

AGENDA ITEM # 25

May 5, 1998

Consider approving revised sexually oriented business ordinance.

First Assistant County Attorney Dale Rye introduced written testimonies of Williamson County Sheriff Ed Richards and Avis Wukasch and Summary of land use studies relating to secondary effects of "Adult" businesses.

The office of the County Attorney had also researched this subject matter in other counties. Mr. Rye then read 20 specific findings into the court minutes for public record.

Moved: Commissioner Heiligenstein

Seconded: Commissioner Mehevec

Motion: To approve revised sexually oriented business ordinance effective immediately.

Vote: Motion carried 5 - 0

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Order Amending Williamson County Sexually Oriented Business Ordinance

The State of Texas }
County of Williamson } Know All Men By These Presents:

That on this, the 5th day of May, A. D. 1998, the Commissioners Court of Williamson County, Texas, met in duly called and convened lawful Session at the County Courthouse in Georgetown, Texas, with the following members present:

John Doerfler, County Judge, Presiding,
Mike Helligenstein, Commissioner Precinct One,
Greg Boatright, Commissioner Precinct Two, and
David Hays, Commissioner Precinct Three, and
Jerry Mehevec, Commissioner Precinct Four,

where, among other matters, came up for consideration and adoption the following Order:

Whereas, the Williamson County Commissioners Court asked County Attorney Eugene D. Taylor to research the County's Sexually Oriented Business Ordinance and make recommendations for possible amendments;

Whereas, the County Attorney, after legal and factual research and consultation with other jurisdictions has made his recommendations to this Court, the members of the Court have made their own investigation of the facts supporting the proposed amendments, and members of the public have been invited to make their comments on the proposals at several meetings of the Court held after appropriate notice to the public;

Whereas, on the basis of substantial evidence the Court finds that all of such proposed amendments are not only required to protect the health, safety, and welfare of the people of this County, but also represent the effective approach that least restricts the freedom of expression and private property rights of those who might wish to lawfully conduct such businesses; and

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Whereas, the Court makes the following specific findings:

1. Customers of a sexually oriented business are often drawn from a much wider area than the customers of other businesses, and the behavior of the employees and patrons of sexually oriented businesses are generally inconsistent with the behavior and attitudes of the residents, employees, and customers who are normally found in areas oriented to families with children.
2. Sexually oriented businesses have a distinct and unique impact on the character of the neighborhood where they are located. The location of a sexually oriented business in a residential or commercial neighborhood oriented toward families contributes to the decline of the neighborhood and negatively impacts public health, safety, and welfare by lowering property values, elevating criminal activity, and changing the character of the neighborhood to make it unappealing to families with children, thus further aggravating the impact on the neighborhood.
3. There is a documented relationship between sexually oriented businesses and higher crime rates, particularly property and sexual crimes. In addition to the more obvious offenses, the lucrative nature of these businesses often attracts sophisticated crimes such as money laundering, credit card fraud, and organized criminal activity. This higher crime rate burdens the general public with the costs directly associated with the additional law enforcement, prosecution, and incarceration required.
4. Crimes such as prostitution and drug offenses are additionally associated with higher incidences of disease. The casual and promiscuous sexual activity commonly associated with these businesses is also significantly linked to increased disease rates. Higher disease rates carry significant costs to every member of the public in the form of increased taxation and insurance expenses, to say nothing of the increased health risks to the employees, patrons, and general public.
5. Regulation of sexually oriented businesses is a reasonable step to significantly reduce criminal or inherently dangerous activity that would otherwise be associated with the regulated businesses, and thereby protect the public with a minimal burden on the law enforcement and health service systems.
6. Sexually oriented businesses require special supervision from the public safety and health agencies of government in order to protect the health, safety, and

welfare of the patrons and employees of these businesses, as well as the general public.

7. Proper regulation of sexually oriented businesses can defend the public health, safety, and welfare by reducing crime and the spread of disease, preserving neighborhoods, protecting property values and the quality of life, and promoting development consistent with a family oriented community such as Williamson County.

8. There is a reasonable relationship between the commission of the offenses specified in the proposed regulations and participation in a criminal culture which should be excluded from the operation of sexually oriented businesses. Regulation of individuals who engage in these businesses, based on the prior criminal behavior of themselves and the persons with whom they reside, will act to preserve public health, safety, and welfare.

9. The elevated criminal activity and excessive traffic around sexually oriented businesses creates a clear and present danger to the public that is inconsistent with the normal operation of child care facilities, educational institutions, dwellings, hospitals, public buildings, public parks, places of religious worship, and public roads and highways. A buffer distance of 1500 feet is required, and is not excessive, to protect these institutions, and the children and adults who frequent them, from the adverse secondary effects of sexually oriented businesses, and to protect family oriented neighborhoods from the adverse consequences discussed above.

10. A buffer distance of one mile between sexually oriented businesses is required, and is not excessive, to avoid the creation of a "combat zone" with greatly increased crime and disease and greatly decreased property values. Such zones would impose an impossible burden on the taxpaying public.

11. A one mile buffer between sexually oriented businesses and penal institutions is necessary, and is not excessive, both to preserve the rehabilitative atmosphere of the penal institutions and to protect the patrons and employees of the businesses from released or escaped individuals with a proven propensity for criminal activity.

12. The area and population density of the unincorporated portions of Williamson County are such that there is ample available real estate, accessible from the public road network, where sexually oriented businesses could locate in

compliance with these regulations. These regulations do not create a prohibition or impose unreasonable restrictions on the right to conduct any lawful business.

13. Reasonable oversight is required to regulate sexual activities associated with sexually oriented businesses. These activities occurring in a place of public accommodation and posing a risk to public health are not protected by any constitutional right to privacy and may violate the penal laws. The lighting, distance, and visibility requirements in the proposed amendments are reasonable regulations to protect the public health, safety, and welfare from the occurrence of crime, disease, and dangerous activities.

14. Nudity in the areas of a sexually oriented business accessible or visible to the patrons significantly increases the probability of prostitution, public lewdness, and assault. The requirement that a performer or employee be minimally clothed does not deprive the performance of its constitutionally protected erotic message, but merely makes the message slightly less graphic while imposing only incidental limitations on the message.

15. Requiring the employees to wear identification at all times will significantly further the legitimate goals of law enforcement and regulation by enabling peace officers and inspectors to distinguish between employees and patrons, and to identify employees who are violating the regulations, while imposing only a minimal burden on the employees and their self-expression.

16. Motels and hotels that rent rooms for unusually short periods are often fronts for the promotion of prostitution and should be regulated as sexually oriented businesses. The proposed amendments should place only minimal burdens on non-sexually oriented businesses.

17. A prohibition on the use or consumption of alcoholic beverages in sexually oriented businesses is reasonably related to the goals of reducing criminal or dangerous behavior on and around these premises, and should be within the proper scope of county regulatory power.

18. Nothing in the proposed amendments is intended to preempt any state law in a manner that has not been authorized by the state constitution or legislature. Specifically, there is no intent to affect the general applicability of the state criminal statutes, which shall continue to apply to activities at sexually oriented businesses as at any other place. In the event that it should ever be found by a court of competent jurisdiction that state law preempts any portion of the

County regulations, it is intended that that portion be severed without otherwise affecting the overall regulatory scheme.

19. The fee schedule proposed represents a reasonable estimate of the actual costs to government that the regulation of a sexually oriented business and its employees will require.

20. The proposed amendments place the minimum burden on the free expression of individuals and the rights of private property owners that is consistent with the protection of public health, safety, and welfare.

Therefore be it Ordered, that the Williamson County Commissioners Court find, and does hereby find, that there is a public necessity for making these amendments to the Sexually Oriented Business Ordinance;

Further Ordered, that the Court adopt, and does hereby adopt by Order pursuant to its authority under Chapter 243, Texas Local Government Code, the Amended Ordinance as set out in the attached document entitled "The Regulations for Sexually Oriented Businesses in the Unincorporated Area of Williamson County, Texas" (which said Regulations are hereby incorporated as fully and completely as if set out verbatim in this Order), adopts the penalty provisions contained in those Regulations, and hereby orders all the officers and employees of Williamson County to enforce the said Regulations and this Order; and

Further Resolved, that County Judge John Doerfler be, and is hereby, authorized to sign this Order as the act and deed of Commissioners Court, with the said Amended Ordinance to take effect immediately.

The foregoing Order was lawfully moved by Commissioner Heiligenstein, duly seconded by Commissioner Mehevec, and duly adopted by the Commissioners Court on a vote of 5 members for the motion and none opposed.



John C. Doerfler 5-5-98
John Doerfler, Williamson County Judge

Melba Kemble
Melba Kemble, Williamson County Clerk

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**THE REGULATIONS FOR SEXUALLY ORIENTED BUSINESSES
IN THE UNINCORPORATED AREA OF WILLIAMSON COUNTY, TEXAS**

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ORDER OF THE COMMISSIONERS COURT

SECTION I PURPOSE AND INTENT

1. It is the purpose of this order in conformity with Chapter 243 of the Local Government Code of Texas to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the county, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the county. The provisions of this order have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this order to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. The promotion of obscene material (not protected by the First Amendment) is enforceable through separate criminal sanctions under the Penal Code.

2. It is the intent of the Commissioners Court that the locational regulations of this order are promulgated pursuant to 243.001 et. seq. Local Government Code, as they apply to sexually oriented business.

SECTION II DEFINITIONS

In this order:

1. **ADULT ARCADE** means any place to which the public is permitted or invited wherein coin-oriented or slug- operated or electronically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas"

2. **ADULT BOOKSTORES or ADULT VIDEO STORE** means a commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:

- a. books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or

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- b. instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."
 - c. software programs which depict or describe "specified sexual activities" or specified anatomical areas
- A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as ADULT BOOKSTORE or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE or ADULT VIDEO STORE so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials that depict or describe "specified sexual activities" or "specified anatomical areas." A principal business purpose need not be a primary use of an establishment so long as it is a significant use based upon the visible inventory or commercial activity of the establishment.

3. **ADULT CABARET** means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- a. persons who appear in a state of nudity or semi-nudity, or
- b. live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- c. films, motions pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- d. persons who engage in erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

4. **ADULT MOTEL** means a hotel, motel or similar commercial establishment which:

- a. offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, film, motion pictures, video cassettes, compact discs, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
- b. offers a sleeping room for rent for a period of time that is less than

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- 15 hours; or
- c. allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 15 hours.

5. **ADULT MOTION PICTURE THEATER** means a commercial establishment where for any form of consideration, films, motion pictures, video cassettes, compact discs slides or similar photographic reproductions are regularly shown and are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

6. **ADULT THEATER** means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

7. **APPLICANT** means a person who must apply for a license by this act.

8. **CHILD CARE facility** means a building used as a day nursery, children's boarding home, child placing agency or other place for the care or custody of children under fifteen years of age.

9. **CHURCH or PLACE OF RELIGIOUS WORSHIP** means a building in which persons regularly assemble for worship, intended primarily for purposes connected with faith, or for propagating a particular form of belief.

10. **COUNTY DIRECTOR OR DIRECTOR** means the Williamson County Health Director or his designated agent.

11. **ELDER CARE FACILITY** means a building providing for needs of elderly, whether residential or on an interim basis including parts of a day.

12. **DWELLING** means a house, duplex, apartment, townhouse, condominium, mobile home, or any other building used for residential purposes, whether single family or multi-family, attached or detached, and regardless of whether tenant or owner occupied.

13. **EMPLOYEE** means a person who performs any service on the premises of a sexually oriented business on a full time, part time, contract basis, or independent basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage, or other compensations by the operator of said business. "Employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for delivery of goods to the premises, nor does "employee" include a person exclusively on the premises as a patron or customer.

14. **ESCORT** means a person who, for consideration, agrees or offers to act as a companion, guide or date for another person or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

15. **ESCORT AGENCY** means a business association which furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration.

16. **ESTABLISHMENT** means and includes any of the following:

- a. the opening or commencement of any sexually oriented business as a new business;
- b. the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- c. the addition of any sexually oriented business to any other existing sexually oriented business;
- d. the relocation of any sexually oriented business; or
- e. a location and place of business.

17. **FAMILY ORIENTED ENTERTAINMENT BUSINESS** means a place of public entertainment directed to families, including but limited to younger children.

18. **INTERESTED PARTY** means any person who owns or leases real property within one thousand five hundred (1,500) feet of a sexually oriented business; any official who is elected by residents of Williamson County but specifically excepting the applicant and the following officials elected in Williamson County: all magistrates, the Sheriff, District Attorney and the County Attorney.

19. **HOSPITAL** means a building used to provide health services for human in-patient or out-patient medical care for the sick or injured, licensed pursuant to the Texas Hospital Licensing Law, Vernon's Texas Codes Annotated Health and Safety Code Chapter 241, or operated by an agency of the federal government, or a convalescent facility licensed pursuant to Vernon's Texas Codes Annotated Health and Safety Code Chapter 242.

20. **LICENSEE** means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license on a person licensed under this act.

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21. **MASSAGE PARLOR** means any place where a portion of the body of a person is massaged by any portion of the body of another, when either person is in a state of nudity or semi-nudity, and where such service is performed for any form of consideration. This shall not include a facility licensed under VERNON'S TEXAS CODES ANNOTATED, Art. 4512k, so long as the facility is operating within the prescribed rules of that Statute.

22. **NUDE MODEL STUDIO** means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

23. **NUDITY or a STATE OF NUDITY** means:

- a. the appearance of human bare buttocks, anus, male genitals, female genitals, pubic region or female breasts below a horizontal line across the top of the areola at it's highest point.; or
- b. a state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, pubic region or the female breast below a horizontal line across the top of the areola at it's highest point.

24. **PERSON** means an individual, proprietorship, partnership, corporation, association or other legal entity.

25. **PREMISES** means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a Owner/Operator Permit as provided herein.

26. **PRINCIPAL BUSINESS or PRIMARY BUSINESS MEANS:**

- a. 25% or more of the gross floor area is devoted to sale, display or inventory of items which depict or describe "specified sexual activities" or "specified anatomical areas" or which are designed for use in connection with "specified sexual activities"; or,
- b. 25% or more of the gross receipts is derived from the sale, or rental of items which depict or describe "specified sexual activities" or "specified anatomical areas" or which are designed for use in connection with "specified sexual activities."

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27. **PUBLIC BUILDING** means a building used by a federal, state or local governmental agency and open to the general public.

28. **PUBLIC PARK** means a tract of land maintained by the federal, state or local government for the recreation and enjoyment of the general public.

29. **RESIDENTIAL DISTRICT** means a single family, duplex, townhouse, multiple family or mobile home district.

30. **RESIDENTIAL USE** means a single family, duplex, multiple family, or "mobile home park mobile home subdivision and campground" used as a residence.

31. **SCHOOL** means a building where persons regularly assemble for the purpose of instruction or education together with the playgrounds, dormitories, stadium and other structures or grounds used in conjunction therewith.

32. **SEMI-NUDE** means a state of dress in which clothing-covers no more than the genitals, pubic region, and areola and/or the lower portion of the female breast, as well as portions of the body covered by supporting straps or devices.

33. **SEXUAL ENCOUNTER CENTER** means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- a. physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- b. activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude, including "tub clubs" or "exotic tan centers".

34. **SEXUALLY ORIENTED BUSINESS** means a sex parlor, nude studio, nude modeling studio; love parlor, adult bookstore, adult movie theater, adult video arcade, adult movie arcade, adult video store, adult cabaret, escort agency, sexual encounter center, massage parlor, sexually oriented dance hall, topless bar, or other topless establishments, adult motel, or other commercial enterprise the primary business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer whether conducted within a building, a temporary enclosure, or out of doors.

35. **SEXUALLY ORIENTED DANCE HALL** means any place:

- a. Where dancing is permitted one (1) day a week or more by a person in a state of nudity, semi-nudity or simulated nudity; or
- b. that is advertised either on or off the premises as;
 - i. topless;
 - ii. a gentleman's club, bar or saloon;
 - iii. adult entertainment;
 - iv. X-rated; or,
 - v. By any other term calculated to attract patrons with nudity,

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semi-nudity or simulated nudity

36. SHERIFF means the Sheriff of Williamson County or his designated agent.
37. SIMULATED NUDITY means a state of dress in which any device or covering, exposes to view, is worn that simulates any part of the genitals, buttocks, pubic region, or areola of the female breast.
38. SPECIFIED ANATOMICAL AREAS means
 - a. the human male genitals in a discernibly turgid state, even if fully and opaquely covered:
 - b. less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below a point immediately above the top of the areola.
39. SPECIFIED CRIMINAL ACTIVITY means any of the following offenses:
 1. any of the following offenses as described in Chapter 43 of the Texas Penal Code:
 - a. prostitution;
 - b. promotion of prostitution;
 - c. aggravated promotion of prostitution;
 - d. compelling prostitution;
 - e. obscene display or distribution
 - f. obscenity,
 - g. sale, distribution, or display of harmful material to minor,
 - h. sexual performance by a child;
 - i. employment harmful to a child,
 - j. possession of child pornography, or
 - k. promotion of child pornography.
 2. any of the following offenses as described in Chapter 21 of the Texas Penal Code:
 - a. public lewdness;
 - b. indecent exposure;
 - c. indecency with a child;
 3. sexual assault or aggravated sexual assault as described in Chapter 22 of the Texas Penal Code;

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4. any of the following offenses as described in Chapter 25 of the Texas Penal Code;
 - a. prohibited sexual conduct,
 - b. violation of a protective order or magistrates order,
 - c. sale or purchase of a child, or
 - d. harboring a runaway child
5. gambling, gambling promotion, keeping a gambling place, communicating gambling information, possession of gambling devices or equipment, or possession of gambling paraphernalia as described in Chapter 47 of the Texas Penal Code;
6. forgery, credit card abuse or commercial bribery as described in Chapter 32 of the Texas Penal Code;
7. a criminal offense as described in Chapter 481, Subchapter D of the Health and Safety Code, Texas Controlled Substance Act;
8. a criminal offense as described in Chapter 34 of the Texas Penal Code Money Laundering;
9. criminal attempt, conspiracy or solicitation to commit any of the foregoing offenses;
10. any similar sex-related offenses to those described above under the criminal or penal code of this state, other states, or other countries.
11. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

40. **SPECIFIED SEXUAL ACTIVITIES** means and includes any of the following:

1. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy,
3. masturbation, actual or simulated; or
4. excretory functions as part of or in connection with any of the activities set forth in 1. through 3. above.

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41. **SUBSTANTIAL ENLARGEMENT OF A SEXUALLY ORIENTED BUSINESS** means the increase in floor area occupied by the business by 50 square feet or 10 percent of the floor space, whichever is less, as the floor area exists on April 7, 1998.

42. TRANSFER OF OWNERSHIP OR CONTROL of a sexually oriented business means and includes any of the following:

1. the sale, lease, or sublease of the business;
2. the transfer of securities which constitute an interest in the business, whether by sale, exchange or similar means; or
3. the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of the law upon the death of the person possessing the ownership or control.

SECTION III. CLASSIFICATION

Sexually oriented businesses are classified as follows:

1. adult arcades;
2. adult bookstores or adult video stores;
3. adult cabarets;
4. adult motels;
5. adult motion picture theaters;
6. adult theaters,
7. escort agencies;
8. nude model studios; and
9. sexual encounter centers.
10. sexually oriented dance hall
11. massage parlor

SECTION IV. LICENSE REQUIRED

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1. The following are required to be licensed:

- a. All owners, and/or operators, clerks and employees of a sexually oriented business are required to be licensed to own, operate or work in said business.
 - b. All corporations, stockholders, directors and officers of any sexually oriented business and their employees.
 - c. All partners in any sexually oriented business and their employees.
2. It shall be unlawful:
- a. For any person to operate a sexually oriented business without a valid sexually oriented business license issued by the Director pursuant to this ordinance;
 - b. For any person who operates a sexually oriented business to employ a person to work and/or perform services on the premises of the sexually oriented business, if such employee is not in possession of a valid sexually oriented business employee license issued to such employee by the Director pursuant to this ordinance;
 - c. For any person to obtain employment with a sexually oriented business if such person is not in possession of a valid sexually oriented business employee license issued to such person by the Director pursuant to this ordinance.
 - d. For any person to counterfeit, forge, change, deface or alter a sexually oriented business license, employee permit, or identification used in conjunction with this order.
 - e. It shall be a defense to subsections b. and c. of this section if the employment is of a limited duration and for the sole purpose of repair and/or maintenance of machinery, equipment, or the premises.

Violation of any provision within this Subsection shall constitute a **Class A MISDEMEANOR**.

- 3. Applications for a business license, whether original or renewal, must be made to the Director by the intended operator of the enterprise. Applications must be completed on the form provided by the Director and submitted to the office of the Director or the Director's designee during regular working hours.
- 4. The applicant has an affirmative duty to supplement an application with new information received subsequent to the date the application was deemed completed.

SECTION V.
APPLICATION FOR OWNERS/OPERATORS PERMIT

1. It shall be unlawful:
 - a. For any person to open or operate a sexually oriented business location in the unincorporated areas of Williamson County, Texas if such person is not in possession of a valid sexually oriented business OWNERS/OPERATORS PERMIT issued to such person by the Director pursuant to this ordinance.
 - b. No sexually oriented business may be open or in operation in the unincorporated areas of Williamson County, Texas without an appropriate OWNERS/OPERATORS PERMIT issued by the County showing that the business is currently licensed. Such identification shall be available at all times for inspection and shall be conspicuously displayed near the main entrance at all times while the business is open and/or operating.
 - c. Violation of any provision within this Subsection shall constitute a **Class A misdemeanor**.
2. The following information shall be provided on the application form:
 - a. The name, street address (and mailing address if different) of the applicant(s).
 - b. The name of your spouse and/of all person with whom you reside.
 - c. Two copies each of recent photographs of the applicant showing full face and each side face profile.
 - d. A complete set of fingerprints on forms from police department
 - e. A complete and current NCIC and TCIC criminal history of applicant, obtained by applicant from the Texas Department of Public Safety. Criminal history must be completed within 15 days of date application is submitted to Director.
 - f. Criminal history must be completed within 15 days of date application is submitted to Director.
 - g. The applicant's driver's license number, Social Security number, and/or his/her state or federally issued tax identification number.
 - h. The name under which the establishment is to be operated and a general description of the services to be provided.
 - i. If the applicant intends to operate the sexually oriented business under a name other than that of the applicant; he or she must state 1) the sexually oriented business's fictitious name and 2) submit the required registration

documents

- j. Whether the applicant, or a person residing with the applicant, has ever been convicted, or is awaiting trial on pending charges, of a "specified criminal activity" as defined in Section II, subsection 36., and, if so, the "specified criminal activity" involved, the date, place, and jurisdiction of each;
- k. Whether the applicant, or a person residing with the applicant, has had a previous license under this ordinance or other similar sexually oriented business ordinance from another city or county denied, suspended or revoked, including the name and location of the sexually oriented business for which the business license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant or a person residing with the applicant is or has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is or was licensed under a sexually oriented business ordinance whose business license has previously been denied, suspended or revoked, including the name and location of the sexually oriented business for which the business license was denied, suspended or revoked as well as the date of denial, suspension or revocation;
- l. Whether the applicant or a person residing with the applicant holds any other licenses under this ordinance or other similar sexually oriented business ordinance from another city or county and, if so, the names and locations of such other licensed businesses;
- m. The single classification of license, as found in Section III, for which the applicant is filing;
- n. The telephone number of the establishment;
- o. The address, and legal description of the tract of land on which the establishment is to be located;
- p. If the establishment is in operation, the date on which the owner(s) acquired the establishment for which the business license is sought, and the date on which the establishment began operations as a sexually oriented business at the location for which the business license is sought;
- q. If the establishment is not in operation, the expected startup date (which shall be expressed in number of days from the date of issuance of the business license). If the expected startup date is to be more than ten (10) days following the date of issuance of the business license, then a detailed explanation of the construction, repair or remodeling work or other cause of the expected delay and a statement of the owner's time schedule and plan for

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- accomplishing the same;
- r. If an applicant wishes to operate a sexually oriented business, other than an adult motel, which shall exhibit on the premises, in a viewing room or booth of less than one hundred fifty (150) square feet of floor space, films, video cassettes, other video reproductions, or live entertainment which depict specified sexual activities or specified anatomical areas, then the applicant shall comply with the application requirements set forth in Section XXV. hereunder.

3. Each application for a business license shall be accompanied by the following:

- a. Payment of the application fee in full;
- b. If the establishment is a State of Texas corporation, a certified copy of the articles of incorporation, together with all amendments thereto;
- c. If the establishment is a foreign corporation, a certified copy of the certificate of authority to transact business in this state, together with all amendments thereto;
- d. If the establishment is a limited partnership formed under the laws of the State of Texas, a certified copy of the certificate of limited partnership, together with all amendments thereto;
- e. If the establishment is a foreign limited partnership, a certified copy of the certificate of limited partnership and the qualification documents, together with all amendments thereto;
- f. Proof of the current fee ownership of the tract of land on which the establishment is to be situated in the form of a copy of the recorded deed along with the current address and telephone number of the owner.
- g. If the persons identified as the fee owner(s) of the tract of land in item (6) are not also the owners of the establishment, then the lease, purchase contract, purchase option contract, lease option contract or other document(s) evidencing the legally enforceable right of the owners or proposed owners of the establishment to have or obtain the use and possession of the tract or portion thereof that is to be used for the establishment for the purpose of the operation of the establishment together with the correct address and telephone number of each person with an ownership interest in the property. If the property is owned by other than a natural person the complete name, address and telephone of each person with an interest in the owner entity shall be included in the application.
- h. A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing penal institution or sexually oriented businesses within one (1) mile of the property to be

certified; the property lines of any established use listed in Section XVIII. within 1,500 feet of the property to be certified. For purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted.

- i. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale no smaller than 1/4 inch equals one foot and with marked dimensions of the placement of the building on the tract of land and interior of the premises to an accuracy of plus or minus six inches. All locational requirements must be approved by the County Director within sixty (60) days from the time the application is filed.
- j. Any of items b through h above shall not be required for a renewal application if they were previously presented and the applicant states that the documents previously furnished the Director with the original application or previous renewals thereof remain correct and current. A separate application and business license shall be required for each sexually oriented business classification as set forth in Section III.

3. A separate application and business license shall be required for each sexually oriented business classification as set forth in Section III.

4. Every application for a license shall contain a statement under oath that:

- a. The applicant has personal knowledge of the information contained in the application, and that the information contained therein and furnished therewith is true and correct; and,
- b. The applicant has read the provisions of this article.

5. The applicant for a sexually oriented business license must be qualified according to the provisions of this order.

6. If the applicant who wishes to operate a sexually oriented business is an individual, that individual must sign the application for a license as applicant. If the applicant who wishes to operate a sexually oriented business is other than an individual, each individual who has an interest in the business must sign and provide all the information required by the application for a license as an applicant and shall be considered a licensee if a license is granted.

7. The fact that a person possesses any other valid license required by law does not exempt him from the requirement of obtaining a sexually oriented business license. A person who operates a sexually oriented business and possesses another business license shall comply

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with the requirements and provisions of this order as well as the requirements and provisions of the laws concerning the other license.

8. PUBLIC NOTICE OF PENDING APPLICATION

- a. Each applicant for a business license shall, upon the filing of the application and payment of the filing fee, place signs (at least 24 inches x 36 inches in size) which provide notification and information specifically stating with letters at least 3 inches wide and 6 inches tall "SEXUALLY ORIENTED BUSINESS LICENSE APPLICATION PENDING". All lettering on the signs other than above described, must be at least 1 and ½ inches x 2 inches in size for each letter on the sign. The sign shall also include the name, city and state of residence of each applicant and the date on which the application was filed. The signs must be of sufficient quantities to be placed upon the property so as to identify it as being subject to a proposed sexually oriented license. It shall be the duty of each applicant as to each particular application to erect said signs along all the property public road or highway frontage so as to be clearly visible from the public road or highway. If a property does not have a public road or highway frontage, then signs shall be placed upon the property visible to the public. One sign shall be erected on each lot corner so as to identify the boundaries of the property in addition to one sign for each three hundred-foot increment of each public road or highway frontage on said property existing or any part thereof. Said signs shall be erected not less than seven (7) days after the filing of the application for the sexually oriented business license and remain erected until the application has been approved by the County Director. The sign shall be installed and in place for a minimum of thirty (30) days before the Director may approve the application.
- b. Every applicant for a sexually oriented business license shall give notice of the application by publication at his own expense in two consecutive issues of a newspaper of general circulation published no less frequently than weekly in Williamson County, Texas. The notice shall be printed in 10-point boldface type and shall include: (1) the fact that a sexually oriented business license has been applied for, (2) the exact location of the place of business for which the permit is sought; (3) the names of each owner of the business and, if the business is operated under an assumed name, the trade name together with the names of all owners; and (4) if the applicant is a corporation, the names and titles of all offices, directors and shareholders of 10% or more of the corporation.

- Such notice shall be printed not less than seven (7) days after the application is filed with the Director. A tear sheet showing the name of the paper, date of issue and the page and placement of the ad shall be given to the Director prior to approval of application.
- c. Once application is filed, written notice of the application for a sexually oriented business license shall be sent to all owners of real property lying within one thousand five hundred (1,500) feet of each property line of the tract of land on which the license is requested. Such notice shall be sent not less than fourteen (14) days after the application is filed with the County Director and more than thirty (30) days prior to approval of application. The notice of the application for a sexually oriented business license described herein shall be given by posting such notice properly addressed and postage pre-paid to each taxpayer as the ownership appears on the last approved county tax roll. The notice shall include: (1) the fact that a sexually oriented business license has been applied for, (2) the exact location including the street address of the place of business for which the permit is sought; (3) the names of each owner of the business and, if the business is operated under an assumed name, the trade name together with the names of all owners; and (4) if the applicant is a corporation, the names and titles of all offices, directors and shareholders of 10% or more of the corporation. The front page of each notice letter in 12 point bold print or larger must contain the following statement: **"Each property owner shall have fourteen (14) days from the mailing of the notice to advise the Director in writing of a locational restriction under Section XVIII of the Williamson County Sexually Oriented Business Order."** It is the responsibility of the applicant for a license to send this notice.
 - d. An applicant for a renewal permit or an existing business at the time of the passage of this order is not required to publish notice or meet the posting requirements of a., b., c., above.
 - e. Prior to issuance of a license, the premises must be inspected by the health department, fire department, building department, and zoning department.
 - f. The applicant has an affirmative duty to supplement an application with new information received subsequent to the date the application was deemed completed.

SECTION VI.
PUBLIC HEARING ON HEALTH AND SAFETY

1. When the Director receives a written request for a public hearing concerning a Owner/Operator Permit application, the Director shall forward the same to the County Judge, the County Judge shall confirm that it is: from an interested party; that the request specifically identifies the Owner/Operator Permit application at issue; that the request is timely filed; and that the request specifically identifies health and safety concerns affected by the enterprise. Upon notification by the County Judge, the Director shall then initiate the public hearing procedure as follows:

- a. A hearing official, appointed by Commissioners Court, shall be contacted by the Director and a date set for the public hearing;
- b. The hearing shall be scheduled at a public building within the Justice precinct where the enterprise is to located, or within an adjacent precinct.
- c. The hearing shall be scheduled either on a weekday at 7:00 p.m. or on a Saturday morning at 9:30 a.m.
- d. The Director shall send the applicant a written Notice of Hearing at least ten days in advance, stating the date, time and place of hearing and shall make a copy of the Notice of Hearing available to the public. Notice shall also be posted at all places Commissioners Court Notices are posted.
- e. Publicizing the hearing shall be responsibility of the interested party who requested the hearing. The County Judge shall make available to the public a copy of any request for hearing and the Notice of Hearing.
- f. The County Judge shall request the Sheriff or Constable to cause a sign to be posted at the location identified in the application containing the time and place of the hearing.
- g. The hearing may be rescheduled by the hearing official for good cause, including, for example, a large number of requests for a hearing that indicate strong public interest in the matter. The hearing may be rescheduled a second time if rescheduling was due to emergency circumstances such as extreme weather conditions. If rescheduled, the new Notice of Hearing shall be available to the public at all places where notices of Commissioners Court is posted.
- h. The applicant may request that a court reporter make a record of the hearing. The applicant must make this request at least two (2) days prior to the hearing and bear the cost of making an official record and one (1) transcript for the county. The hearing official shall arrange for the court reporter to take the record of the hearing, including exhibits and testimony. One copy of the transcript shall be provided to the hearing official to become the property of the County.

2. If a request for a public hearing is received after the Owner/Operator Permit has

been issued or renewed, the hearing shall be scheduled when the next renewal application is filed. The Director shall confirm that the request identifies health and safety concerns affected by the enterprise that are not addressed in the current Owner/Operator Permit and that the request is filed by an interested party. The request shall then be attached to the Owner/Operator Permit records. When a renewal application is submitted, the Director shall initiate the hearing as set out in subsection VI. 1.

3. If the request for public hearing has been determined by the Director to be deficient, the Director shall return it to the person who submitted the request with a notation stating the deficiency. A request that does not comply with the requirements stated in (a) or (b) above shall extend the period of time in which a request for hearing may be filed by seven (7) days from the date notice was sent to person requesting a public hearing.

4. The hearing shall be conducted by the hearing official under the following guidelines. The hearing official shall liberally construe these guidelines to allow the public input to protect the health and safety of a community affected the location of an enterprise and to allow the applicant to address these concerns:

- a. Interested parties are entitled to the assistance of counsel;
- b. Interested parties may expressly waive the right to counsel;
- c. The hearing official shall, upon prior request, provide for appropriate facilities for any disabled person to be able to participate in the hearing, this shall include, but not be limited to: interpreters for deaf or hearing impaired participants, wheel chair access and special seating arrangements; and
- d. Participants in the proceeding may supply interpreters for language translation and the hearing official shall accommodate the translation proceeding;
- e. The hearing official may exclude evidence that is irrelevant, immaterial, or unduly repetitious. Relevance and materiality shall be evaluated by the relation of the evidence to health and safety concerns directly related to the Owner/Operator Permit at issue, and conditions which may be attached to the Owner/Operator Permit to address those concerns. The hearing is not limited to the health and safety concerns specifically identified in the hearing request;
- f. If no request is made by the applicant for an official record, any person may record, videotape or transcribe the hearing provided there is no interference with the proceedings. The hearing official shall have the power to limit any interference with the proceeding. One copy of the tape and transcript, if made, shall be promptly delivered to Director.

5. The hearing official may continue the hearing to a date not later than ten (10) days after the initial hearing if:

- a. The hearing has lasted at least two and one half (2-1/2) hours and it appears to the hearing official that a significant amount of time is still required to fully present the public concerns and potential solutions to those concerns; or
- b. Issues have been raised at the hearing requiring additional research in order to develop appropriate conditions to be attached to the Owner/Operator Permit or that the parties need additional time to develop a solution to issues identified at the hearing;
- c. A continuance shall not be for the purpose of delay or for developing new evidence, except as provided above.

6. After the conclusion of the public hearing, the hearing official shall produce a written statement containing the officials's findings of public health and safety concerns and recommendations for conditions to be attached to the Owner/Operator Permit. The recommendations shall be forwarded to the Director, the applicant, and the interested party who requested the hearing. The Director will forward the application and hearing official's report to the County Judge. When the hearing official determines that public health and safety concerns exist, the County Judge shall attach conditions as part of the Owner/Operator Permit. If no official record of the hearing has been requested, the hearing official's statement shall be the official record of the public hearing. The hearing official may consult with the County Attorney for the purpose of developing appropriate conditions to address the health and safety concerns shown at the hearing. These recommendations will then be forwarded to the County Judge for final disposition.

7. If evidence is produced at the hearing that would support denial of the Owner/Operator Permit, the hearing official shall provide that information to the County Attorney, who shall investigate whether any new evidence warrants a recommendation to the County Judge for denial or revocation of the Owner/Operator Permit under these regulations.

SECTION VII. APPLICATION FOR EMPLOYEE LICENSE

- 1. It shall be unlawful:
 - a. For any person to obtain employment with a sexually oriented business location in the unincorporated areas of Williamson County, Texas if such person is not in possession of a valid sexually oriented business employee license issued to such person by the Director pursuant to this ordinance.
For any person to work for any sexually oriented business without having on his or her person at all times while at work at a sexually oriented business location in the unincorporated areas of Williamson County,

Texas, an appropriate identification card issued by the County showing that he or she is currently licensed and shall contain the name of the person to whom license is granted, the expiration date, the address of the sexually oriented business, a current photo of licensee. Such identification shall be available at all times for inspection and shall be worn on the left breast of said employee during working periods.

- b. It shall be a defense to subsections (2) and (3) of this section if the employment is of a limited duration and for the sole purpose of repair and/or maintenance of machinery, equipment, or the premises.
- c. Violation of any provision within this Subsection shall constitute a Class A misdemeanor.

2. All potential employees and/or clerks of sexually oriented businesses must comply with this Section, and not be in violation of Section V and VIII. before being issued an identification card to work at the business. Application forms will be provided by the County Director and the determinations of compliance must be made by him within sixty (60) days from time of application.

3. The applicant for a sexually oriented business license must be qualified according to the provisions of this order each year. Each subsequent license application must be issued prior to expiration of current license.

4. Applications for an employee license to work and/or perform services in a sexually oriented business, whether original or renewal, must be on forms provided by the Director and presented to the Director by the person to whom the employee license shall issue.

5. Each application for an employee license shall be accompanied by payment of the application fee in full.

6. Application forms shall be supplied by the Director.

7. Applications must be submitted to the office of the Director or the Director's designee during regular working hours.

8. Each applicant shall be required to give the following information on the application form:

- a. The applicant's given name, and any other names by which the applicant is or has ever been known, including "stage" names and/or aliases;
- b. Age, and date and place of birth;
- c. Height, weight, hair color, and eye color;
- d. Present residence address and telephone number;
- e. The name of spouse and/or each person with whom they reside.

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- f. Present business address and telephone
- g. Date, issuing state, and number of photo driver's license, or other state issued identification card information:
- h. Social Security Number; and
- i. Proof that the individual is at least eighteen (18) years old.

9. Attached to the application form for a license shall be the following:

- a. Color photographs of the applicant clearly showing the applicant's face and profile view of both sides of the face.
- b. Applicant's full set of fingerprints on a form provided by the police department.
- c. Current and complete NCIC and TCIC criminal history of applicant obtained from the Texas Department of Public Safety completed within 15 days of date application is filed with Director.
- d. Current and complete NCIC and TCIC criminal history of spouse and/or each person with whom applicant resides obtained from the Texas Department of Public Safety completed within 15 days of date application is filed with Director.
- e. A statement detailing the license history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant, in this or any other city, county, state, or country, has ever had any license, permit or authorization to do business denied, revoked, or suspended, or had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the name(s) under which the license was sought and/or issued, the name(s) of the issuing or denying jurisdiction, and describe in full the reason(s) for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application.

10. Every application for a license shall contain a statement under oath that:

- a. The applicant has personal knowledge of the information contained in the application, and that the information contained therein and furnished therewith is true and correct; and,
- b. The applicant has read the provisions of this article.

11. Whether the applicant, applicant's spouse, or a person residing with the applicant, has ever been convicted, or is awaiting trial on pending charges, of a "specified criminal activity" as defined in Section II, subsection 36., and, if so, the "specified criminal activity" involved, the date, place, and jurisdiction of each;

12. Whether the applicant, or a person residing with the applicant, has had a previous license under this ordinance or other similar sexually oriented business ordinance from another city or county denied, suspended or revoked, including the name and location of the sexually oriented business for which the business license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant or a person residing with the applicant is or has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is or was licensed under a sexually oriented business ordinance whose business license has previously been denied, suspended or revoked, including the name and location of the sexually oriented business for which the business license was denied, suspended or revoked as well as the date of denial, suspension or revocation;

13. Whether the applicant or a person residing with the applicant holds any other licenses under this ordinance or other similar sexually oriented business ordinance from another city or county and, if so, the names and locations of such other licensed businesses;

14. The single classification of license, as found in Section III, for which the applicant is filing;

15. The telephone number of the establishment;

16. The address where the establishment is located;

17. A separate application and business license shall be required for each sexually oriented business the person seeks employment and for each classification as set forth in Section III.

18. The fact that a person possesses any other valid license required by law does not exempt him or her from the requirement of obtaining a sexually oriented business license. A person who operates a sexually oriented business and possesses another business license shall comply with the requirements and provisions of this order as well as the requirements and provisions of the laws concerning the other license.

19. The applicant has an affirmative duty to supplement an application with new information received subsequent to the date the application was deemed completed.

20. All fees or for the photographs, fingerprints and other items required by the application shall be paid by the applicant

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SECTION VIII. ISSUANCE OF LICENSE

The application approval process shall not be commenced until the completed application

and all required exhibits and fees are received by the Director.

1. A sexually oriented business license shall issue for only one classification, as set out in Section III.

2. The County Director shall approve the issuance of the annual license to an applicant within sixty (60) days after receipt of an complete application and all required exhibits unless he finds one or more of the following to be true:

- a. An employee applicant is under 18 years of age.
- b. An owner and/or operator applicant is under 21 years of age.
- c. An applicant or an applicant's spouse is overdue in his payment to the County of taxes, fees, fines, or penalties assessed against him or imposed upon him in relation to a sexually oriented business. The County Tax Assessor shall make this determination and report his findings to the County Director within sixty (60) days from the time the application is filed.
- d. An applicant has failed to provide all information required by this ordinance for issuance of the license or has falsely answered a question or request for information on the application form.
- e. An applicant or an applicant's spouse has been convicted of a violation of a provision of this order, other than the offense of operating a sexually oriented business without a license, within two years immediately preceding the application. The fact that a conviction is being appealed shall have no effect. The Sheriff of Williamson County shall make this determination and report his findings to the County Director within sixty (60) days from the time the application is filed.
- f. The premises to be used for the sexually oriented business have not been approved by the County Director as being in compliance with this order. Reports of compliance or non-compliance with this order must be completed by the County Director within sixty (60) days from the time the application is filed.
- g. If the license fee required by this order has not been paid.
- h. An applicant has failed to comply with the requirements of Section V. or Section VIII.
- i. An applicant has been employed in a sexually oriented business in a managerial capacity within the preceding twelve (12) months and has demonstrated that he is unable to operate or manage a sexually oriented business premises in a peaceful and law-abiding manner, this necessitating action by law enforcement officers.
- j. An applicant or the proposed establishment is in violation of or is not in compliance with Sections XII or XVII through XXXII.

- k. An applicant or an applicant's spouse or person with whom the applicant is residing has been convicted of a crime: described in Section II., 36., "SPECIFIED CRIMINAL ACTIVITY"; for which:
 - I less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
 - ii less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
 - iii less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, which ever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.
- l. An applicant or an applicant's spouse, or person with whom applicant is residing has been convicted of a felony.
- m. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or the applicant's spouse.
- n. An applicant, applicant's spouse, or person with whom applicant is residing had license to operate a sexually oriented business revoked or application denied within the last 12 months.
- o. For purposes of Section II., 36. of this order, a sentence of deferred adjudication for any period of time or amount of fine is considered the same as a conviction.
- p. An applicant who has been convicted or whose spouse or person with whom applicant resides has been convicted of an offense listed in Section II., 36. may qualify for a sexually oriented business license only when the time period required by Section VIII., k. has elapsed.

3. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The OWNERS/OPERATORS PERMIT shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time, the employee license.

4. It shall be the duty of the sheriff to report the findings under Section II, 36. above to the County Director within sixty (60) days from the time the application is filed.

SECTION IX.
ANNUAL FEES

1. The annual nonrefundable fee for a sexually oriented business license is: .

OWNERS/OPERATORS PERMIT (SEXUALLY ORIENTED BUSINESS LICENSE)

Original:	\$3,000.00
First Renewal:	\$2,250.00
Second Renewal:	\$1,500.00
Third and Subsequent Renewals:	\$ 750.00

EMPLOYEE LICENSE

Original:	\$300.00
First Renewal:	\$250.00
Second and Subsequent Renewals:	\$100.00

2. No portion of any fees collected shall be returned after a permit has been issued or refused. Should applicant withdraw application prior to completion of permit application investigation, the Director, after deducting all cost incurred may refund such portion as Director, in his sole discretion, determines of the amount of investigation labor and cost which has not been completed.

SECTION X.
LOST OWNER/OPERATOR PERMIT OR EMPLOYEE LICENSE OR BADGE

1. If a Owner/Operator Permit or badge is lost or destroyed a replacement may be obtained by filing a lost Owner/Operator Permit/badge application with the Director and paying a lost Owner/Operator Permit/badge fee.
2. A replacement Owner/Operator Permit or badge shall be issued immediately upon confirmation of the identity of the applicant through the records of the Director.
 - a. A replacement badge number will be assigned to a Class II enterprise.
 - b. A replacement permit will expire on the same date as the original permit.
3. It shall not be a defense to prosecution for conducting business without a Owner/Operator Permit or failure to display a badge that an Owner/Operator Permit or badge was lost or stolen. The enterprise may not conduct business as an enterprise in Williamson County, Texas, until she/he obtains a replacement Owner/Operator Permit or badge.

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4. A Owner/Operator Permit or badge found in the possession of any person other than the enterprise may be immediately seized by any law enforcement officer who shall then forward It to the Sheriff. The authorized Owner/Operator Permit holder may reclaim the permit or badge from the Sheriff.

SECTION XI.
OWNER/OPERATOR PERMIT EMPLOYEE RECORDS

1. An Owner/Operator has the duty to keep the following information on file on site for each person employed at the enterprise:

- a. The full legal name, professional or performing names and nay other names used by the employee;
- b. A photocopy of the employee's valid driver's license or Texas Department of Public Safety identification card;
- c. The current address and telephone number of the employee;
- d. Employee's height, weight, eye color and natural hair color;
- e. A photograph of the employee taken within one (1) month immediately preceding the date of employment and updated every year; and
- f. A description of the capacity in which the employee is employed.

2. The enterprise has the duty to maintain and make available these records for inspection by the Director or County Attorney, or their designees. The County Attorney shall prepare and the Director shall provide a standard formate for these records. The records shall include a time record reflecting the times and dates each employee worked. Theses records shall be available for inspection by the Director, Sheriff or County Attorney or their designees during the hours of operation of the enterprise. These records shall be retained for at least a period of two (2) years from creation. Upon written request, the enterprise has a duty to provide a copy of the records to the Sheriff, the Director, County Attorney or the County Judge within seven (7) business days of the request.

3. Any employee who provides false information to any enterprise pursuant to this section violates these regulations.

SECTION XII.
INSPECTION

1. An applicant or licensee shall permit representatives of the Texas Department of Public Safety, Texas Alcohol and Beverage Commission, Sheriffs Department, County Attorney and Williamson County and Cities Health District, or their designees to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time it is occupied or open for business.

2. A person who operates a sexually oriented business or his agent or employee commits an offense if he refuses to permit a lawful inspection of the premises by a representative of the Sheriffs Department or any law enforcement agency operating within the State of Texas, Williamson County and Cities Health District or the fire department operating in the area of the county where the business is located at any time it is occupied or open for business.

3. The provisions of this section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation.

SECTION XIII. EXPIRATION OF LICENSE

1. Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in Section V. for Owner/Operator Permit, or VII for Employee License. Application for renewal should be made at least 60 days before the expiration date, and when made less than 60 days before the expiration date, the expiration of the license will not be affected or extended.

2. When the County Director denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, but before expiration date of current license, the County Director finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license.

SECTION XIV. SUSPENSION

The County Director shall suspend a license for a period not to exceed 30 days if he determines that a licensee has:

1. violated or is not in compliance with any portion of this order;
2. engaged in the use of, or under the influence of alcoholic beverages or was in possession of or under the influence of a controlled substance while on the sexually oriented business premises;
3. refused to allow an inspection of the sexual oriented business premises as authorized by this order;
4. knowingly permitted gambling by any person on the sexual oriented business premises;
5. negligently permitted a violation under Section II. 36 by any person on the sexual oriented business premises;

6. negligently permitted the sale, use, or consumption of alcoholic beverages on the premises;
7. the owner or operator negligently allowed a person under eighteen (18) years of age to enter the premises during the hours of operation.
8. demonstrated inability to operate or manage a sexually oriented business in a peaceful and law-abiding manner thus necessitating action by law enforcement officers.

SECTION XV. REVOCAION

1. The County Director shall revoke a license if a cause of suspension in Section XIV. occurs and the license has been suspended within the preceding 12 months.
2. The County Director shall revoke a license if he determines that:
 - a. a licensee gave false or misleading information in the material submitted to the County Director during the application process;
 - b. the licensee, or a person with whom the licensee is residing, is convicted of a "specified criminal activity".
 - c. a licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
 - d. a licensee has, with knowledge, permitted the sale, use, or consumption of alcoholic beverages on the premises;
 - e. a licensee or an employee has knowingly allowed prostitution on the premises;
 - f. a licensee or an employee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;
 - g. a licensee or employee has been convicted of an offense listed in Section II., 36. for which the time period required in Section VIII., k. has not elapsed or for which conviction the licensee or employee still remains on probation (community supervision) or deferred adjudication.
 - h. on two or more occasions within a 12-month period, a person or persons committed an offense occurring in or on the licensed premises of a crime listed in Section II., 36., for which a conviction has been obtained, and the person or persons were employees of the sexually oriented business at the time the offenses were committed;
 - I. a licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual

contact to occur in or on the licensed premises. The term "sexual contact" shall have the same meaning as it is defined in Section 21.01 Texas Penal Code; or

- j. a licensee is delinquent in payment to the County for hotel occupancy taxes, ad valorem taxes, or sales taxes related to the sexually oriented business.
- k. a licensee, or a person with whom the licensee is residing, was convicted of a "specified criminal activity" on a charge that was pending prior to the issuance of the license;
- l. a licensee has attempted to sell his business license, or has sold, assigned, or transferred ownership or control of the sexually oriented business to a person or entity not licensed to own or operate a sexually oriented business in that location;
- m. the business has been closed for a period of thirty (30) consecutive days, unless the closure is due to physical damage to the business premises beyond the control of owner or operator and the owner is proceeding with due diligence to reopen the establishment.

3. The fact that a conviction is being appealed shall have no effect on the revocation of the license.

4. Subsection 2., I., does not apply to adult motels as a ground for revoking the license unless the licensee or employee knowingly allowed the act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in a public place or within public view.

5. When the County Director revokes a license, the revocation shall continue for one year and the licensee shall not re-apply for a sexually oriented business license for one year from the date revocation became effective. If the license was revoked under Subsection (2.) (g.), an applicant may not be granted another license until the appropriate number of years required under Section VIII., k. has elapsed.

SECTION XVI. APPEAL

If the County Director denies the issuance of a license, or suspends or revokes a license, he shall notify applicant, or licensee, by certified mail, return receipt requested, written notice of his action and the right to an appeal. The applicant, or licensee has ten (10) days from receipt of the notice, or 13 days of deposit of notice in the U.S. Postal Service, postage prepaid, whichever is earlier to file written notice of appeal. The aggrieved party may appeal the decision of the County Director to a district court in Williamson County on a trial de novo basis. Filing an appeal in district court stays the County Director in suspending or revoking a license until the district court makes a final decision. Unless timely appealed all decisions of the County Director

become final within ten (10) days.

**SECTION XVII.
TRANSFER OF LICENSE**

1. A licensee shall not transfer his license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

**SECTION XVIII.
LOCATION OF SEXUALLY ORIENTED BUSINESSES**

1. A person commits an offense if he operates or causes to be operated a sexually oriented business within 1,500 feet of:

- a. a church or place of religious worship;
- b. a public or private elementary or secondary school;
- c. a child care facility,
- d. a boundary of residential district as defined in this order,
- e. a public park;
- f. a cemetery,
- g. the property line of a lot devoted to a residential use as defined in this order, or
- h. hospital
- i. public building
- j. elder care facility
- k. mental health facility
- l. counseling or treatment facility for alcohol or drug use
- m. building where alcoholic beverages are sold
- n. shopping mall
- o. general retail shopping center
- p. public roadway

2. A person commits an offense if he operates or causes to be operated a sexually oriented business within one mile of:

- a. a penal institution as defined in the Penal Code
- b. another sexually oriented business which does not have a common entrance with an already licensed or exempted sexually oriented business.

3. A person commits an offense if he causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business

within one (1) mile of another sexually oriented business.

4. A person commits an offense if he causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof, containing another sexually oriented business.

5. For the purposes of Subsection 1., measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use described in subsection 1. above.

6. For purposes of Subsection 2. of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

7. Any sexually oriented business lawfully operating that is in violation of Subsections 1., 2., or 3., of this section shall be deemed a nonconforming use. Such use will be permitted to continue for a period not to exceed one year unless sooner terminated for any such reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more sexually oriented business are within one (1) mile of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(e's) is nonconforming.

8. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a use listed in Subsection 1. or 2. within the distances listed of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or has been revoked.

9. All distance restrictions apply to an identified purpose whether or not the building or appurtenance used for an identified purpose is located within the unincorporated area of Williamson County.

10. All locational requirements of this section must be approved by the County Director within sixty (60) days from the time the application is filed.

SECTION XIX.
EXTERIOR PORTIONS OF SEXUALLY ORIENTED BUSINESSES

1. It shall be unlawful for an owner or operator of a sexually oriented business to allow:
 - a. the merchandise or activities of the establishment to be visible from a point outside the establishment
 - b. the exterior portion of the sexually oriented business to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of the ordinance.
 - c. exterior portions of the establishment to be painted any other than a single achromatic color. This provision shall not apply to a sexually oriented business if the following conditions are met:
 - i. The establishment is a part of a commercial multi-unit center; and
 - ii. The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color as one another or are painted in such a way as to be a component of the overall architectural style or pattern of the commercial multi-unit center.

2. Daily, between sundown and 30 minutes after sunrise the entire parking area and all exterior portions of the building shall have exterior security lighting fixtures which shall be cut-off type fixtures providing not less than two candle foot power, nor more than three candle foot power average over the entire area.

3. Nothing in this article shall be construed to require the painting of an otherwise unpainted exterior portion of a sexually oriented business.

4. a violation of any provision of this Section shall constitute a Class A Misdemeanor.

SECTION XX.
SIGN REQUIREMENTS

1. notwithstanding any provision of any other county order or regulation to the contrary, the owner or operator of any sexually oriented business or any other person commits an offense if he erects, constructs, leases, or maintains any sign for the establishment other than one primary sign and one secondary sign, as provided in this section.

2. A person commits an offense if that person allows on-premise advertisements, displays, or other promotional materials for a sexually oriented business, which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual

activities" or "specified anatomical areas", to be shown or exhibited so as to be visible to the public from public places located outside the business premises.

3. In this section "premises" or "on-premise" means all of a tract of commercial property in which a sexually oriented business is located in addition to the area encompassed in the definition of "premises" contained in Section II. of this Order.

4. A primary sign may have no more than two display surfaces. Each display surface must:

- a. not contain any flashing lights;
- b. be a flat plane, rectangular in shape;
- c. not exceed 75 square feet in area; and
- d. not exceed 10 feet in height or 10 feet in length.

5. A secondary sign may have only one display surface. The display surface must:

- a. not contain any flashing lights;
- b. be a flat plane, rectangular in shape;
- c. not exceed 20 square feet in area;
- d. not exceed five feet in height or four feet in width; and
- e. be affixed or attached to a wall or door of the establishment.

6. A primary or secondary sign must contain no photographs, silhouettes, drawings, or pictorial representations of any manner, and may contain only:

- a. the name of the establishment; and/or
- b. one of the phrases listed under Section III, Business Classification:

7. A primary sign for an adult motion picture theater may contain the phrase, "Movie Titles Posted on Premises." In addition to the phrases listed in Subsection (7)(b) of this Section.

8. Each letter forming a word on a primary or secondary sign must be of a solid color, and each letter must be the same print-type, size, and color. The background behind the lettering on the display surface of a primary or secondary sign must be of a uniform and solid color.

9. Notwithstanding the sign requirements of this Section, any sign lawfully existing on the premises of a lawfully operating sexually oriented business on date this ordinance is enacted may continue to be maintained on the premises, until:

- a. the sign is intentionally removed or destroyed by the owner or operator of the sexually oriented business or abandoned by the

- b. owner or operator of the sexually oriented business; or
the county requires removal, relocation, or reconstruction of the sign in accordance with applicable state law.

SECTION XXI.
ADDITIONAL REGULATIONS FOR ESCORT AGENCIES

1. An escort agency shall not employ any person under the age of 18 years.
2. A person commits an offense if he acts as an escort or agrees to act as an escort for any person under the age of 18 years.

SECTION XXII.
ADDITIONAL REGULATIONS CONCERNING PUBLIC NUDITY

1. It shall be a misdemeanor for a person who, with knowledge and intent, appears in person in a state of nudity in a sexually oriented business, or depicts specified sexual activities in a sexually oriented business.
2. It shall be a misdemeanor for a person who, with knowledge and intent, appears in person in a semi-nude condition in a sexually oriented business, unless the person is an employee who, while semi-nude, is at least ten (10) feet from any patron or customer and on a stage at least two (2) feet from the floor.
3. It shall be a misdemeanor for an employee, while semi-nude in a sexually oriented business, to solicit and pay or gratuity from any patron or customer, or for a patron or customer to pay or give any gratuity to any employee, while said employee is semi-nude in the sexually oriented business.
4. It shall be a misdemeanor for an employee, while semi-nude, to touch a patron or the clothing of a patron, or for a patron to touch a semi-nude employee or the clothing of a semi-nude employee.

SECTION XXIII.
ADDITIONAL REGULATIONS FOR ADULT MOTELS

1. Evidence that a sleeping room in a hotel, motel or singular commercial establishment has been rented and vacated two or more times in a period of time that is less than 15 hours is a rebuttable presumption that the establishment is an adult motel and that term is defined in this order.
2. A person commits an offense if, as the person in control of a sleeping room in a

hotel, motel, or similar commercial establishment that does not have a sexually oriented business license, he rents or subrents a sleeping room to a person and, within 15 hours from the time the room is rented, he rents or subrents the same sleeping room again.

3. For purposes of Subsection (2.) of this section, the terms "rent" and "subrent" mean the act of permitting a room to be occupied for any form of consideration.

SECTION XXIV.
ADDITIONAL REGULATIONS FOR ADULT THEATERS
AND ADULT MOTION PICTURE THEATERS

1. A person commits an offense if he knowingly allows a person under the age of 18 years to appear in a state of nudity in or on the premises of an adult theater or adult motion picture theater.

2. A person under the age of 18 years commits an offense if he knowingly appears in a state of nudity in or on the premises of an adult theater or adult motion picture theater.

SECTION XXV.
ADDITIONAL REGULATIONS PERTAINING TO EXHIBITION OF
SEXUALLY EXPLICIT FILMS OR VIDEOS

1. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

- a. Upon application for a sexually oriented business license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however each diagram must be drawn to scale no smaller than 1/4 inch equals 1 foot, be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The County Director may waive the foregoing

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- diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certified that the configuration of the premises has not been altered since it was prepared.
- b. The application shall be sworn to be true and correct by the applicant.
 - c. No alteration in the configuration or location of a manager's station may be made without the prior approval of the sheriff or his designee
 - d. It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each managers station at all times that any patron is present inside the premises.
 - e. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a managers station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the managers stations. The view required in this subsection must be by direct line of sight from the managers station. Viewing booths must be separated at least twelve (12) inches from the exterior walls of any other viewing booths by open space.
 - f. It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises to ensure that the area specified in Subsection (e.) remains unobstructed by any room, walls, curtains, merchandise, display racks or other materials at all times that any patron is present in the premises and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to Subsection (a.) of this section.
 - g. No viewing room may be occupied by more than one person at any time.
 - h. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) foot candles as measured at the floor level.
 - I. It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above, is maintained at all times that any patron is present in the premises.
 - j. No licensee shall allow an opening of any kind to exist between viewing

- rooms or booths.
- k. No person shall make any attempt to make an opening of any kind between viewing booths or rooms.
- l. The operator of the sexually oriented business shall, no fewer than 2 times during each business days, inspect the walls between the viewing booths to determine if any opening or holes exist.
- m. The operator of the sexually oriented business shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.
- n. The operator of the sexually oriented business shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty eight (48") inches of the floor.

2. A person having a duty under Subsections a. through n. of Subsection 1. above commits an offense if he knowingly fails to fulfill that duty.

3. all locational requirement of this section must be approved by the County Director within sixty (60) days from the time the application is filed.

SECTION XXVI. **ADDITIONAL REGULATIONS FOR NUDE MODEL STUDIOS**

- 1. A nude model studio shall not allow on the premises nor employ any person under the age of 18 years.
- 2. A person under the age of 18 years commits an offense if that person enters the premises of a sexually oriented business, and a separate offense if that person appears in a state of nudity in or on the premises of a nude model studio.
- 3. A person commits an offense if he appears in a state of nudity or knowingly allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right of way.
- 4. A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

SECTION XXVII. **ADDITIONAL REGULATIONS FOR SEXUALLY ORIENTED DANCE HALLS**

- 1. No person under the age of eighteen (18) years may enter a sexually oriented

dance hall.

2. A person commits an offense if he falsely represents himself to be a person eighteen (18) years of age or older for the purpose of gaining admittance into a sexually oriented dance hall.

3. A licensee or employee of a sexually oriented dance hall commits an offense if he knowingly allows a person under the age of eighteen (18) years to enter or remain on the premises of the sexually oriented dance hall.

4. A licensee of a sexually oriented dance hall commits an offense if he maintains the premises without posting a sign at each entrance to the sexually oriented dance hall that reads: "It is unlawful for any person under 18 years of age to enter this location."

SECTION XXVIII. DEFENSES

1. It is a defense to prosecution under this ordinance that a person appearing in a state of nudity did so in a modeling class operated:

- a. by a proprietary school licensed by the State of Texas; a college, or university supported entirely or partly by taxation;
- b. by a private college or university which maintains and operates educational programs in which credits are transferrable to a college, junior college, or university supported entirely or partly by taxation; or
- c. in a structure:
 - I. which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - ii. where in order to participate in a class a student must enroll at least ten in advance of the class; and
 - iii. where no more than one nude model is on the premises at any one time.

2. It is a defense to prosecution under Section IV. or Section XVIII. that each item of descriptive, printed, film, or video material offered for sale or rental, taken as a whole, contains serious literary, artistic, political, or scientific value.

SECTION XXIX.
DISPLAY OF SEXUALLY EXPLICIT MATERIAL TO MINORS

1. A person commits an offense if, in a sexually oriented business establishment open to persons under the age of 18 years, he displays a book, pamphlet, newspaper, magazine, film, or video cassette, the cover of which depicts, in a manner calculated to arouse sexual lust or passion for commercial gain or to exploit sexual lust or perversion for commercial gain, any of the following:

- a. human sexual intercourse, masturbation, or sodomy;
- b. fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts;
- c. less than completely and opaquely covered human genitals, buttocks, or that portion of the female breast below the top of the areola; or
- d. human male genitals in a discernibly turgid state, whether covered or uncovered.

2. In this section "display" means to locate an item in such a manner that, without obtaining assistance from an employee of the business establishment:

- a. it is available to the general public for handling and inspection; or
- b. the cover or outside packaging on the item is visible to members of the general public.

SECTION XXX.
ALCOHOLIC BEVERAGES PROHIBITED

1. The sale, use, or consumption of alcoholic beverages on the premises of a sexually oriented business is prohibited.

2. Any violation of this Section shall constitute a CLASS A MISDEMEANOR and subject business to immediate closure.

SECTION XXXI.
PERSONS YOUNGER THAN EIGHTEEN PROHIBITED:
ATTENDANT REQUIRED TO VERIFY IDENTIFICATION
OF EVERY PERSON ENTERING UNDER
THE AGE OF 27 YEARS OLD.

1. It shall be unlawful to allow a person who is younger than eighteen (18) years of age to be on the premises of a sexually oriented business at any time the sexually oriented business is open for business.

2. It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times during such sexually oriented businesses' regular business hours. It shall be the duty of the attendant to check the identification of each person seeking entry into the premises who is under the age of TWENTY-SEVEN (27) years old and to prohibit any person under the age of eighteen (18) years from entering the sexually oriented business. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless such attendant asked for and was furnished:

- a. a valid operator's, commercial operator's, or chauffeur's driver's license; or
- b. a valid personal identification certificate issued by the State of Texas reflecting that such person is eighteen (18) years of age or older.

3. Violation of this Section shall constitute a CLASS A MISDEMEANOR. Two violations within a 12 month period will cause an immediate suspension of license and closure.

SECTION XXXII. HOURS OF OPERATION

No sexually oriented business, except for an adult motel, may remain open at any time between the hours of one o'clock (1:00) a.m. and eight o'clock (8:00) a.m. on weekdays and Saturdays, and one o'clock (1:00) a.m. and twelve o'clock (12:00) p.m. on Sundays.

SECTION XXXIII. NOTICES

1. Any notice required or permitted to be given by the Director or any other city office, division, department or other agency under this ordinance to any applicant, operator or owner of a sexually oriented business may be given either by personal delivery or by certified United States mail, postage prepaid, return receipt requested, addressed to the most recent address as specified in the application for the license, or any notice of address change that has been received by the Director. Notices mailed as above shall be deemed given upon their deposit in the United States mail. In the event that any notice given by mail is returned by the postal service, the Director or his designee shall cause it to be posted at the principal entrance to the establishment.

2. Any notice required or permitted to be given to the Director by any person under this ordinance shall not be deemed given until and unless it is received in the office of the Director.

3. It shall be the duty of each owner who is designated on the license application and each operator to furnish notice to the Director in writing of any change of residence or mailing

address.

**SECTION XXXIV.
INJUNCTION**

A person who knowingly operates or causes to be operated a sexually oriented business without a valid business license or in violation of this ordinance is subject to a suit for injunction as well as criminal prosecution. Each day and/or each person shall constitute a separate offense or violation.

**SECTION XXXV.
ENFORCEMENT**

1. As stated in Chapter 243 of the Local Government Code of Texas, the county may sue in district court for an injunction to prohibit the violation of a regulation of this order.
2. As stated in Chapter 243 of the Local Government Code of Texas, a violation of any of the provisions of this order is a Class A Misdemeanor.

**SECTION XXXVI.
NOTICE**

1. Any notice required or permitted to be given under this Order, may be given by personal delivery or by certified United States mail, postage prepaid, return receipt requested, addressed to the most recent address as specified in the application for the license, or any notice of address change that has been received by the Director. In the event that any notice given by mail is returned by the postal service, the director or his designee shall cause it to be posted at the principal entrance to the establishment.
2. Any notice required or permitted to be given to the Director by any person under this order shall not be deemed given until and unless it is received in the office of the Director.
3. It shall be the duty of each person who is designated on the license application and each operator to furnish notice to the Director in writing of any change of residence or mailing address.

**SECTION XXXVII.
SEVERABILITY**

The terms, provisions, and conditions of this order are severable.

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SECTION XXXVIII.
CONFLICTING ORDINANCES REPEALED

All ordinances or parts or ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION XXXIX.
TIME OF EFFECT

This order takes effect immediately upon adoption by Commissioners Court.

Written Testimony of Ed Richards

Good Morning. I am Ed Richards, the Sheriff of Williamson County. As you all know, I have been involved in law enforcement for many years and am familiar with our local conditions here. Based on that experience, I can state confidently that the proposed Sexually Oriented Business Ordinance is the minimum required to protect the health, safety, and welfare of the people of this county.

It is no secret that many sexually oriented businesses have acted as covers for illegal enterprises, such as prostitution, child molestation, the display of obscene performances, the sale of obscene materials, gambling, and drug offenses. These regulations provide concrete steps we can take to ensure that anyone who operates such a business here will not have a record of such criminal activities, and cannot begin a criminal career here, either.

I vigorously support all of the screening and supervision requirements in the proposed ordinance. The documentation required is the minimum I believe necessary to provide an adequate screening of all applicants. The fees set out in the ordinance are a reasonable estimate of the costs involved in checking applications to make sure they are accurate. Even at \$3000 for a first-time applicant for an Operator's Permit, the County will not be making any money.

I understand that Williamson County cannot prohibit sexually oriented businesses. In this country, everyone has private property rights and freedom of expression. However, their freedom stops when it seriously impacts other people. I believe that this Ordinance is the least restrictive appropriate approach to regulating these businesses.

Improperly supervised sexually oriented businesses can pose a threat to public health, as well as a law enforcement threat. In the past, I have had occasion to personally investigate such businesses, and I was shocked at the degree to which everyone who entered was exposed to contact with other people's body fluids. Such conditions will obviously promote the spread of disease. This ordinance will minimize that risk.

The spacing requirements in this Ordinance strike me as the minimum amounts that will be necessary to buffer these businesses from their neighborhoods. Lesser distances might promote the creation of run-down high-crime areas within the unincorporated areas of the County. Policing those areas would pull deputies from everywhere else, thus placing everyone at risk. This is not just an issue for the immediate neighbors, but for every taxpayer in this County.

Several provisions of the proposed Ordinance deserve special notice. The prohibition on alcohol possession and consumption will further our ability to control the crowds that these businesses attract by reducing the amount of disorderly conduct. It will also protect intoxicated patrons from becoming victims of crime. The requirement that sexually oriented businesses be located at least 1500 feet from any public road or highway will keep any crowds of rowdy

individuals that do gather around the establishment out of sight of the public. That will reduce the number of disorderly conduct or loud noise complaints that we are forced to answer. The requirement that employees wear identification will enable us to immediately identify any employee who engages in wrongdoing. It will also protect the owners, because we will be able to easily determine whether someone who is engaged in prohibited conduct is an employee or a customer.

The remainder of the regulations seem calculated to ensure that these businesses engage only in legal activities. Prostitution, the display of obscene materials or performances, and the distribution of drugs are crimes, and these regulations seek to prevent those crimes from occurring. The knowledge that sexually oriented businesses will be subjected to strict scrutiny will help minimize their tendency to attract other criminal activity, and will therefore help protect Williamson County residents from becoming direct or indirect victims of crime.

Someone who looks just south of our county line can see the impact of sexually oriented businesses. A significant proportion of all the DWI arrests in this county occur when patrons of such businesses pass through here on their way home. It is not in the interest of our citizens to allow the problem to get worse. I am convinced that the proposed Ordinance will protect the health and safety of our residents and should be adopted.

Submitted for consideration by the Williamson County Commissioners Court on May 5, 1998.

Ed Richards, Sheriff

Written Testimony of Avis Wukasch

Good Morning. I am Avis Wukasch, a real estate broker here in Williamson County. I have been here for many years, and am familiar with the local commercial and residential real estate markets. I am convinced that the public health and safety of the people of Williamson County depends on the orderly management of the growth that will inevitably occur here. With the right type of growth, we can build an economic base that will provide security for all of us. With the wrong type of growth, the stress on our public services will exceed our available resources.

Other speakers today will address the risks to public safety and to public health that improperly regulated sexually oriented businesses would present. To me, those risks are unacceptable. However, I would like to concentrate on another risk that these businesses present—the risk of economic blight in the neighborhoods where they are located. In my professional judgment, property adjacent to a sexually oriented business in Williamson County would become essentially unmarketable, except to another sexually oriented business or some other adult-oriented use. Purchasers of property for family housing or most commercial uses would not consider such a location unless nothing else was available.

This is not an urban community like Austin, where contrasting uses can more successfully locate near one another. Unless they are adequately regulated and buffered, sexually oriented businesses in Williamson County would create impact zones around themselves for a considerable distance. These zones would combine sharply depressed real estate values with an increased need for public services such as law and health code enforcement, fire protection, and medical care. The diversion of resources from other portions of Williamson County would adversely affect the health and safety of all of us, even those who live far away from a directly affected area.

I fully realize that Williamson County cannot prohibit sexually oriented businesses from coming here. I do not want to interfere with private property rights or freedom of expression. However, the adjacent landowners have rights as well. I believe that the rights of people throughout the county will be adversely affected unless the Commissioners Court adopts reasonable regulations to protect them.

In my professional opinion, the Sexually Oriented Businesses Ordinance before the Court today represents the minimum required to protect public health and safety. The restrictions on outside advertising and the spacing requirements are very reasonable.

The requirement that these businesses be located 1 mile from similar enterprises will prevent the creation of high-crime "combat zones," like those in many big cities. In my judgment, this is the minimum distance required to avoid excessive impact on all the properties between the sexually oriented businesses. The requirement that such businesses be at least a mile from any penal institution is also the minimum to avoid major adverse impacts on the area between.

The 1500 foot distance from schools, homes, churches, hospitals, public buildings and the like is also a minimum to protect those neighborhoods. This is only three long city blocks of separation. I understand that some other jurisdictions require spacing of up to twice that far.

I am particularly pleased with the requirement that sexually oriented businesses be located at least 1500 feet from any public road or highway. Without this requirement, the impact of the business on its immediate neighbors would be devastating. Again, this strikes me as the minimum distance required to protect the public interest in avoiding the creation of areas within our county that require a disproportionate share of services, while generating very little property-tax revenue to pay for those services.

The remainder of the regulations seem calculated to ensure that these businesses engage only in legal activities. Prostitution, the display of obscene materials or performances, and the distribution of drugs are crimes, and these regulations seek to prevent those crimes from occurring. The knowledge that sexually oriented businesses will be subjected to strict scrutiny will help to minimize their tendency to attract other criminal activity, and will therefore help protect nearby landowners from becoming direct or indirect victims of crime.

In summary, I am convinced that the proposed Sexually Oriented Business Ordinance represents a minimum protection for the health and safety of the people of Williamson County.

Submitted for consideration by the Williamson County Commissioners Court on May 5, 1998.

Avis Wukasch

APPENDIX

SUMMARY OF LAND USE STUDIES RELATING TO
SECONDARY EFFECTS OF "ADULT" BUSINESSES

1. LAND USE STUDY: GARDEN GROVE, CA
DATE: SEPTEMBER 12, 1991

OVERVIEW: This report by independent consultants summarizes statistical analyses to determine a basis for adult business regulations because of their negative impact on the community in terms of crime, decreased property values and diminished quality of life. Statistics were measured from 1981-90 and included crime data, and surveys of real estate professionals and city residents. Garden Grove Boulevard, with seven adult businesses, was selected as the study area. The study incorporated many control factors to insure accurate results. The report includes a brief legal history of adult business regulation and an extensive appendix with samples materials and a proposed statute.

CRIME: Crime increased significantly with the opening of an adult business, or with the expansion of an existing business or the addition of a bar nearby. The rise was greatest in "serious" offenses (termed "Part I" crimes: homicide, rape, robbery, assault, burglary, theft and auto theft). On Garden Grove Boulevard, the 7 adult businesses accounted for 36% of all crime in the area. In one case, a bar opened less than 500 feet from an adult business, and serious crime within 1,000 feet of that business rose more than 300% the next year.

REAL ESTATE: Overwhelmingly, respondents said that an adult businesses within 200-500 feet of residential and commercial property depreciates the property value. The greatest impact was on single family homes. The chief factor cited for the depreciation was the increased crime associated with adult businesses.

HOUSEHOLD SURVEYS: 118 calls were completed in a random sample of households in the Garden Grove Boulevard vicinity. The public consensus was that adult businesses on Garden Grove Blvd. were a serious problem. Nearly 25% of the surveyed individuals lived within 1,000 feet of an adult business. More than 21% cited specific personal experiences of problems relating to these businesses, including crime, noise, litter, and general quality of life. 80% said they would want to move if an adult business opened in their neighborhood, 60% saying they "would move" or "probably would move." 85% supported city regulation of the locations of adult businesses, with 78% strongly advocating the prohibition of adult businesses within 500 feet of a residential are, school or church. Women

event of a denied or revoked license, the requirement of a hearing before any action is taken.

3. LAND USE STUDY: SEATTLE, WA
DATE: MARCH 24, 1989

OVERVIEW: The report concerns a proposed amendment to add topless dance halls to existing land use regulations for "adult entertainment establishments." Seattle had eight such dance halls (termed "adult cabarets"), six established since 1987. The study relies on reports from a number of cities, including Indianapolis, Los Angeles, Phoenix, Austin and Cleveland.

FINDINGS: The increased number of cabarets resulted in citizen complaints, including phone calls, letters (from individuals and merchants associations), and several petitions with hundreds of signatures. Protests cited decreased property values; increased insurance rates; fears of burglary, vandalism, rape, assaults, drugs, and prostitution; and overall neighborhood deterioration. The report notes that patrons of these cabarets most often are not residents of nearby neighborhoods. Without community identity, behavior is less inhibited. Increased police calls to a business, sirens, and traffic hazards from police and emergency vehicles are not conducive to healthy business and residential environments.

RECOMMENDATIONS: Since city zoning policy is based on the compatibility of businesses, the report recommends that the cabarets locate in the same zones as "adult motion picture theaters." This plan allows about 130 acres for such businesses to locate throughout the city.

4. LAND USE STUDY: AUSTIN, TX
DATE: MAY 19, 1986

OVERVIEW: The report was the basis for developing an amendment to existing sexually oriented business ordinances. At the time, 49 such businesses operated in Austin, mostly bookstores, theaters, massage parlors and topless bars. The study examined crime rates, property values, and trade area characteristics.

The report focused on sexually related crimes in four study areas (with sexually oriented businesses) and four control areas (close to study areas and similar). Two study areas had one sexually oriented business and the others had two such businesses. To determine the effects of these businesses on property values, the city sent surveys to 120 real estate appraising or lending firms (nearly half

depreciation is greater for residences than businesses. The negative effects on property values drop sharply when the sexually oriented business is at least three blocks away. In the subjective portion, 86% of the respondents noted a negative impact of sexually oriented businesses on Oklahoma City. Frequent problems cited by the appraisers included the attraction of undesirable clients and businesses, safety threats to residents and other shoppers (especially children), deterrence of home sales and rentals, and immediate area deterioration (trash, debris, vandalism).

CONCLUSIONS: Oklahoma City's findings supported results from other national studies and surveys. Sexually oriented businesses have a negative effect on property values, particularly residential properties. The concentration of sexually oriented businesses may mean large losses in property values.

6. **LAND USE STUDY: INDIANAPOLIS, IN**
DATE: FEBRUARY 1984

OVERVIEW: After a 10 year growth in the number of sexually oriented businesses (to a total of 68 on 43 sites) and numerous citizen complaints of decreasing property values and rising crime, the city compared 6 sexually oriented business "study" areas and 6 "control" locations with each other and with the city as a whole. The study and control areas had high population, low income and older residences. In order to develop a "best professional opinion," the city collaborated with Indiana University on a national survey of real estate appraisers to determine valuation effects of sexually oriented businesses on adjacent properties.

CRIME: From 1978-82, crime increases in the study areas were 23% higher than the control areas (46% higher than the city as a whole). Sex related crimes in the study areas increased more than 20% over the control areas. Residential locations in the study areas had a 56% greater crime increase than commercial study areas. Sex related crimes were 4 times more common in residential study areas than commercial study areas with sexually oriented businesses.

REAL ESTATE: Homes in the study areas appreciated at only 1/2 the rate of homes in the control areas, and 1/3 the rate of the city. "Pressures within the study areas" caused a slight increase in real estate listings, while the city as a whole had a 50% decrease, denoting high occupancy turnover. Appraisers responding to the survey said one sexually oriented business within 1 block of residences and businesses decreased their value and half of the respondents said the immediate depreciation exceeded 10%. Appraisers also noted that value

to include eating or drinking places featuring sexually oriented entertainment (strippers, etc.). Zoning laws required "adult uses" to locate 500 ft. from residential areas; 300 ft. from any other adult bookstore, adult theater, bar, pool hall or liquor store; and 1,000 ft. from a church, school, park, or recreational facility where minors congregate.

CRIME: Police verified that bars, taverns, and lounges (especially those with sexually oriented entertainment) are frequent scenes of prostitution and the sale/use of narcotics. On the whole, all criminal activity was higher at sexually oriented businesses.

RECOMMENDATIONS: 1) Add eating/drinking places that exclude minors (under Texas law), unless accompanied by a consenting parent, guardian or spouse. 2) Require specific permits for areas zoned as General Commercial-Multiple Family Dwelling Districts. 3) Reduce the required distance of sexually oriented businesses from residential areas, schools, parks, and recreational facilities from 1,000 to 750 ft.

9. **LAND USE STUDY: MINNEAPOLIS, MN**
DATE: OCTOBER 1980

OVERVIEW: This report is divided into two sections: the relationship of bars and crime and the impact of "adult businesses" on neighborhood deterioration. In the study, an "adult business" is one where alcohol is served (including restaurants) or a sexually oriented business (i.e., saunas, adult theaters and bookstores, rap parlors, arcades, and bars with sexually oriented entertainment). Census tracts were used as study areas and evaluated for housing values and crime rates. Housing values were determined by the 1970 census compared to 1979 assessments. Crime rates were compared for 1974-75 and 1979-80. The study is strictly empirical and reported in a formal statistical manner; therefore it is difficult for layman interpretation of the data.

FINDINGS: The report concludes that concentrations of sexually oriented businesses have significant relationship to higher crime and lower property values. Other than statistical charts, no statements of actual crime reports or housing values are included in the report. Thus, the lay reader has only the most generalized statements of how the committee interpreted the empirical data.

RECOMMENDATIONS: First, that adult businesses be at least 1/10 mile (about 500 feet) from residential areas. Second, that adult businesses should not be adjacent to each other or even a different type of late night business (i.e.,

who do not object must be filed and be verified by the Planning Director.

11. LAND USE STUDY: WHITTIER, CALIFORNIA
DATE: JANUARY 9, 1978

OVERVIEW: After experiencing a rapid growth of sexually oriented businesses since 1969, the Whittier City Council commissioned a study of the effects of the businesses on the adjacent residential and commercial areas. At the time of the study, Whittier had 13 such businesses: 6 model studios, 4 massage parlors, 2 bookstores, and 1 theater.. Utilizing statistics, testimonies, and agency reports, the study compared two residential areas and four business areas over a span of 10 years (1968-1977). One residential area was near the largest concentration of sexually oriented businesses, the other had no commercial frontage but was chosen because of similar street patterns, lot sizes and number of homes. For businesses, Area 1 had six sexually oriented businesses, Area 2 had one, Area 3 had three, and Area 4 had none. 1973 was selected as the year to compare before/after effects of these businesses. Two chief concerns cited in the report are residential/business occupancy turnovers and increased crime.

OCCUPANCY TURNOVER: After 1973, 57% of the homes in the sexually oriented business area had changes of occupancy, compared to only 19% for the non-sexually oriented business area. Residents complained of "excessive noise, pornographic material left laying about, and sexual offenders (such as exhibitionists) venting their frustrations in the adjoining neighborhood." Citizens also expressed concern about drunk drivers coming into the area. Business Area 1, with the highest concentration of sexually oriented businesses (6), experienced a 134% increase in annual turnover rate. Area 3, with three adult businesses at one location, showed a 107% turnover rate. Area 2 (with 1 adult business) had no measurable change and Area 4 (with no commercial or sexually oriented businesses) experienced a 45% decrease in turnover from similar periods.

CRIME: The City Council looked at the two residential areas for the time periods of 1970-73 (before sexually oriented businesses) and 1974-77 (after such businesses). In the sexually oriented business area, criminal activity increased 102% (the entire city had only an 8.3% increase). Certain crimes skyrocketed (Malicious Mischief up 700%; All Assaults up 387%; Prostitution up 300%). All types of theft (petty, grand, and auto) increased more than 120% each. Ten types of crime were reported for the first time ever in the 1974-77 period.

13. LAND USE STUDY: CLEVELAND, OH
DATE: AUGUST 24, 1977

OVERVIEW: This police department report is taken from information given by Captain Delau participating in a panel discussion at the National Conference on the Blight of Obscenity held in Cleveland July 28-29, 1977. The topic was "The Impact of Obscenity on the Total Community." Crime statistics are included for 1976 robberies and rapes. Areas evaluated were census tracts (204 in the whole city, 15 study tracts with sexually oriented businesses). At the time of the study, Cleveland had 26 pornography outlets (8 movie houses and 18 bookstores with peep shows). Their location was not regulated by city zoning laws.

FINDINGS: For 1976, study tracts had nearly double the number of robberies as the city as a whole (40.5 per study tract compared to 20.5 for other city tracts). In one study tract with five sexually oriented businesses and 730 people, there were 136 robberies. In the city's largest tract (13,587 people, zero pornography outlets) there were only 14 robberies. Of the three tracts with the highest incidence of rape, two had sexually oriented businesses and the third bordered a tract with two such businesses. In these three, there were 41 rapes in 1976 (14 per tract), nearly seven times the city average of 2.4 rapes per census tract.

CONCLUSIONS: "Close scrutiny of the figures from the Data Processing Unit on any and every phase of the degree of crime as recorded by census tracts indicates much higher crime rate where the pornography outlets are located."

14. LAND USE STUDY: CITY OF LOS ANGELES, CA
DATE: JUNE 1977

OVERVIEW: The Department of City Planning studied the effects of the concentration of sexually oriented businesses on surrounding properties for the years 1969-75 (a time of proliferation for such businesses). The report focuses on five areas with the greatest concentration of these businesses (compared to five "control" areas free of them), and cites data from property assessments/sales, public meeting testimony, and responses from two questionnaires (one to business/residential owners within a 500 foot radius of the five study areas and a second to realtors/real estate appraisers and lenders). Crime statistics in the study areas are compared to the city as a whole. Also included: a chart of sexually oriented business regulations in eleven major cities, details of current regulations available under state/municipal law, and appendices with samples of questionnaires, letters, and other study materials.

SUBJECT MATTER	WILLIAMSON CO. ATTY'S PROPOSAL	HAYS COUNTY	CITY OF PLANO	JEFFERSON CO.
Purpose/Intent	To promote the health, safety morals, and general welfare to establish reasonable and uniform regulations to prevent concentration of sexually oriented businesses within the county.	To promote the health, safety, morals, and general welfare and to establish reasonable and uniform regulations to prevent concentration of sexually oriented businesses within the county.	To promote the health, safety, morals, and general welfare and to establish reasonable and uniform regulations to prevent concentration of sexually oriented businesses within the county.	To establish reasonable and uniform regulations of sexually oriented businesses to promote and protect the health, safety and general welfare of the citizens of the county.
Definitions	Adult Motels: (b) sleeping room for rent for a period of time that is less than 20 hours; (c) allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 20 hours; Elder Care Facility; Family Oriented Entertainment Business; Interested Party; Massage Parlor; Specified Anatomical areas(a)(b); Specified Criminal Activity(1-11);	Massage Parlor;	Adult Bookstore: (3) Software programs; Board of adjustment; Historic District; Operates or causes to be operated;	Commissioners Court; Enterpriser(1)(2); Live Exhibition; Interested Party; Server;
Classifications	Same plus Sexually oriented Dance Hall	Same	Same	Same
License Requirements	Same	Same	Same	Same
License Issuance	Same	Same	Same	Same

SUBJECT MATTER	WILLIAMSON CO AIRPORT PROPOSAL	HAYS COUNTY	CITY OF PLANO	JEFFERSON CO
Fees	Owner/Operators: Original permit: \$3,000.00, First Renewal: \$2,250.00, Second Renewal: \$1,500.00 and Third and Subsequent Renewals: \$750.00; Employee License: Original: \$300.00, First Renewal: \$250.00, Second Renewal: \$100.00	\$1,000.00	\$500.00	Class I Permit (Business): Original Permit: \$3000.00, First Renewal: \$2,250.00, Third and Subsequent Renewal: \$750.00 Class II Permit (Individual Dancers): Original Renewal: \$150.00, First Renewal: \$100.00, Second and Subsequent Renewals: \$50.00
Inspections	Same plus any peace officer	Same	Same	Same
Expiration	Application for renewal should be made at least 60 days before the expiration date. Except, revocation is in effect for full year	Same	Same	Same
Suspension	Same	Same	Same	Same
Appeals	Same except only to District Court, limited appeal time to 10 days	Same	Same	No provision for appeal.
License Transfers	Same	Same	Same	Same

SUBJECT MATTER	WILLIAMSON CO. ATTY'S PROPOSAL	HAYS COUNTY	CITY OF PLANO	JEFFERSON CO.
Revocation	(b) the licensee, or a person with whom the licensee is residing, is convicted of a "specified criminal activity"; (d) a licensee has, with knowledge, permitted the sale, use or consumption of alcoholic beverages on the premises; (f) a licensee has attempted to sell his business license, or has sold, assigned, or transferred ownership or control of the sexually oriented business to a person or entity not licensed to own or operate a sexually oriented business in that location; (m) the business has been closed for a period of 30 consecutive days, unless the closure is due to physical damage to the business premises beyond the control of owner or operator and the owner is proceeding with due diligence to reopen the establishment.	Same	Same	Same

SUBJECT MATTER	WILLIAMSON CO. ATTY'S PROPOSAL	HAYS COUNTY	CITY OF PLANO	JEFFERSON CO.
Location	Increases distance to 1,500 feet and includes hospitals public buildings and public highways; increases distance between Sexually oriented businesses to 1 mile and add penal institutions	Can not operate a sexually oriented business within 2000 feet of specified locations.	Can not operate a sexually oriented business within 3000 feet of specified locations.	Can not operate a sexually oriented business within 1500 feet of specified locations. One mile from penal institution.
Exemptions	Eliminated from regulations	Same	Same	See Defense below.
Signs	No more than one primary and one secondary sign.	None	None	None
Additional Regulations	Same except Concerning Public Nudity; Alcoholic Beverages Prohibited;	Same	Same	Same
Defenses	Licensed school; art classes.	Same	Same	Licensed doctors, therapist, non-Sexually oriented business bookstores and movie theaters.
Enforcement	Same	Same	Same	Same
Operating hours	Regulates hours. Must close 1:00 a.m. until 8:00 a.m. Monday thru Saturday and 1:00 a.m. until noon Sunday.	No Regulations	No Regulations	No Regulations

AGENDA ITEM # 26

May 5, 1998

Discuss and take any appropriate action pertaining to lease on agricultural tract at landfill.

Commissioner Mehevec suggested we advertise for bids to lease agricultural tract at landfill if we did not have renewal clause in existing contract.

Moved: Commissioner Boatright

Seconded: Judge Doerfler

Motion: To advertise 10:30 a.m. on June 2, 1998, to receive bids/proposals for lease of agricultural tract at landfill if research of existing lease determines such action necessary.

Vote: Motion carried 5 - 0

AGENDA ITEM # 27

May 5, 1998

Consider transfer of the following fixed asset from Constable, Precinct 1 to Maintenance:

(1) Wood table A 104845

Moved: Commissioner Boatright

Seconded: Commissioner Hays

Motion: To approve transfer of one (1) wood table A104845 from Constable, Precinct #1 to Maintenance.

Vote: Motion carried 5 - 0

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