

CITY OF ANGUS, TEXAS

ORDINANCE NO. 88

CITY OF ANGUS, TEXAS AN ORDINANCE OF THE CITY OF ANGUS, TEXAS, REGULATING THE LOCATION AND OPERATION OF SEXUALLY ORIENTED BUSINESSES; REQUIRING AN ANNUAL LICENSE AND FEE; PROVIDING FOR THE SUSPENSION AND REVOCATION OF SUCH LICENSE; PROVIDING AN APPELLATE PROCESS FOR LICENSES WHICH ARE SUSPENDED OR REVOKED; PROVIDING FOR INSPECTIONS OF PREMISES; PROHIBITING THE TRANSFER OF LICENSES; ALLOWING FOR INJUNCTIONS; PROVIDING A PENALTY OF UP TO \$500.00 PER DAY FOR VIOLATIONS; PROVIDING FOR SEVERABILITY OF THIS ORDINANCE; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE.

CITY COUNCIL NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANGUS, TEXAS:

Article I. Sexually Oriented Business Regulations Adopted

That Chapter 3 of the City of Angus Code of Ordinances be revised by the addition of Section 3, said Section 3 to read as follows:

**SECTION 3: SEXUALLY ORIENTED BUSINESSES**

**A. Definitions**

Adult Arcade means a movie arcade, game (penny) arcade or other establishment which holds itself out to be primarily in the business of offering to customers still or motion pictures or games which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

Adult Book or Video Store means an establishment which holds itself out to be primarily in the business of offering to customers books, magazines, films or videotapes (whether for viewing on or off-premises), periodicals, or other printed or pictorial materials which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, and in which twenty five percent (25%) or more of the gross floor area is devoted to offering such merchandise.

Adult Cabaret means a cabaret which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

Adult Lounge means an adult cabaret which is a permitted or licensed premises pursuant to the Texas Alcoholic Beverage Code where alcoholic beverages may be served or sold.

Adult Motel means a hotel, motel, or similar commercial establishment which offers sleeping accommodations to the public for any form of consideration for a period of time that is less than ten (10) hours or 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 Novelty Shop means an establishment which holds itself out to be primarily in the business of selling products which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical area, and in which twenty five percent (25%) or more of the gross floor area is devoted to the sale of such products.

Adult Service Business means an sexual encounter center, escort agency or bureau, nude modeling studio, massage parlor or any other commercial enterprise which holds itself out to be primarily in the business of offering a service which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

Adult Theater means an establishment which holds itself out to be primarily in the business of exhibiting to customers motion pictures which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

Escort means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person and who solicits, offers, or performs sexual activities to a patron, or who agrees or offers to privately model lingerie or to privately perform striptease for another person.

Escort Agency or Bureau means a person or business association who furnishes, offers to furnish, refers, or advertises to furnish escorts as one of its primary business purposes, for a fee, commission, or other consideration.

Massage Parlor means an establishment or place primarily in the business of providing massage services to patrons and which employs massuers, masseuses, or other persons who solicit, offer, or perform sexual activities to a patron.

Nude Modeling 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.

Nudity or State of Nudity means the appearance of a human bare buttock, anus, male genitals, female genitals or female breasts.

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

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.

Sexually Oriented Business means an adult arcade, adult book or video store, adult cabaret, adult lounge, adult motel, adult novelty shop, adult service business, adult theater, or other commercial enterprise of primary business of which is the offering of a service of the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.

Specified Anatomical Areas means:

(1) less than completely and opaquely covered:

(a) human genitals, pubic region,

(b) buttock, or

(c) female breast below a point immediately above the top of the areola: or:

(2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities means:

(1) showing human genitals in a state of sexual stimulation or arousal; or

(2) acts of human masturbation, sexual intercourse or sodomy; or

(3) fondling or other erotic touching of human genitals pubic region, buttock or female breast.

## B. General Regulations

(1) On-premises advertisements, displays, or other promotional materials for 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 shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public places outside the business.

(2) Each separate room or compartment of a sexually oriented business into which patrons are allowed access will be posted with an AIDS educational message, which will consist of one of the following statements:

(a) STOP AIDS. AVOID CONTACT WITH SEXUAL FLUIDS AND DIRTY NEEDLES.

(b) AIDS IS TRANSMITTED BY SEX WITHOUT CONDOMS OR BY SHARING NEEDLES.

(d) A poster or sign with a similar message as approved in writing by the mayor.

(d) As to paragraph (a) or (b) above, said statements shall be in lettering not less than one and one-half inches in height; as to (c) above, the height of the lettering shall be within the discretion of the city and/or county health officer.

(e) All signage shall be in both the English and Spanish languages and shall include a designated AIDS information telephone number.

(3) Each adult sexually oriented business shall be required to prominently display and make available to patrons of the sexually oriented business, literature concerning sexually transmitted disease and/or AIDS.

## C. Location of Sexually Oriented Business

(1) Relation to other sexually oriented businesses: A sexually oriented business shall not be located on any lot within five hundred feet (500') of any lot on which there is located another sexually oriented business.

(2) Relation to civic uses: A sexually oriented business shall not be located on any lot within one thousand feet (1,000') of any lot on which there is located any public or private school, church, public park or playground, or licensed day-care center.

(3) Relation to residential zones and uses: A sexually oriented business shall not be located on any lot within one thousand hundred feet (1,000') of any lot which is zoned or used for residential purposes.

(4) A radius or distance under this section shall be determined from the midpoint of a line joining the two most distant points on the boundaries on the lot.

#### **D. License Required**

(1) A person commits an offense if he operates a sexually oriented business without a valid license, issued by the city for the particular type of business.

(2) An application for a license must be made on a form provided by the city. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches (6"). Applicants who must comply with paragraph 5 of this subsection shall submit a diagram meeting the requirements.

(3) The applicant must be qualified according to the provisions of this section and the premises must be inspected and found to be in compliance with the laws of the State of Texas and the ordinances of the City of Angus. Such inspections shall be conducted by the respective officials within thirty (30) days of the date of the application.

(4) If a person who wishes to operate a sexually oriented business is an individual, he must sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a five percent (5%) or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under Subsection E of this section and each applicant shall be considered a licensee if a license is granted.

(5) The fact that a person possessed valid private club or other alcoholic beverage retail license or permit does not exempt him from the requirement of obtaining a sexually oriented business license from the City of Angus.

#### **E. Standards for Issuance of License**

(1) The city council shall approve the issuance of a license to an applicant within thirty (30) days after receipt of an application, unless it finds one (1) or more of the following to be true:

(a) An applicant is under eighteen (18) years of age.

(b) An applicant or an applicant's spouse is overdue in his payment to the city of taxes, fees, fines, or penalties assessed against him or imposed upon him in relation to a sexually oriented business.

(c) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.

(d) An applicant or an applicant's spouse has been convicted of a violation of a provision of this section, other than the offense of operating a sexually oriented business without a license, within two (2) years immediately preceding the application. The fact that a conviction is being appealed shall have no effect.

(e) An applicant is residing with a person who has been denied a license by the city to operate a sexually oriented business within the preceding twelve (12) months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.

(f) The premises to be used for the sexually oriented business have not been approved by the City of Angus or any state or county health or building official as being in compliance with applicable laws and ordinances.

(g) The license fee for operating a sexually oriented business as required by this section has not been paid.

(h) 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 or she is unable to operate or manage a sexually oriented business premises in a peaceful and law-abiding manner, thus necessitating action by law enforcement officers.

(i) An applicant or the proposed establishment is in violation of or is not in compliance with the other provisions of this section.

(j) An applicant or an applicant's spouse has been convicted of a crime involving any of the following offenses described in the Texas Penal Code:

- (1) prostitution;
- (2) promotion of prostitution;
- (3) aggravated promotion of prostitution;
- (4) compelling prostitution;
- (5) obscenity;
- (6) sale, distribution, or display of harmful material to minor;
- (7) sexual performance by a child;
- (8) possession of child pornography;

- (9) public lewdness;
- (10) indecent exposure;
- (11) indecency with a child;
- (12) sexual assault or aggravated sexual assault as described in the Texas Penal Code;
- (13) incest, solicitation of a child, or harboring a runaway child as described in the Texas Penal Code; or
- (14) criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses;

for which:

- (i) less than two (2) 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 (5) 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 (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two (2) or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four (24) month period.

(2) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or applicant's spouse.

(3) An applicant who has been convicted or whose spouse has been convicted of an offense listed in Subsection E(1)(j) may qualify for a sexually oriented business license only when the time period required by Subsection E(1)(j)(i-iii) has elapsed.

(4) 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 license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business. The license 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.

## **F. License Fee**

The initial fee and annual renewal fee for a sexually oriented business license is \$1,000.00 which shall be paid at the time an application is filed. This fee shall not be refunded in the event such application is denied, suspended or revoked.

## **G. Inspections**

(1) An applicant or licensee shall permit representatives of the city or any law enforcement agency to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law and/or these regulations, 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 at any time the business is occupied or open for business by a representative of the city who is serving in an official capacity or any law enforcement officer.

(3) The provisions of the section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent residence.

## **H. Expiration of License; Renewal**

(1) Each license shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in Subsection E of this section. Application for renewal should be made at least thirty (30) days before the expiration date; and when made less than thirty (30) days before the expiration date, the expiration for the license will not be affected.

(2) When the city council denies renewal of a license, the applicant shall not be issued a license for one (1) year from the date of denial. If, subsequent to denial, the city council finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date denial became final.

## **I. Suspension of License**

The mayor shall suspend a license for a period not to exceed thirty (30) days if he or she determines that a license or an employee of a licensee has:

(1) violated or is not in compliance with these regulations;

(2) engaged in excessive use of alcoholic beverages while on the premises of the sexually oriented business;



- (3) refused to allow an inspection of the premises of a sexually oriented business as authorized representative of the city or law enforcement agency;
- (4) knowingly permitted gambling by any person on the premises of the sexually oriented business;
- (5) demonstrated inability to operate or manage a sexually oriented business in a peaceful and law-abiding manner thus necessitating action by law enforcement officers.

## J. Revocation of License

- (1) The city council may revoke a license if a cause of suspension in Subection I of this section occurs and the license has been suspended within the preceding twelve (12) months.
- (2) The city council may also revoke a license if it determines that:
- (a) a licensee gave false or misleading information in the material submitted during the application process;
  - (b) a licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises.
  - (c) a licensee or an employee has knowingly allowed prostitution on the premises;
  - (d) a licensee or an employee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;
  - (e) a licensee has been convicted of an offense listed in Subsection E(1)(j) 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;
  - (f) on two (2) or more occasions within a twelve (12) month period, a person or persons committed an offense occurring in or on the licensed premises of a crime listed in Subsection E(1)(j), 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;
  - (g) a licensee or an employee has knowingly allowed any act of sexual sodomy, intercourse, sodomy, oral copulation, masturbation, or sexual contact (as defined in Section 21.01 of the Texas Penal Code) to occur in or on the licensed premises.

(h) a licensee is delinquent in payment of any sales taxes, licensee fees, or other debt owed to the city if such obligation is related to the sexually oriented business.

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

(4) When the city council revokes a license, the revocation shall continue for one (1) year and the licensee shall not be issued a sexually oriented business license for one (1) year from the date revocation became effective. If, subsequent to revocation, the city council finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective. If the license was revoked under Subsection J(2)(e) of this section, an applicant may not be granted another license until the appropriate number of years required under Subsection E(1)(j)(i-iii) has elapsed.

### **K. Appeals**

If the mayor suspends a license, he or she shall send to the applicant, or licensee, by certified mail, return receipt requested, written notice of his or her action and the right to an appeal. The aggrieved party may appeal the decision of the mayor to the city council. The filing of an appeal stays the action of the mayor in suspending or revoking a license until the city council makes a final decision.

### **L. Transfers of License Prohibited**

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.

### **M. Penalty for Violations**

Any person violating a provision of this section, upon conviction, is punishable by a fine as provided for in the general penalty provision found in Section 5 of Chapter 1 of this Code of Ordinances. A separate offense is committed on each day on which a violation occurs or continues to exist.

### **N. Injunctions**

A person who operates or causes to be operated a sexually oriented business without a valid license may be joined by a suit for injunction as well as prosecution for any criminal violations.

**Article II. Penalty for Violations**

Any person, firm, or corporation who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined in an amount not exceeding five hundred dollars (\$500.00), and each and every day's violation shall constitute a separate offense.

**Article III. Severability of Ordinance**

If any section, subsection, paragraph, sentence, clause, phrase, or word in this ordinance, or application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the ordinance, and the city council of the City of Angus hereby declares that it would have passed such remaining portions of the ordinance despite such invalidity.

**Article IV. Conflicting Provisions**

Any and all ordinances of the City of Angus heretofore adopted which are in conflict with this ordinance are hereby expressly repealed insofar as the same are in conflict therewith.

**Article V. Effective Date**

This ordinance shall take effect immediately, from and after its passage and publication of the caption, as the law in such cases provides.

PASSED and APPROVED by the City Council of the City of Angus, Texas on this 24 day of April, 1995.



ATTEST:

Betty McCain  
CITY SECRETARY

APPROVED:  
[Signature]  
MAYOR

04/26/95

I N V O I C E

No. ORD:

CORSICANA DAILY SUN  
405 E COLLIN ST  
PO BOX 622  
CORSICANA, TX 75151-0622

000112340

CITY OF ANGUS  
RR 3 BOX 3060  
CORSICANA, TX 75110

**\*\*AFFIDAVIT ONLY\*\***  
**\*\*THIS IS NOT A BILL\*\***

DATE	DESCRIPTION	TC	C	QUANTITY	UNIT	RATE	TOTAL
04/26/95	LEGAL-ORD #88	AD	L	4.00	INCH	7.2800	29.1
04/27/95	LEGAL-ORD #88	AD	L	4.00	INCH	7.2800	29.1

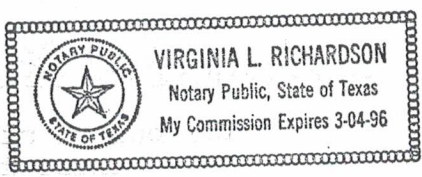
THE STATE OF TEXAS  
COUNTY OF NAVARRO

BEFORE ME, the undersigned authority, on this day personally appeared GARY CONNOR, who being duly sworn, says he is the PUBLISHER of the Corsicana, Texas branch of American Publishing Management Services, Inc., publisher of the CORSICANA DAILY SUN, a daily newspaper published at Corsicana in said county and state and that the notice, a copy of which is hereto attached was published in said newspaper on the dates listed above.

*[Signature]*

*[Signature]*

BEFORE ME, the SUBSCRIBED AND SWORN TO BEFORE ME, this the 5th day of MAY 1995.



*Virginia L. Richardson*  
Notary Public in and for the State of Texas.

AMOUNT DUE --> 58.2

The family of The Rev. John W. Scarff would like to extend heartfelt thanks for all the food, flowers, cards, and many prayers from friends and family during the loss of our loved one.

A special thanks to all the people of St. John's Episcopal Church, the staff of Navarro Regional Hospital, especially Dr. Kent Rogers, Dr. Robert Kingman and Dr. Louis Lux and the dialysis unit. Also the Quality Care Hospice staff who were so caring. Above all we give thanks to The Rev. M. Scott Davis and wife, Sue Anne, for their love, compassion and support and for always being at our side at this difficult time.

Rosemary Scarff,  
Cindy and Steve Goodrich,  
Bill and Teri Scarff,  
Jim and Liz Scarff

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**201 LEGALS**

An Election will be held on Saturday May 6, 1995 in the City of Goodlow for the purpose of electing the following officers: Three (3) Councilmen. The polls shall on said election day be open from 7am. to 7pm.

**NOTICE OF GENERAL CITY ELECTION**

Notice is hereby given that the polling places listed below will be open from 7am-7pm on May 6, 1995, for voting in a General City election, to elect a mayor and 3 council members.

LOCATION(S) OF POLLING PLACES: Eureka City Hall  
Early voting by personal appearance will be conducted each workday at Susan Wisdom's home on FM 2859 between the hours of 4pm and 7pm, beginning on April 17, 1995 and ending on May 2, 1995. Applications for ballot by mail shall be mailed to:

Susan Wisdom  
Rt 6 Box 188A  
Corsicana, Tx. 75110

Applications for ballots by mail must be received no later than the close of business on April 28, 1995.

Issued this the 23rd day of February, 1995.  
Barney Thomas  
Mayor

**197 SCHOOLS & INSTITUTIONS**

BECOME A VETERINARY Assistant/Animal care specialist. Home study. P.C.D.I. Atlanta, Georgia. Exciting careers for animal lovers. Free fact filled literature package. 800-362-7070 Dept. CCE461.

QUALITY LEARNING LAB  
Math/reading instruction/tutorial. Enrolling, grades 1-7. Certified teachers/assistants. 874-5337

**201 LEGALS**

**NOTICE**

The following ordinance was passed and approved on the 24th day of April 1995 by the commission of the City of Angus and is available in the city Secretary office at the Angus government Center. Ordinance caption reads as follows.

ORDINANCE NO. 88  
AN ORDINANCE OF THE CITY OF ANGUS, TEXAS, REGULATING THE LOCATION AND OPERATION OF SEXUALLY ORIENTED BUSINESSES; REQUIRING AN ANNUAL LICENSE AND FEE; PROVIDING FOR THE SUSPENSION AND REVOCATION OF SUCH LICENSE; PROVIDING AN APPELLATE PROCESS FOR LICENSES; WHICH ARE SUSPENDED OR REVOKED; PROVIDING FOR INSPECTIONS OF PREMISES; PROHIBITING THE TRANSFER OF LICENSES; ALLOWING FOR INJUNCTIONS; PROVIDING A PENALTY OF UP TO \$500.00 PER DAY FOR VIOLATIONS; PROVIDING FOR SEVERABILITY OF THIS ORDINANCE; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE.  
City Secretary  
Betty McCain

1991 Olds 88  
**\$6,995**  
#1419A

Unbelievable



Westside HOT LINE

817-582-2525

**WESTSIDE LOW Price Hotline:**

Hillsboro 817-582-2525 •Sales  
Waco 817-826-3041 •Service  
Toll Free 800-299-2378 •Parts

Large Inventory = Lowest Everyday Discount Prices!!

Jim Striegel & Mike Melton, Owners

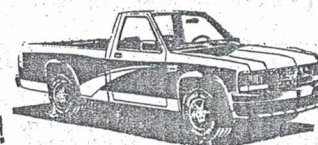
**1995 Dodge Dakota Club Cab**

#1176

**\$15,988**

1989 Plymouth Grand Voyager  
**\$6,995**  
#8486A

No Body Will Beat A Westside Deal!



Westside HOT LINE

817-582-2525

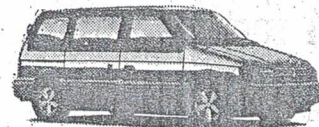
**1995 Dodge Caravan**

#1401

**\$17,488**

1989 Dodge Ram Charger  
**\$5,995**  
#2825A

The Mini Van Store



Westside HOT LINE

817-582-2525

**1995 Dodge Stratus**

#1369

**\$15,188**

1993 Chevrolet Corsica  
**\$8,995**  
#2937A

Hurry In!



Westside HOT LINE

817-582-2525

**WESTSIDE MOTORS**

Drive A Little Save A Lot Will Beat Any Bona Fide Deal!

GO SOUTH 20 MINUTES • GO SOUTH 20 MINUTES •



LNOS 09