

CITY OF WALLIS

ORDINANCE No. 163 SEXUALLY ORIENTED BUSINESSES

Purpose and Intent

- (a) It is the purpose of this article to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the City of Wallis, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the City of Wallis. The provisions of this article 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 neither the intent nor effect of this article 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.
- (b) It is the intent of the city council of the City of Wallis that the locational regulations of Section 4.604 of this article are promulgated pursuant to Chapter 243 of the Texas Local Government Code.

Definitions

Adult Arcade. Any place to which the public is permitted wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.”

Adult Bookstore or Adult Video Store. A commercial establishment that as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:

- (1) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides, or other visual representations that depict or describe “specified sexual activities” or “specified anatomical areas;” or
- (2) Instruments, devices, or paraphernalia that are designed for use in connection with “specified sexual activities.”

Adult Cabaret. A nightclub, bar, restaurant, or other establishment that regularly features:

- (1) Persons who appear in a state of nudity or semi-nudity, including topless dancers, nude dancer or stripper, male or female; or
- (2) Live performances that are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities;” or
- (3) Films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

Adult Lingerie Store/Modeling Studio. A commercial establishment where live models exhibit lingerie intended for an adult audience.

Adult Lounge. An adult cabaret that is permitted a license pursuant to the Alcohol Beverage Code where alcoholic beverages may be served, sold, or consumed.

Adult Motel. A hotel, motel, or similar commercial establishment that:

- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas;” and has a sign visible from the public right-of-way which advertises the availability of this type of photographic reproductions; or
- (2) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
- (3) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

Adult Motion Picture Theater. A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, or similar photographic reproductions are shown that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

Adult Theatre. A theater, concert hall, auditorium, or similar commercial establishment that 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.”

Child Care Facility. A building used as a day nursery, children's boarding home, child placement agency, religious or charitable encampment for children, or any other place for the care or custody of children under sixteen (16) years of age.

Chief of Police. The chief of police to the City of Wallis or his designated agent.

Church. A building in which persons regularly assemble for worship, intended primarily for purposes connected with faith, or for propagating a particular form of belief.

City Administrator. The City of Wallis City Administrator or his designated agent.

Disqualifying Offense. Any crime involving an offense against the person, such as those described in Title 5 of the Texas Penal Code; an offense against the family, such as those described in Title 6 of the Texas Penal Code; an offense against public and decency such as described in Title 9 of the Texas Penal Code, involving prostitution, obscenity or controlled substances; an offense involving organized crimes, such as those described in Title 11 of the Texas Penal Code; or an offense involving a violation of the provisions of this article.

Escort. 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.

Escort Agency. A person who, or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its business purposes, for a fee, tip, or other consideration.

Establishment. Any of the following:

- (1) The opening or commencement of any sexually oriented business as a new business;
- (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- (3) The addition of any sexually oriented business to any other existing sexually oriented business; or
- (4) The relocation of any sexually oriented business.

Knowingly. Shall have the same meaning set forth of Texas Penal Code 6.03 or there amended.

Licensee. 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.

Nude Model Studio. Any place where a person who appears in a state of nudity or semi-nudity or displays “specified anatomical areas” is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration.

Nudity or a State of Nudity. Means:

- (1) The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast; or
- (2) A state of dress that fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola of the female breast.
- (3) Wet tee-shirt or other undergarments that are used to display female breasts, male or female genitals, or buttocks.

Operates or Causes to be Operated. To cause to function or to put or keep in operation. A person may be found to be operating or causing to be operating a sexually oriented business whether or not that person is an owner, part owner, or licensee of the business.

Person. An individual, proprietorship, partnership, corporation, association, or other legal entity.

Residential District. A single-family, duplex, townhouse, multiple-family or mobile home district, or area so designated by such uses.

Residential Use. Property used for single-family, duplex, multiple-family, mobile home park, mobile home subdivision, or campground purposes.

School. Any public or private learning center, elementary school, secondary school, junior college, community college, or other center for postsecondary education.

Semi-Nude. A state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breasts, as well as portions of the body covered by supporting straps or devices.

Sexual Encounter Center. A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- (1) Physical contact in the form of wrestling or tumbling between persons or the opposite sex; or

- (2) 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 seminude.

Sexually Oriented Business. An adult arcade, adult bookstore or adult video store, adult cabaret, adult lingerie store/modeling studio, adult lounge, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center or other commercial enterprise offering nudity or exhibiting devices intended to provide sexual stimulation or sexual gratification to the customer.

Specified Anatomical Areas. Human genitals in a state of sexual arousal.

Specified Sexual Activities. 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.

Substantial Enlargement of a Sexually Oriented Business. The increase in floor area occupied by the business by more than twenty (20) percent, as the floor area existed on the date of the enactment of this article.

Transfer of Ownership or Control of a Sexually Oriented Business. Any of the following:

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

Viewing Room. An area designed to permit one or more persons the opportunity to view or observe a dancer, model, or other performer in a "private" or semi-private" environment.

Classifications and Exemptions

- (a) An adult bookstore, adult video arcade, adult video store, adult cabaret, adult lingerie store/modeling studio, adult lounge, adult motel, adult movie theater, adult video theater, adult theater, escort agency, modeling studio, nude modeling studio, sexual encounter center, 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.
- (b) The following are exempted from regulation under this article:
 - (1) A bookstore, movie theater, or video store, unless that business is an adult bookstore, adult movie theater, or adult video store under Section 4.602;
 - (2) A business operated by or employing a licensed psychologist, licensed physical therapist, licensed athletic trainer, licensed cosmetologist, or licensed barber engaged in performing functions authorized under the license held;
 - (3) A business operated by or employing a licensed physician or licensed chiropractor engaged in practicing the healing arts; or
 - (4) A business whose activities only incidentally caused sexual stimulation or sexual gratification.

Location

- (a) It shall be unlawful for any person to operate or cause to be operated a sexually oriented business within one thousand (1,000) feet of:
 - (1) A church;
 - (2) A public, private, or parochial elementary or secondary school;
 - (3) Another sexually oriented business; or
 - (4) A public park.
- (b) For the purposes of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, elementary or secondary school, residential lot, other sexually oriented business, or public park.

(c) These location restrictions can be waived only by vote of the city council.

License Required

A person commits an offense if they operate a sexually oriented business without a valid license issued by the City of Wallis for the particular type of business. This license shall at all times be displayed in an open and conspicuous place on the premises of the business.

Application for License

- (a) Applications for sexually oriented business licenses shall be filed with the city secretary on a form to be furnished by the city secretary. Applications shall contain at least the following information:
- (1) The type of ownership of the business, i.e., whether individual, partnership, corporation, or otherwise;
 - (2) The trade name under which the business is to be conducted and the type(s) of sexually oriented businesses to be operated on the premises;
 - (3) The address and all telephone numbers to be used in connection with the business;
 - (4) The following information concerning the applicant if an individual or concerning each stockholder holding more than ten (10) percent of the stock of the corporation and each officer and each director if the applicant is a corporation or concerning each partner, including limited partners, if the applicant is a partnership and concerning the manager or other person principally in charge of the operation of the business:
 - (A) Name, residence address, and residence telephone number;
 - (B) The two (2) most recent previous addresses;
 - (C) Date of birth and driver's license number;
 - (D) Height, weight, color of hair and eyes, and sex;

(E) Business history and experience in connection with sexually oriented businesses, including whether or not the person has previously or is currently participating in the ownership or operation of a sexually oriented business in this or another city or state; and if a license or permit was or is required for the business, whether a permit has ever been denied, revoked, or suspended and, if so, the reason for that action.

(F) Any convictions for any felony or for any misdemeanor involving prostitution, obscenity or controlled substances, indicating the type of crime and the date and place of conviction.

(5) Such other information as the chief of police deems necessary to determine the truth of the matters required to be set forth in the application;

(6) Authorization for the city, its agents and employees to conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the license; and

(6) A statement by the applicant under oath that the information contained in the application is true and correct. For this purpose, an authorized corporate officer may execute the statement on behalf of a corporation, and an authorized partner may execute the statement on behalf of a partnership.

(b) Each application shall be accompanied by payment of a one thousand dollar (\$1,000.00) license fee. License fees shall not be refundable. (Ordinance adopting Code)

(c) Investigation; Approval of Applications by Chief of Police.

(1) Upon the city secretary's receipt of an application for a sexually oriented business permit, the chief of police shall conduct an investigation into the applicant's business and personal history. The chief of police may require a personal interview of the applicant and such further information as shall bear on the investigation.

(2) The chief of police shall also conduct an investigation of the premises where the sexually oriented business is to be operated to determine whether the premises comply with the requirements of this article as well as all other applicable building and health regulations.

(3) Before any license is issued under this article, the chief of police shall provide written authorization with final approval from Council.

- (d) An applicant for a license or permit issued under Section 4.607 for a location not previously licensed or permitted shall, not later than the 60th day before the date the application is filed, prominently post an outdoor sign at the location stating that a sexually oriented business is intended to be located on the premises and providing the name and business address of the applicant.

Issuance or Denial

- (a) The city secretary shall issue a sexually oriented business license within thirty (30) days of receipt of the application unless the chief of police finds that:
- (1) The premises do not comply with all applicable laws, including but not limited to the requirements of this article and the city's building and health regulations;
 - (2) The applicant, if an individual, or any of the stockholders holding more than ten (10) percent of the stock of the corporation or any of the officers and directors if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is partnership or the manager or other person principally in charge of the operation of the business has been convicted of any disqualifying offense unless the conviction occurred at least three (3) years prior to the date of the application; provided that if the person was incarcerated in a penal facility in connection with the conviction, then the three-year period shall run from the date of release from incarceration;
 - (3) Any employee of the applicant's business has been convicted of any disqualifying offense in connection with the business unless the conviction occurred at least three (3) years prior to the date of the application; provided that if the person was incarcerated in a penal facility in connection with the conviction, then the three year period shall run from the date of release from incarceration;
 - (4) The applicant has knowingly made any false, misleading or fraudulent statement of fact in the course of the application procedure or in any document required by the city in connection therewith; or
 - (5) The applicant has had a sexually oriented business license or permit denied or revoked by the city or any other state or local agency within three (3) years prior to the date of the application.
- (b) Sexually oriented business licenses shall contain the name and address of the licensee, the name, address and type(s) of business for which the license is issued and the expiration date of the license.

(c) Appeal From Denial.

- (1) Any applicant denied a license shall have the right of appeal to city council. This appeal shall be taken by filing with the city secretary a written statement setting forth fully the grounds for the appeal within ten (10) days after notice of the denial is given to the applicant.
- (2) The city secretary shall provide for a hearing for the appeal at the earliest convenient regular council meeting and shall notify the applicant by certified mail, and the chief of police of the date and time of the hearing. The chief of police may file a written response to the appeal with the city secretary, a copy of which shall be provided by the city secretary to the applicant. The issue at the hearing shall be to determine whether grounds for the denial exist under Section 4.607(a).
- (4) The council shall by majority vote either sustain the action of the chief of police or direct the issuance of the license.

(d) Separate Location; Term; Renewal.

- (1) Should any sexually oriented business have more than one (1) location, then a separate license shall be required for each location.
- (2) All sexually oriented business licenses shall expire on December 31 of the year in which issued. No proration of license fees shall be made for issuance of license during the course of the year.
- (3) Sexually oriented business licenses shall not be renewed without following the procedures for applying for the original license.

Sec. 4.608 Suspension and Revocation

- (a) The chief of police shall suspend a sexually oriented business license upon the licensee or the manager of the business being charged with any disqualifying offense, or upon any employee of the business being charged with any disqualifying offense in connection with the business. This suspension period shall coincide with the time during which the charges remain pending.

- (b) The chief of police shall suspend a license if he determines that the business has knowingly employed a person who has been convicted of any disqualifying offense in connection with a sexually oriented business unless the conviction occurred at least three (3) years prior to the date of this employment; provided that if the person was incarcerated in a penal facility in connection with the conviction, then the three year period shall run from the date of release from incarceration. The licensee must provide and keep current a list of all full or part time employees.
- (c) The chief of police shall suspend a license for a period not to exceed thirty (30) days if he determines that a licensee or an employee of the licensee has:
 - (1) Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises or allowed intoxicated persons on the business premises;
 - (2) Refused to allow an inspection of the sexually oriented business premises as authorized by this article;
 - (3) Knowingly permitted gambling by any person on the sexually oriented business premises;
 - (4) Demonstrated inability to operate or manage a sexually oriented business in a peaceful and law-abiding manner, thus necessitating action by law enforcement officers.
- (d) The chief of police shall revoke a sexually oriented business license for the remainder of its term upon the licensee or the manager of the business being convicted of any disqualifying offense or upon any employee being convicted of any disqualifying offense in connection with the operation of the business.
- (e) The chief of police shall revoke a sexually oriented business license upon a second offense in a twelve (12) month period.
- (f) The chief of police shall revoke a sexually oriented business license for the remainder of its term if the chief of police determines that:
 - (1) A licensee gave false or misleading information in the material submitted to the chief of police during the application process;
 - (2) A licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
 - (3) A licensee or an employee has knowingly allowed prostitution on the premises;

- (4) A licensee or an employee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;
 - (5) On two (2) or more occasions within a twelve month period, a person or persons committed a disqualifying offense occurring in or on the licensed premises 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;
 - (6) 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 define in Chapter 21 of the Texas Penal Code; or
 - (7) A licensee is delinquent in payment to the city for hotel occupancy taxes, ad valorem taxes, or sales taxes related to the sexually oriented business.
- (g) The fact that a conviction is being appealed shall have no effect on the revocation of the license.
- (h) Subsection (f)(6) above 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.
- (i) The chief of police shall notify the licensee of any suspension or revocation at least ten (10) days in advance of its effective date. Within ten (10) days of receipt of a notice of suspension or revocation, a licensee may appeal the chief of police's action to the city council by filing a written notice with the city secretary setting forth specifically the grounds for the appeal. The city secretary shall provide for a hearing on the appeal at the earliest convenient regular council meeting and shall notify the licensee by certified mail of the date and time of the hearing. The issue at the hearing shall be whether grounds exist under subsections (a) through (e) above for the suspension or revocation. The council shall by majority vote either sustain or rescind the action of the chief of police.

Additional Regulations by Classification

- (a) All Sexually Oriented Businesses. All premises used in connection with sexually oriented businesses shall be periodically inspected by the chief of police for compliance with the requirements of this section:

- (1) Separate toilet facilities for men and women shall be provided on the premises.
- (2) Persons under the age of eighteen (18) shall not be permitted on the premises of the business.
- (3) Alcoholic beverages shall not be sold or provided on the premises of the business except in compliance with a current valid license or permit issued by the Texas Alcoholic Beverage Commission.
- (4) For businesses where no alcoholic beverages are sold or provided, the business shall not operate between the hours of 1:00 a.m. and 1:00 p.m. on a Sunday or between 12:00 a.m. and 7:00 a.m. on any other day. For businesses where alcoholic beverages are sold or provided, the business shall operate at any time when the sale of alcoholic beverages is not prohibited. No customer shall be permitted to enter upon or remain on the business premises at any time other than during the permitted hours of operation.
- (5) The business shall not have any bedroom, sleeping quarters, residence or living quarters on the premises of the business.
- (6) The business hours of the premises shall be plainly posted at each entrance to the business.
- (7) Doors to individual customer service areas, rooms, viewing booths, or cubicles shall not be capable of being locked.
- (8) Massage therapists shall wear clothing that covers the anus, female breast, and the entire genitals during the performing of massage therapy.

(b) Escort Agencies.

- (1) An escort agency shall not employ any person under the age of eighteen (18) years.
- (2) It shall be unlawful for any person to act as an escort or agree to act as an escort for any person under the age of eighteen (18) years.

(c) Nude Model Studios.

- (1) A nude model studio shall not employ any person under the age of eighteen (18) years.

- (2) It shall be unlawful for any person under the age of eighteen (18) years to appear in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under eighteen (18) years was in a restroom not open to public view or persons of the opposite sex.
- (3) It shall be unlawful for any person to appear in a state of nudity or knowingly allow 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.

(d) Adult Theaters and Adult Motion Picture Theaters.

- (1) It shall be unlawful for any person to knowingly allow a person under the age of eighteen (18) years to appear in a state of nudity in or on the premises of an adult theater or adult motion picture theater.
- (2) It shall be unlawful for any person under the age of eighteen (18) years to knowingly appear in a state of nudity in or on the premises of an adult theater or adult motion picture theater.
- (3) It is a defense to prosecution under subsections (1) and (2) above if the person under eighteen (18) years was in a restroom not open to public view or persons of the opposite sex.

(e) Adult Motels.

- (1) Evidence that a sleeping room in a hotel, motel, or similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this article.
- (2) It shall be unlawful for any person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented business license, to rent or subrent a sleeping room to a person and, within ten (10) hours from the time the room is rented, rent or subrent the same sleeping room again.
- (3) For purposes of subsection (1) above, the terms "rent" or "subrent" means the act of permitting a room to be occupied for any form of consideration.

(f) 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 one hundred fifty (150) square feet of floor space, a film videocassette, 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 thirty-two (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 should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The chief of police may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies 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 chief of police or his designee.
- (D) It is the duty of the owners and operator of the premises to ensure that at least one (1) employee is on duty and situated in each manager's 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 manager's 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 (2) 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 (1) of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
 - (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 view area specified in subsection (E) above remains unobstructed by any doors, walls, 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) above.
 - (G) 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 one (1.0) foot candle as measured at the floor level.
 - (H) 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 on the premises.
- (2) It shall be unlawful for any person having a duty under subsection (1)(A) through (1)(H) above to knowingly fail to fulfill that duty.

Inspections

- (a) The entire premises of every sexually oriented business shall be deemed to be a public place and shall not during business hours have its entrances or exits locked or obstructed in any way so as to prevent free ingress or egress of persons.
- (c) The licensee of every sexually oriented business shall allow the inspection of the premises by the chief of police and/or the public health officer at any time during business hours.

Enforcement

- (a) The violation of any provision of this article, including the doing of anything which is herein prohibited or declared to be unlawful or the failure to do anything or perform any duty which is required herein, shall be punishable as provided by Section 243.010(b) of the Local Government Code, as amended, as a Class A misdemeanor.
- (b) To prohibit the violation of a regulation in this article, the city attorney may file suit in the district court for an injunction.

Transfer of License

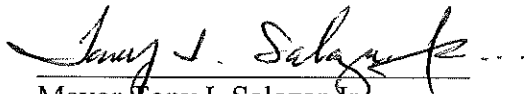
A licensee shall not transfer his license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

Severability

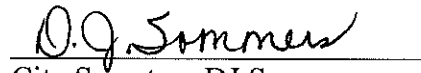
If any section, subsection, clause, phrase, or provision of this article, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void, or unconstitutional, the remaining sections, subsections, clauses, phrases, and provisions of this article, or the application thereof to any person or circumstances, shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WALLIS:

READ AND APPROVED on this the 9th day of August, 2006.



Mayor Tony I. Salazar Jr.



City Secretary DJ Sommers

ATTEST:
