

# Memorandum



CITY OF DALLAS

DATE November 10, 2021

TO Honorable Members of the Quality of Life, Arts and Culture Committee

SUBJECT **Amendments to Chapter 41A, “Sexually Oriented Businesses,” of the Dallas City Code to increase the minimum age for employees and contractors; and to impose hours of operation**

The following item has been prepared in response to comply with recent state law changes and to address ongoing criminal activity at sexually oriented businesses:

Proposed amendments to:

1. Chapter 41A, “Sexually Oriented Businesses,” of the Dallas City Code to increase the minimum age for employees and contractors; and
2. Chapter 41A, “Sexually Oriented Businesses,” of the Dallas City Code to impose hours of operation.

The purpose of Chapter 41A is to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the city; to establish reasonable and uniform regulations to prevent the continued concentration of sexually oriented businesses within the city; and to minimize the deleterious secondary effects of sexually oriented businesses both inside such businesses and outside in the surrounding communities.

The provisions of the chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials or performances, including sexually oriented materials and performances. Similarly, it is neither the intent nor effect of the chapter to restrict or deny access by adults to sexually oriented materials and performances protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

The proposed amendments aim to further reduce the occurrence of crime at the properties.

## **1. Age requirements.**

During the last legislative session, the state legislature approved S.B. 315 which prohibits a sexually oriented business from employing or contracting with a person under the age of 21. Chapter 41A currently prohibits a sexually oriented business from employing anyone under the age of 18. The proposed amendment will bring Chapter 41A in line with recently passed state law.

## **2. Hours of operation.**

Several Texas cities impose hours of operation on sexually oriented businesses. Chairman Bazaldua requested that the committee consider whether Dallas should impose similar hours of operation. Example from other cities include:

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- El Paso—requires sexually oriented businesses to be closed between 2:00 a.m. and 6:00 a.m.
- Fort Worth—requires sexually oriented businesses to be closed between 2:00 a.m. and 10:00 a.m., Sunday through Thursday, and between 3:00 a.m. and 10:00 a.m., Fridays and Saturdays. A sexually oriented business may remain open until 4:00 a.m. on Fridays and Saturdays if the business has a valid food establishment permit issued by the city.
- San Antonio—requires sexually oriented businesses to be closed between 2:15 a.m. and 7:00 a.m.
- Plano—requires sexually oriented businesses to be closed between 2:00 a.m. and 10:00 a.m.
- Grand Prairie—requires sexually oriented businesses to be closed between 2:00 a.m. and 7:00 a.m., Monday through Saturday, and between 2:00 a.m. and 12:00 p.m. on Sunday.

Regulation of sexually oriented businesses implicates freedom of speech protections under the U.S. and Texas Constitutions, and a public hearing assists the City Council to gather evidence upon which it can rely in determining that the regulation furthers a substantial governmental interest that is unrelated to the suppression of free expression and that the restriction is no greater than is essential to the furtherance of that interest. It is the recommendation of the City Attorney's Office that the above amendments be briefed in a public hearing.

Please contact Chris Caso, City Attorney, if you have questions.



Joey Zapata,  
Assistant City Manager

c:	T.C. Broadnax, City Manager	Majed A. Al-Ghafry, Assistant City Manager
	Chris Caso, City Attorney	Jon Fortune, Assistant City Manager
	Mark Swann, City Auditor	Dr. Eric A. Johnson, Chief of Economic Development & Neighborhood Services
	Biliera Johnson, City Secretary	M. Elizabeth Reich, Chief Financial Officer
	Preston Robinson, Administrative Judge	M. Elizabeth (Liz) Cedillo-Pereira, Chief of Equity and Inclusion
	Kimberly Bizzor Tolbert, Chief of Staff to the City Manager	Directors and Assistant Directors