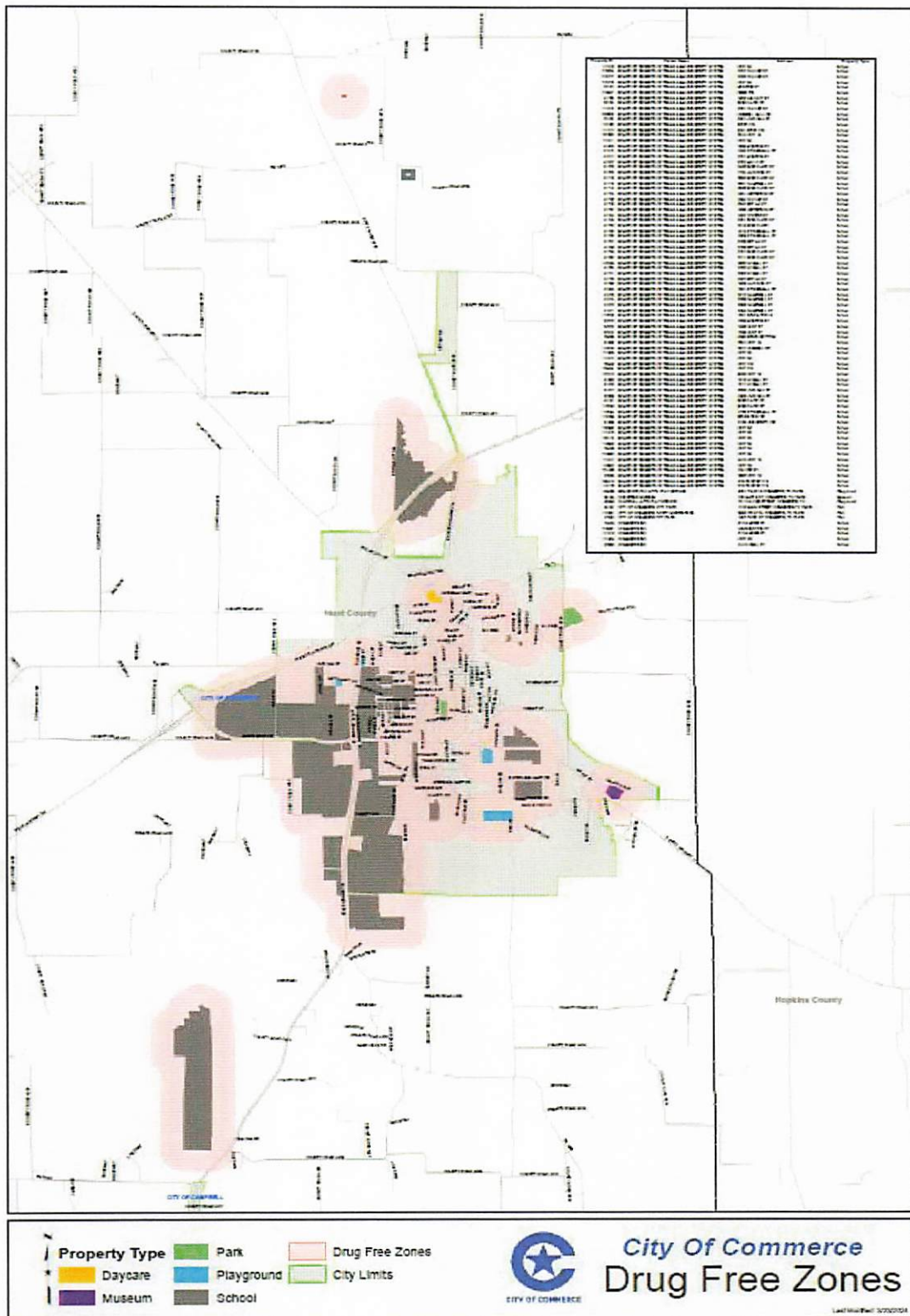


Exhibit "B"

Property ID	Address	Owner Name
22035	2900 HWY 24 COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
23152	MONROE ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
23153	BOIS D ARC ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
23155	2301 LIVE OAK ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
25438	HWY 50 COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
25488	4080 ERWIN BOTTOM COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
25548	HWY 224 COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
31366	2601 HWY 24 COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
31368	2100 UNIVERSITY DR COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
31377	2003 LIVE OAK ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
31379	1611 W NEAL ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
31380	1615 W NEAL ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
41503	1809 MONROE ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
41515	1505 STONEWALL ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
41517	2201 MONROE ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
41522	2202 MAYO ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
41553	1601 STONEWALL ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
41571	2304 CAMPBELL ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
41573	2306 CAMPBELL ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
41574	2308 CAMPBELL ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
41576	2312 CAMPBELL ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM

41700	2406 BOIS D ARC ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
41705	1704 JACKSON ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
41716	2600 BOIS D ARC ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
41718	2601 CAMPBELL ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
41719	2606 BOIS D ARC ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
41724	1801 JEFFERSON ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
41726	1804 CULVER ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
41729	2502 BRYAN ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
41732	1808 JEFFERSON ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
41736	1805 WALNUT ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
41744	1807 COOPER ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
41749	2301 BOIS D ARC ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
41753	2313 BOIS D ARC COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
41755	1813 STONEWALL ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
41756	1809 STONEWALL ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
41757	2208 BRYAN ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
41758	2208 BRYAN ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
41759	2207 BOIS D ARC ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
41760	2211 BOIS D ARC ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
41763	2200 W NEAL ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
41771	2300 W NEAL ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
41776	2307 BRYAN ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
41788	1909 JACKSON ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM

42157	BOIS D ARC ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
52370	1609 MONROE ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
52373	1506 HUNT ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
52374	1508 HUNT ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
52388	1905 LIVE OAK ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
107383	2814 HWY 24 CAMPBELL, TX 75422	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
109483	C COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
109487	1601 STONEWALL ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
110902	HWY 50 COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
110903	HWY 50 COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
111212	5251 SPUR 178 COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
111909	HWY 50 COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
111911	HWY 50 COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
111912	HWY 50 COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
111916	HWY 50 COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
111917	4474 HWY 24 COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
111918	HWY 50 COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
111919	2001 CULVER ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
112028	1601 EDUCATION dr COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
112033	BOIS D ARC ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
112034	1706 STONEWALL ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
112079	2621 HUBBELL DR COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
113179	STATE SPUR 178 COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM

113180	SPUR 178 COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
113239	2600 W NEAL ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
113289	EDUCATION DR COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
122210	6403 HWY 24 COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
123115	HWY 50 COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
125385	HWY 50 COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
125404	HWY 224 COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
213882	HWY 50 COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
215004	2207 CULVER ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
215277	2203 CULVER ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
215278	HWY 50 COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
215647	DEER TRL COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
220803	HUBBELL HALL DR COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
221486	CULVER ST COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
235313	STATE SPUR 178 COMMERCE, TX 75428	BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM
130486	3301 FM 3218 COMMERCE, TX 75428	BRADFORD PLC APTS PLAYGROUND
95184	100 MAPLE ST, COMMERCE, TX 75428	CHILDRENS MUSEUM
30383	731 CULVER STREET, COMMERCE, TX	CHURCHILL APTS PLAYGROUND
54197	1210 MAIN STREET, COMMERCE TX 75428	CITY OF COMMERCE CITY PARK
112361	6950 CR 4729, COMMERCE, TX 75428	CITY OF COMMERCE IVORY MOORE PARK
47692	1907 PARK ST COMMERCE, TX 75428	CITY OF COMMERCE CITY PARK
37619	600 CULVER ST COMMERCE, TX 75428	COMMERCE ISD
37629	221 MAPLE ST COMMERCE, TX 75428	COMMERCE ISD
52863	414 N NEAL ST COMMERCE, TX 75428	COMMERCE ISD
70453	SYCAMORE ST COMMERCE, TX 75428	COMMERCE ISD
105639	2900 FM 3218 COMMERCE, TX 75428	COMMERCE ISD

107013	WASHINGTON ST COMMERCE, TX 75428	COMMERCE ISD
107014	WASHINGTON ST COMMERCE, TX 75428	COMMERCE ISD
111804	HWY 50 COMMERCE, TX 75428	COMMERCE ISD
111810	SYCAMORE ST COMMERCE, TX 75428	COMMERCE ISD
113085	606 CULVER ST 00001 COMMERCE, TX 75428	COMMERCE ISD
122386	3800 SREGIT ST COMMERCE, TX 75428	COMMERCE ISD
216081	WASHINGTON ST COMMERCE, TX 75428	COMMERCE ISD
235312	3800 SREGIT ST COMMERCE, TX 75428	COMMERCE ISD
31385	200 METHODIST DR, COMMERCE TX	CROSSWINDS APT PLAYGROUND
214737	918 BISHOP ST COMMERCE, TX	JOYFUL HEARTS LEARNING CENTER
112762	1126 MAIN STREET, COMMERCE TX 75428	LI SHER DANCE STUDIO
38680	2102 LIVE OAK, COMMERCE. TX 75428	MCDONALD'S
110246	2102 LIVE OAK, COMMERCE. TX 75428	MCDONALD'S
123862	2102 LIVE OAK, COMMERCE, TX 75428	MCDONALD'S
28320	1059 WOLFE CITY DR COMMERCE, TX 75428	SONSHINE CENTER DAYCARE