

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 8 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY REPEALING ORDINANCE NO. 4104 THEREBY DELETING ARTICLE XII IN ITS ENTIRETY; PROVIDING A REPEALER CLAUSE; AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, the City Council adopted Ordinance No. 4104 on September 7, 2010, that prohibited the use, purchase, possession and sale of illegal smoking products and ingestion devices within the city limits for substances that had not yet been designated as controlled substances under the laws of the State of Texas or under the laws of the United States; and

WHEREAS, House Bill 2118 and Senate Bill 331, adopted by the 82nd Texas Legislature, both became effective on September 1, 2011, and added certain chemically made substances including synthetic marijuana, spice and K2 to the Texas Controlled Substances Act; and

WHEREAS, House Bill 124, adopted by the 83rd Texas Legislature, became effective on September 1, 2013, and added Salvia divinorum to the Texas Controlled Substances Act; and

WHEREAS, Ordinance No. 4104 is no longer necessary since the regulation of the prohibited substances has been pre-empted by State law.

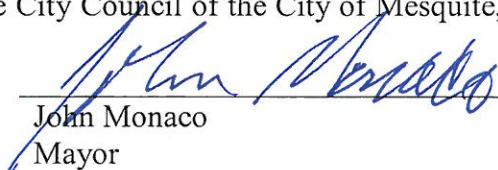
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

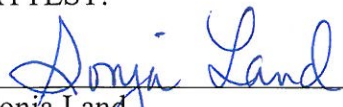
SECTION 1. That Chapter 8 of the Code of the City of Mesquite, Texas, as amended, is hereby amended by deleting Article XII in its entirety.

SECTION 2. That Ordinance No. 4104 is hereby repealed in its entirety as of the date of this ordinance. If any other ordinances of the City contain provisions in conflict with this ordinance, the portions in conflict are hereby repealed and the portions not in conflict herewith shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 3rd day of February, 2014.

  
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John Monaco  
Mayor

ATTEST:  
  
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Sonja Land  
City Secretary

APPROVED:  
  
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B. J. Smith  
City Attorney