

1-26-22

ORDINANCE NO. 32125

An ordinance amending Chapter 41A, “Sexually Oriented Businesses,” of the Dallas City Code by amending Sections 41A-9, 41A-16, 41A-17, and 41A-20.1 and adding a new Section 41A-14.3; prohibiting a sexually oriented business from employing or contracting with a person who is under the age of 21; providing that sexually oriented businesses may not operate between 2:00 a.m. and 6:00 a.m. each day; providing that a sexually oriented business license shall be suspended for a period not to exceed 30 days for a violation of the hours of operation; providing a penalty not to exceed \$4,000 and confinement in jail not to exceed one year; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the 87th Texas Legislature met in regular session between January 12, 2021 and May 31, 2021; and

WHEREAS, S.B. 315 was filed on January 11, 2021; and

WHEREAS, S.B. 315 prohibits a sexually oriented business from employing or contracting with a person who is under the age of 21; and

WHEREAS, S.B. 315 was approved by both chambers of the Texas Legislature; and

WHEREAS, S.B. 315 was signed by Governor Greg Abbott on May 24, 2021 and took effect immediately; and

WHEREAS, the Dallas Police Department created the northwest club taskforce in March 2021 due to multiple shootings and other violent crimes occurring at or near sexually oriented businesses; and

WHEREAS, crime data shows a significant increase in violent crime and drug and gun arrests at or near sexually oriented businesses between the hours of 2:00 a.m. and 6:00 a.m.; and

WHEREAS, Dallas Fire-Rescue Department data shows a significant increase in the number of calls for service at sexually oriented businesses between the hours of 2:00 a.m. and 6:00 a.m.; and

WHEREAS, a 2012 research study by McCord and Tewksbery analysing sexually oriented businesses in Louisville, Kentucky showed that there were higher rates of all types of criminal offenses in the immediate vicinity of sexually oriented businesses and that the effects of sexually oriented businesses significantly impact the local community; and

WHEREAS, a 2008 study by McCleary showed that when a sexually oriented business opens on an interstate highway offramp in a rural community, total crime rises by 60 percent; and

WHEREAS, a 2012 study by Weinstein and McCleary showed that sexually oriented businesses are associated with a higher incidence of crime regardless of the business's location; and

WHEREAS, the cities of Beaumont, Texas and Amarillo, Texas produced a report showing that sexually oriented businesses: (1) promote prostitution, drug use, and other criminal activity; (2) have a deleterious effect on existing businesses and the surrounding residential areas adjacent to them, and (3) increase crime, and that there is a positive correlation between the hours of operation of a sexually oriented business and higher crime rates; and

WHEREAS, based upon this data the Dallas City Council finds that the operation of sexually oriented businesses between the hours of 2:00 a.m. and 6:00 a.m. is detrimental to the public health, safety, and general welfare; and

WHEREAS, the city council wishes to reduce crime and conserve police and fire-rescue resources by requiring sexually oriented businesses to be closed for business between the hours of 2:00 a.m. and 6:00 a.m.; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 41A-9, "Suspension," of Chapter 41A, "Sexually Oriented Businesses," of the Dallas City Code is amended to read as follows:

“SEC. 41A-9. SUSPENSION.

The chief of police shall suspend a license for a period not to exceed 30 days if the chief of police determines that a licensee, an operator, or an employee has:

(1) violated or is not in compliance with Section 41A-4(h), 41A-7, 41A-7.1, 41A-13, 41A-14.1, 41A-14.2, 41A-14.3, 41A-15, 41A-16, 41A-17, 41A-18, 41A-18.1, 41A-19, or 41A-20 of this chapter;

(2) refused to allow an inspection of the sexually oriented business premises as authorized by this chapter; or

(3) knowingly permitted gambling by any person on the sexually oriented business premises.

SECTION 2. That Chapter 41A, “Sexually Oriented Businesses,” of the Dallas City Code is amended by adding a new Section 41A-14.3, “Hours of Operation,” to read as follows:

“SEC. 41A-14.3. HOURS OF OPERATION.

(a) A sexually oriented business must be closed for business each day between the hours of 2:00 a.m. and 6:00 a.m.

(b) This section shall be reviewed by the appropriate city council committee on or before January 26, 2024, and by the January of every even numbered year thereafter.”

SECTION 3. That Subsection (a) of Section 41A-16, “Additional Regulations for Nude Model Studios,” of Chapter 41A, “Sexually Oriented Businesses,” of the Dallas City Code is amended to read as follows:

“(a) A person commits an offense if he knowingly allows a person under 21 years of age to appear in a state of nudity in or on the premises of a nude model studio. [~~Reserved.~~]”

SECTION 4. That Subsection (a) of Section 41A-17, “Additional Regulations for Adult Motion Picture Theaters,” of Chapter 41A, “Sexually Oriented Businesses,” of the Dallas City Code is amended to read as follows:

“(a) A person commits an offense if he knowingly allows a person under 21 years of age [~~minor~~] to appear in a state of nudity in or on the premises of an adult motion picture theater.”

SECTION 5. That Section 41A-20.1, "Prohibitions Against Minors In Sexually Oriented Businesses," of Chapter 41A, "Sexually Oriented Businesses," of the Dallas City Code is amended to read as follows:

"SEC. 41A-20.1. PROHIBITIONS AGAINST MINORS IN SEXUALLY ORIENTED BUSINESSES.

- (a) A licensee or operator commits an offense if he knowingly:
- (1) allows a minor to enter the interior premises of a sexually oriented business;
 - (2) employs, contracts with, or otherwise engages or allows a person under 21 years of age [~~minor~~] to perform adult cabaret entertainment; or
 - (3) employs a person under 21 years of age [~~minor~~] in a sexually oriented business.
- (b) Knowledge on the part of the licensee or operator is presumed under Paragraph (2) or (3) of Subsection (a) if identification records were not kept in accordance with the requirements of Section 41A-7.1, and properly kept records would have informed the licensee or operator of the person's [~~minor's~~] age.
- (c) An employee commits an offense if the employee knowingly:
- (1) allows a minor to enter the interior premises of a sexually oriented business;
 - (2) employs, contracts with, or otherwise engages or allows a person under 21 years of age [~~minor~~] to perform adult cabaret entertainment; or
 - (3) employs a person under 21 years of age [~~minor~~] in a sexually oriented business.
- (d) A minor commits an offense if the minor knowing enters the interior premises of a sexually oriented business."

SECTION 6. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$4,000 and confinement in jail not to exceed one year.

SECTION 7. That Chapter 41A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

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SECTION 8. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 9. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 10. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By  _____
Assistant City Attorney

Passed **JAN 26 2022**



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL JAN 26 2022

ORDINANCE NUMBER 32125

DATE PUBLISHED JAN 29 2022

ATTESTED BY: