



Legislation Details (With Text)

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**Type:** ITEMS FOR INDIVIDUAL CONSIDERATION      **Status:** Approved as Amended

**File created:** 1/10/2022      **In control:** Mayor and City Council Office

**On agenda:** 1/26/2022      **Final action:**

**Title:** 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; (1) prohibiting a sexually oriented business from employing or contracting with a person who is under the age of 21; (2) providing that sexually oriented businesses may not operate between 2:00 a.m. and 6:00 a.m. each day; (3) 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; (4) providing a penalty not to exceed \$4,000.00 and confinement in jail not to exceed one year; (5) providing a saving clause; (6) providing a severability clause; and (7) providing an effective date - Financing: No cost consideration to the City

**Sponsors:**

**Indexes:** 100

**Code sections:**

**Attachments:** 1. Memorandum, 2. Ordinance

Date	Ver.	Action By	Action	Result
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**STRATEGIC PRIORITY:** Public Safety

**AGENDA DATE:** January 26, 2022

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Mayor and City Council Office

**EXECUTIVE:** Kimberly Bizzor Tolbert

**SUBJECT**

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; **(1)** prohibiting a sexually oriented business from employing or contracting with a person who is under the age of 21; **(2)** providing that sexually oriented businesses may not operate between 2:00 a.m. and 6:00 a.m. each day; **(3)** 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; **(4)** providing a penalty not to exceed \$4,000.00 and confinement in jail not to exceed one year; **(5)** providing a saving clause; **(6)** providing a severability clause; and **(7)** providing an effective date - Financing: No cost consideration to the City

**BACKGROUND**

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.

Sexually oriented business means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency or nude model studio as defined in Dallas City Ordinance Chapter 41A.

The Dallas Police Department formed a taskforce in March 2021 due to multiple shootings and other violent crimes occurring at or near sexually oriented businesses.

DPD 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. Dallas Fire-Rescue data also 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.

A 2012 research study by McCord and Tewksbery analyzing 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.

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.

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.

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.

Several Texas cities impose hours of operation on sexually oriented businesses. Example from other cities include:

- 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.

The proposed amendments as to hours of operation aim to further reduce the occurrence of crime at the properties, improve public safety, and reduce the demand on City police and fire services.

In addition, 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 as to age requirements will bring Chapter 41A in line with recently passed state law.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

City Council was briefed on Sexually Oriented Business (SOB): Age Change and Hours of Operation on January 5, 2022.

Information about this item was provided to the Quality of Life, Arts, and Culture Committee on December 6, 2021.

Information about this item was provided to the Public Safety Committee on December 13, 2021.

### **FISCAL INFORMATION**

No cost consideration to the City.