STATE OF TEXAS **Ordinance No. _____**

CITY OF SEGUIN

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS, AMENDING CHAPTER 22, BUSINESSES, OF THE SEGUIN CODE OF ORDINANCES BY REPEALLING ARTICLE III, MASSAGE BUSINESS AND MASSEURS; AND REPLACING WITH A NEW ARTICLE III, ADULT ORIENTED BUSINESS, PROVIDING FOR PROCEDURAL RULES, PROVIDING FOR PENALTIES, AMENDING APPENDIX C TO ESTALBISH RELATED FEES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AUTHORIZING CITY STAFF TO PREPARE THIS ORDINANCE FOR SUBMISSION AS A SUPPLEMENT TO THE CODE OF ORDINANCES; AND DECLARING AN EFFECTIVE DATE

1. As part of the process for creating the new Unified Development Code, the City of Seguin's Planning and Codes Department, along with the City Attorney, the Unified Development Code Committee and the Planning and Zoning Commission reviewed the City's current ordinance regulating sexually oriented businesses. In light of the changes being made in establishing the new Unified Development Code, the various groups recommend, as a general rule, that specific business regulations be established by ordinance outside of the Unified Development Code. The Unified Development Code, in its various matrices, will establish the districts where various businesses, including Adult Oriented Businesses, are allowed, with proper licenses and permits, to operate.

2. The present Article III, Massage Businesses and Masseurs, is outdated. Massage Therapists (that definition includes a wide variety of common massage techniques and practices) are licensed and regulated by the State of Texas. The State Regulations specifically supersedes local regulations. The present regulations are therefore superfluous. The new Adult Oriented Business Ordinance covers massage businesses that are not licensed and operated in accordance with State laws and regulations.

3. The Ordinance under consideration amends the prior ordinance by updating language and definitions to fit the industry as it exists in today's marketplace. The definitions will now include use designations to cover businesses that are not wholly operated as Adult Oriented Businesses. Changes were also made to the measurements and means of measurement to standardize how such measurements are made.

4. The City Council of the City of Seguin recognizes that over the years a number of studies have been conducted showing the secondary effects that arise from the operation of adult oriented businesses (formerly and more commonly known as sexually oriented businesses). Further, the City Council recognizes that a number of cities throughout the United States have adopted such studies as support for the regulation of adult oriented businesses. In several cases the United States Supreme Court has endorsed the use of secondary effects studies to support reasonable regulations of adult oriented businesses.

5. The City Council of the City of Seguin hereby finds that the following studies, among others, show the deleterious secondary effects that arise from the operation of adult oriented businesses: *Survey of Texas Appraisers and Crime Related Secondary Effects*, Texas City Attorney's Association, June 2008; *A report on Zoning and other Methods of Regulating Adult Entertainment*, Amarillo, Texas; *Adult Entertainment An Analysis*, Indianapolis, IN, February 1984; *Study and Proposed Zoning Ordinance Amendment*, Los Angeles, California, April 1978; *Study of Adult Entertainment Establishments in the City of Los Angeles*, Los Angeles Department of City Planning, June 1977; and, *Report of the Attorney General's Working Group of the Regulation of Sexually Oriented businesses*; State of Minnesota, June 1989.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Seguin, Texas:

SECTION 1. The recitals set forth above, particularly the aforementioned studies of the secondary effects that arise from adult oriented businesses, are hereby adopted as part of this ordinance.

SECTION 2. The Seguin Code of Ordinances, Chapter 22, Businesses, is amended by repealing Article III, Massage Businesses and Masseurs, in its entirety.

SECTION 3. The Seguin Code of Ordinances, Chapter 22, Businesses, is amended by the addition of a new Article III, to read as follows:

ARTICLE III. ADULT ORIENTED BUSINESSES

DIVISION 1. GENERALLY

Sec. 22-161 Definitions.

In this article:

Adult oriented business means a group of businesses involved in providing entertainment or amusement to a person or persons, such a type of business being an adult arcade, adult bookstore, adult cabaret, adult escort agency, adult massage establishment, adult motel, adult theater, adult novelty store, adult service establishment, adult video store, sex parlor, sexual encounter center, nude modeling studio, or other adult oriented business. "Other adult oriented business" also includes any other commercial enterprise, that has as a primary business purpose of offering of a service or the selling, renting or exhibiting of material, devices or any other items, intended to provide sexual stimulation or sexual gratification to its customers, and which material, devices or any other items is distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or whose employees or customers appear in a state of nudity. The following definitions for various types of adult entertainment uses shall be applicable:

(1) "Primary business purpose" is defined to mean that a main purpose or major "drawing card" of the business, among any other primary or secondary business purposes, is providing sexual stimulation or gratification through the offering of a service or the selling, renting or exhibiting of material, devices or any other items intended to provide sexual stimulation or sexual gratification to its customers and which material, devices or any other items is

distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or whose employees or customers appear in a state of nudity, but is not intended to include businesses whose entire activities might only be an incidental cause of sexual stimulation or gratification, and whose activities do not involve nudity nor material, devices or any other items distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, with "incidental cause" defined as happening as a chance or undesigned feature of something else; random; not of prime concern; subordinate to; or, as in accidentally cause. "A primary business purpose" of providing sexual stimulation or gratification may be demonstrated by the presence of one or more of the following factors and terms:

a. The exclusion of minors, persons under the age of 18 years, from the establishment or premises of the building by law or by option of the establishment, due to in part or in whole, to the offering of a service or the selling, renting or exhibiting of devices, material, merchandise or any other items intended to provide sexual stimulation or sexual gratification to its customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or whose employees or customers appear in a state of nudity; or,

b. The exclusion of minors, persons under the age of 18 years, from any portion of the overall floor space of premises containing merchandise displayed for sale and open to customers, excluding restroom or dressing rooms, by law or by option of the establishment, due to in part or in whole, to the offering of a service or the selling, renting or exhibiting of devices, material, merchandise or any other items intended to provide sexual stimulation or sexual gratification to its customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or whose employees or customers appear in a state of nudity; or,

c. The visibility, prominence or accessibility to customers of material distinguished by or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas; or,

d. A significant or substantial portion of the retail sales or revenue, the retail value of inventory, amount of retail floor space, amount of display areas or the amount of inventory attributable to or composed of material, services or products distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. ("Inventory" shall be measured with all titles or objects available on the premises for sale or rental including each of those items that are identical, or considered a separate title or object. "Significant or substantial portion" means more than an insignificant or incidental portion, does not depend upon a specific percentage or ratio, and does not necessarily mean a majority or predominant amount); or,

e. Any other fact, circumstance, or evidence which is relevant to demonstrate the type and quantity of merchandise or service that the establishment sells, rents, offers for sale or rent, displays or exhibits as constituting or composing a primary business purpose of the business.

Adult arcade means a type of adult oriented business involving or consisting of any place or premises to which the public is permitted or invited wherein coin-operated, token-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, including computers and computer screens and monitors, 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 an emphasis on matter depicting or describing specified sexual activities or specified anatomical area, as one of its primary business purposes.

Adult bookstore means a type of adult oriented business involving or consisting of any place or premises of a commercial establishment which as one of its primary business purposes, engages in the offering 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, digital video discs, video cassettes or video reproductions, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas, intended to provide sexual stimulation or sexual gratification to its customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas; or

b. Instruments, devices including genital stimulation devices, or paraphernalia which are designed for use in connection with specified sexual activities. "Instruments, devices including genital stimulation devices, or paraphernalia which are designed for use in connection with specified sexual activities" does not include items used for birth control, for prevention of sexually transmitted diseases or any other such items available only by prescription from licensed pharmacies

Adult cabaret means a type of adult oriented business use involving or consisting of any place or premises of a nightclub, bar, restaurant, or similar commercial establishment that has a primary business purpose of the offering to customers of live entertainment, that includes entertainment which is intended to provide sexual stimulation or sexual gratification to such customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," which regularly features:

a. Persons who appear in a state of nudity; or

b. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or

c. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

d. That regularly features live performances such as dancing that is characterized by the exposure of any portion of the human form other than the pubic region.

Adult massage establishment means a type of adult oriented business involving or consisting of any place or premises of any establishment or agency which that has as one of its primary business purposes of giving massages for a fee or other consideration, at the establishment or on a home-call basis, that is not licensed or not operated within strict compliance with applicable statutory law and the regulatory rules promulgated by Texas Department of State Health Services, or other regulatory agency, with respect to all licensing requirements and rules of the State of Texas, and where employees engage in any form of specified sexual activities with customers.

Adult motel means a type of adult oriented business involving or consisting of any place or premises of a hotel, motel or similar commercial establishment which:

a. Offers accommodations to the public for any form of consideration and provides patrons with television transmission to rooms of films, motion pictures, video cassettes, slides, or other pornographic reproductions which are distinguished or characterized by an emphasis on matters depicting or describing specified sexual activities or specified anatomical areas as one of its primary business purposes; or

b. Offers a sleeping room for rent for a period of time that is less than ten 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 ten hours.

Adult Novelty Store means a type of adult oriented business involving or consisting of any place or premises of a commercial establishment which offers for sale or rental for any form of consideration, any one (1) or more of the following: Instruments, devices, including genital stimulation devices, or other paraphernalia which are designed or manufactured for use in connection with specified sexual activities regardless of the nature of any other products or services sold or provided, but not including items used for bona fide birth control or for prevention of sexually transmitted diseases, and not including any items available for purchase only by prescription from licensed pharmacies.

Adult Service Establishment means a type of adult oriented business involving or consisting of any place or premises of a commercial establishment which offers services or sells products to customers and in which one (1) or more of the employees or the customer appears in a state of nudity or simulated nudity.

Adult theater means a type of adult oriented business involving or consisting of any place or premises of a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, video reproductions, slides or other visual representations, or any combination thereof, are regularly shown which are distinguished or characterized by an emphasis on matters depicting or describing specified sexual activities or specified anatomical areas, as one of its primary business purposes.

Adult video store means a type of adult oriented business involving or consisting of any place or premises of a commercial establishment which as one of its primary business purposes, engages in the offering 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 or video reproductions, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas, or any other items intended to provide sexual stimulation or sexual gratification to its customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas; or

b. Instruments, devices including genital stimulation devices, or paraphernalia which are designed for use in connection with specified sexual activities. "Instruments, devices including genital stimulation devices, or paraphernalia which are designed for use in connection with specified sexual activities" does not include items used for birth control, for prevention of sexually transmitted diseases or any other such items available only by prescription from licensed pharmacies.

Bar means a business which offers its customers alcoholic beverages for on premise consumption, and derives twenty five (25%) percent or more of its income from the sale of alcoholic beverages for on premise consumption.

Chief of Police means the Chief of the City of Seguin Police Department or another person designated by the Chief.

Customer means any person who:

a. Is allowed to enter an adult oriented business in return for the payment of an admission fee or any other form of consideration or gratuity; or

b. Enters an adult oriented business and purchases, rents, or otherwise partakes of any merchandise, goods, entertainment, or other services offered therein; or

c. Is a member of and on the premises of an adult oriented business operating as a private club.

Distinguished by or characterized by an emphasis upon means the dominant or principal theme of the object referenced. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon the exhibition or display of specified sexual activities or specified anatomical areas" the films so described are those who's dominant or principal character and theme are the exhibition or display of "specified sexual activities" or "specified anatomical areas."

Employee means any person who renders any service whatsoever to the customers of an adult oriented business or who works in or about an adult oriented business and who receives compensation for such service or work from the operator or owner of the adult oriented business or from its customers.

Escort means a person who, for consideration, accompanies or offers to accompany another person and to model lingerie, perform a striptease, or to view sexual nudity by, or display sexual nudity to, the other person.

Escort agency means an adult oriented business involving or consisting of any place or premises where a person or business association who, which as one of its primary business purposes, furnishes, offers to furnish, or advertises to furnish escorts, or any combination thereof, for a fee, tip, or other consideration.

Instruments, devices including genital stimulation devices, or paraphernalia which are designed for use in connection with specified sexual activities does not include items used for birth control, for prevention of sexually transmitted diseases or any other such items available only by prescription from licensed pharmacies.

Manager means any person (1) who supervises, directs or manages any employee of an adult oriented business or (2) who is charged by the licensee, owner, or operator with directly supervising the operation of the adult oriented business and with monitoring and observing all areas of the enterprise to which customers are admitted at all times during which the enterprise is open for business or customers are on the premises.

Nude model studio means an adult oriented business involving or consisting of any place or premises where a person who appears in a state of nudity or displays specified anatomical areas, is provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration, except as provided under exclusions to adult oriented businesses.

Nudity or *state of nudity* means less than completely and opaquely covered:

a. Human genitals, pubic region, or pubic hair;

b. All portions of a female breast below a point immediately above the top of the areola continuing downward to the lowest portion of the breast;

c. Human buttock; or

d. Any combination of the above.

Operated or causes to be operated means to cause to function or to put or keep in operation. A person may be found to be operating or causing to be operated, an adult entertainment use whether or not that person is an owner, part owner, licensee, or manager of the establishment.

Person means an individual, firm, association, organization, partnership, trust, foundation, company or corporation.

Premises mean the building of the adult entertainment establishment.

Regularly means featuring, promoting, performing, permitting, doing or advertising an event or other happening or occurrence on a recurring or routine basis involving any length of time.

Residential district means a single-family, patio home, duplex, townhouse, multifamily or mobile home zoning district as defined in the Seguin Unified Development Code.

Residential use means use of a structure as a residence as defined in the Seguin Unified Development Code.

Sexual encounter center means an adult oriented business involving or consisting of any place or premises of a business or commercial enterprise that offers for a fee or other consideration, any physical contact in the form of wrestling or tumbling between persons of the opposite sex, or specified sexual activities between male and female persons and/or persons of the same sex, or other activities when one or more of the persons is in a state of nudity or simulated nudity.

Sex parlor means a type of adult oriented business involving or consisting of any place or premises of an establishment that is operated for the purpose of giving massages for a fee or other consideration at the establishment or on a home-call basis, that are intended to provide sexual stimulation, sexual gratification or engage in, in combination with a massage or other physical contact, including specified sexual activities, as one of its primary business purposes.

Simulated nudity means a state of dress in which any device or covering is worn and exposed to view that simulates any part of the genitals, buttocks, anus, pubic region, or areola of the female breast.

Specified anatomical areas means:

a. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

b. Less than completely and opaquely covered human genitals, pubic hair, buttocks, or a female breast below a point immediately above the top of the areola, or any combination thereof.

Specified sexual activities means any of the following:

a. The fondling or other erotic touching of another person's human genitals, pubic region, buttocks, anus, or female breasts; or

b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, bestiality or sodomy; or

c. Excretory functions as part of, or in connection with, any of the activities set forth above in (a) and (b).

Sexual oriented business means those businesses or uses as defined under the definition of "adult oriented business".

Exclusions: The term "adult oriented business" shall not be construed to mean or include:

(a) Any business activity or service that by federal or state law is required to operate by or employing licensed psychologists, licensed physical therapists, registered massage therapists, registered nurses, licensed pharmacists or licensed athletic trainers engaged in practicing such licensed professions as generally recognized within their profession, including:

(1) A state-registered massage establishment that employs only state-registered massage therapists to perform massage therapy; conforming to all requirements of state law and other applicable law;

(2) A state-registered massage school with at least two (2) registered massage therapists that teach the course of instruction required for registration as a massage therapist or a school approved by the Central Education Agency or that is otherwise approved by the state;

(3) A state-registered massage therapy instructor who instructs one (1) or more students in any section of the course of instruction required for registration as a massage therapist;

(4) A business operated by or that employs a licensed physical therapist whose activities fall under the control of the Texas Board of Physical Therapy Examiners or a license of another state agency performing health care services within the scope of the applicable licensing act who performs the activities for or on behalf of the business or commercial enterprise;

(5) Any business operated by or employing licensed physicians or licensed chiropractors engaged in practicing the healing arts as its sole business;

(6) Any retail establishment whose principal business is the offering of wearing apparel for sale to customers, which does not exhibit merchandise on live models, and which does not offer for sale or rental any;

(a) Materials of any kind containing depictions of specified anatomical areas;

(b) Instruments, devices, or paraphernalia which are designed or manufactured for use in connection with specified sexual activities;

(7) Any activity conducted or sponsored by any Texas independent school district, licensed or accredited private school, or public or private college or university; or,

(8) Any legalization or authorization to violate any applicable law, civil or penal, duly enacted by any governmental body regarding any of the activities described in these definitions under the term 'adult entertainment". Under no circumstance, is this Section 22-161 to be construed as repealing any laws of any governmental body

regarding any of the activities that are illegal, currently or in the future, or may constitute or be deemed to be a nuisance.

Sec. 22-162 Findings and purpose.

(a) The city council finds that:

(1) The Legislature of the State of Texas has determined that sexually oriented businesses such as the businesses regulated in this chapter may be detrimental to the public health, safety and welfare of a community by contributing to the decline of neighborhoods and contributing to the growth of criminal activity.

(2) The Legislature of the State of Texas has granted cities authority to regulate sexually oriented businesses in Chapter 243, Texas Local Government Code.

(3) The city, as a home-rule city, has other authority under the Texas Constitution and Local Government Code to enforce ordinances to protect the health, safety and welfare of its citizens.

(4) A number of studies have found that adult oriented businesses (a/k/a sexually oriented businesses) have an adverse secondary effect on property values, contribute to an increased crime rate in neighborhoods containing these businesses, cause an increase in sex-related crimes in such neighborhoods, and show a compounding of adverse secondary effects when two or more adult oriented businesses are located in close proximity.

(a): *Survey of Texas Appraisers and Crime Related Secondary Effects*, Texas City Attorney's Association, June 2008

(b) *A report on Zoning and other Methods of Regulating Adult Entertainment*, Amarillo, Texas;

(c) *Adult Entertainment An Analysis*, Indianapolis, IN, February 1984;

(d) *Study and Proposed Zoning Ordinance Amendment*, Los Angeles, California, April 1978;

(e) *Study of Adult Entertainment Establishments in the City of Los Angeles*, Los Angeles Department of City Planning, June 1977; and,

(f) *Report of the Attorney General's Working Group of the Regulation of Sexually Oriented businesses*; State of Minnesota, June 1989.

(5) The city council finds and determines, based on these studies, that the regulation of adult oriented businesses is necessary to control and limit these adverse secondary effects.

(6) The studies that have been presented show that because of their very nature, adult oriented businesses can and should be relegated to nonresidential and non-retail zoning districts.

(7) The city council has heard testimony that adequate alternate avenues of communication exist, in that sufficient land is available in the city limits for placement of adult oriented businesses that are located within the permitted zoning districts set out in the Seguin Unified Development Code.

(8) Sexually transmitted diseases are a legitimate public health concern, and the studies that the city council has reviewed from other cities show that these diseases can be controlled to a certain extent by regulation of certain aspects of adult oriented businesses. The city council finds and determines, based on these studies, that the regulation of adult oriented businesses is necessary to control and limit these adverse secondary effects.

(b) The purpose of this chapter is to regulate adult businesses in order to control their adverse secondary effects in the community. The purpose of this chapter is neither to deny access to or communications of materials protected by the First Amendment to the United States Constitution, nor to condone or legitimize such materials.

Sec. 22-163.1 Enforcement.

(a) A person who violates any provision of this article regarding an adult oriented business is subject to prosecution under V.T.C.A., Local Gov't Code, Chapter 243.

(b) It is a defense to prosecution under subsection 22-165.5(d) or section 22-165.6 that a person appearing in a state of nudity did so in a modeling class operated:

(1) By proprietary school licensed by the state; a college, junior college or university supported entirely or partly by taxation;

(2) By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or

(3) In a structure:

a. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;

b. Where, in order to participate in a class, a student must enroll at least three days in advance of the class; and

c. Where no more than one nude model is on the premises at any one time.

Sec. 22-163.2 Injunction.

A person who operates or causes to be operated an adult oriented business without a valid license or in violation of section 22.164 is subject to a suit for injunction or for administrative penalties in addition to prosecution for criminal violations.

Sec. 22-164 Location.

(a) It shall be unlawful for a person to operate or cause to be operated an adult oriented business on any property that is located:

(1) in the Downtown Historic District;

(2) in any zoning district in the City other than as allowed by the Unified Development Code;

(3) within 1000 feet of the centerline of I-10, and

(4) within 1,500 feet of:

(a) A church;

(b) A public or private elementary or secondary school;

(c) A public or private university;

(d) A residential district;

(e) A public park contiguous with or across a street from a residential district;

(f) A bar other than the bar within same premises as the licensed adult oriented business;

(g) A residential use;

(h) Another adult oriented business; or,

(i) The Downtown Historic District

(b) Distance requirements are to be measured in a straight line from the nearest part of the building housing the adult oriented business to the nearest part of the building used for residential purposes or another adult oriented business; or, to the nearest boundary of the property used as a church, a school, a bar or public park.

(c) Any lawfully operating adult oriented business which becomes in violation of subsection (a) because of the establishment of a church, a school, or a bar, or the initiation of a residential use, or the moving of a residential district boundary within the offset distance is a nonconforming use, and is permitted to continue at its existing location for a period not to exceed 1 year unless sooner terminated or discontinued for a period of 30 days. A nonconforming use may not be enlarged or structurally altered.

(d) Appeals for relief from the distance requirement shall be heard by the Guadalupe County District Court.

Sec. 22-165.1 Inspection.

(a) Each adult oriented business shall be available for inspection by representatives of the police department, fire department, health department and building inspections department during all the time it is open for business.

(b) It is unlawful for a person who operates an adult oriented business or the person's agent or employee to refuse a lawful inspection of the premises by a representative of the police department, fire department, health department or building inspections division at any time it is occupied or open for business.

(c) This section does not apply to areas of an adult motel that are being rented by a customer for use as a permanent or temporary habitation.

Sec. 22-165.2 Display of sexually explicit material to minors.

(a) It is unlawful for a person, in a business establishment open to persons under the age of 17 years, to display a book, pamphlet, newspaper, magazine, film or videocassette, 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:

(1) Human sexual intercourse, masturbation or sodomy;

(2) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts;

(3) Less than completely and opaquely covered human genitals, buttocks or that portion of the female breast below the top of the areola; or

(4) Human male genitals in a discernibly tumescent state, whether covered or uncovered.

(b) In this section, the term "display" means to locate an item in a manner that, without obtaining assistance from an employee of the business establishment:

(1) It is available to the general public for handling and inspection; or

(2) The cover or outside packaging on the item is visible to members of the general public.

Sec. 22-165.3 General Requirements for Adult Oriented Businesses

(a) Loitering in the parking lot or elsewhere on the premises shall be prohibited.

(b) Video monitoring is required for parking areas. Tapes must be made and retained for 90 days for law enforcement in the event that criminal activity occurs.

(c) No one under the age of 18 shall be admitted to an adult oriented business.

Sec. 22-165.4 Management of Adult Oriented Businesses.

(a) The owner shall designate and appoint an individual(s) to manage, direct and control the premises and operations of the adult oriented business.

(b) The person(s) appointed to manage, direct and control the adult oriented business shall remain in or upon the premises at all times the adult oriented business is open.

(c) During the time a person is on duty as manager, the person appointed to manage, direct and control the adult oriented business shall at all times have the duty to ensure that each employee in the adult oriented business has training on the requirements of this chapter and is instructed to commit no act which would constitute a violation of this chapter or which would provide grounds, or part of the grounds, for revocation of a permit under this chapter. A manager commits an offense if he fails to see that such training and instruction is provided.

(d) The person appointed to manage, direct and control the adult oriented business commits an offense if that person solicits, encourages, directs, aids, or attempts to aid an employee to violate the provisions of this chapter.

Sec. 22-165.5 Additional restrictions for escort agencies.

(a) It is unlawful for an escort agency to employ any person under the age of 18 years.

(b) It is unlawful for a person to act as an escort or agree to act as an escort for any person under the age of 18 years.

Sec. 22-165.6 Additional restrictions for nude model studios.

(a) It is unlawful for a nude model studio to employ any person under the age of 18 years.

(b) It is unlawful for a person, under the age of 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 18 years is in a restroom not open to public view or view of persons of the opposite sex.

(c) It is unlawful for a 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 that can be viewed from the public right-of-way.

(d) 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.

Sec. 22-165.7 Additional restrictions for adult theaters and adult motion picture theaters.

(a) It is unlawful for a person to knowingly allow 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.

(b) It is unlawful for a person, under the age of 18 years, to knowingly appear in a state of nudity in or on the premises of an adult theater or adult motion picture theater.

(c) It is a defense to prosecution under subsections (a) and (b) of this section if the person under 18 years is in a restroom not open to public view or to view of persons of the opposite sex.

Sec. 22-165.8 Additional restrictions for adult motels.

(a) Evidence that a sleeping room in a hotel, motel or similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten hours creates a rebuttable presumption that the establishment is an adult motel, as that term is defined in this article.

(b) It is unlawful for a person, in control of a sleeping room in a hotel, motel or similar commercial establishment that does not have an adult oriented business license, to rent or subrent a sleeping room to another person and, within ten hours from the time the room is rented, to rent or subrent the same sleeping room again. For purposes of this subsection, the term "rent" or "subrent" means the act of permitting a room to be occupied for any form of consideration.

Sec. 22-165.9 Additional requirements for sexual encounter centers.

(a) Sexual encounter centers shall not contain 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.

(b) Sexual encounter centers shall have a manager's station that affords an unobstructed view of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms.

Sec. 22-165.10 Additional requirements for Adult Cabarets.

(a) An owner, manager, or employee of an adult cabaret/adult lounge commits an offense if, while exposing that person's genitals, pubic region or pubic hair, or anus, he or she is on the premises of an adult cabaret/adult lounge and in an area of the premises open to customers, excluding toilet facilities.

(b) An owner, manager or employee of an adult cabaret/adult lounge commits an offense if while providing any type of adult entertainment the entertainer performs in an area that is less than three feet from any customer of the establishment.

(c) An owner, manager, or employee commits an offense if the owner, manager, or employee of an adult cabaret/adult lounge permits any customer access to an area of the premises not visible by a walk-through of the premises without entering a closed area, excluding toilet facilities.

(d) An owner or manager who operates an adult cabaret/adult lounge commits an offense if the owner or manager operates an establishment without maintaining a current list of all employees. The list must be kept on file at the establishment at all times whether the employee is on or off-duty and include the following information regarding each employee:

(1) Correct legal name;
(2) All alias or stage names currently used by the employee;
(3) Date of birth;
(4) Race;
(5) Color of hair and eyes;
(6) Current residence and phone number; and
(7) Texas driver's license number or identification number.
(8) For any person engaged in entertainment a copy of their valid permit.

(e) The owner, manager, or employee of a regulated establishment commits an offense by failing to provide, or by providing false or deceptive information on an employee list that was requested by a licensed peace officer for purposes related to the enforcement of this chapter. It is a defense to prosecution of the owner or manager for providing false or deceptive information under this subsection that the information in section 22-165.10 (d) (1), (2), (6), and (7) was provided in writing by the employee and is maintained by the permittee on the premises of the adult oriented business while such person is an employee of the adult oriented business, and the owner or manager had no reason to doubt the information presented. It is a defense to prosecution of an owner or manager for providing false or deceptive information under this subsection that the information in section 22-165.10 (d)(1), (3), and (7) was obtained from a current Texas driver's license, a copy of which is maintained by the permittee on the premises of the adult oriented business while such person is an employee of the adult oriented business and the owner or manager had no reason to doubt the information presented.

Sec. 22-165.11 Adult bookstores and adult arcades.

Adult bookstores shall have a manager's station that affords an unobstructed view of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms.

Sec. 22-165.12 Exhibition of sexually explicit films or videos.

(a) A person who operates or causes to be operated an adult 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, videocassette or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following:

(1) Upon application for an adult 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 license 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 inches. The chief of police may waive the 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.

(2) The application shall be sworn to be true and correct by the applicant.

(3) No alteration in the configuration or location of any walls or doors or of a manager's station may be made after a license is granted, without the prior approval of the chief of police.

(4) The owner and operator of the premises shall ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside any part of the premises which can be viewed from each manager's station.

(5) The interior of the premises shall be configured in 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 or more manager's stations designated, the interior of the premises shall be configured in 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 manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

(6) The owner and operator and any agents and employees present in the premises shall ensure that the view area specified in subsection (a)(5) of this section remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times that any patron is present in the premises and shall 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)(1) of this section.

(7) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place in which patrons are permitted access, at an illumination of not less than one foot-candle as measured at the floor level.

(8) The owner and operator and any agents and employees present in the premises shall ensure that the illumination described in subsection (a)(7) of this section is maintained at all times that any patron is present in the premises.

(9) No doors shall be allowed on viewing booths.

(b) A person having a duty as provided in subsection (a) of this section commits an offense if the person knowingly fails to fulfill that duty.

Sec. 22-166 Signs required.

Each adult oriented business shall have a sign clearly visible from the outside identifying it as an adult oriented business and notifying people that persons under 18 are prohibited from entering the building. The signs shall be in compliance with City of Seguin Sign Ordinance found in Chapter 82 of the Seguin Code of Ordinances and applicable provisions of the Seguin Unified Development Code.

Secs. 22-167 and 22-168. Reserved.

DIVISION 2. LICENSE

Sec. 22-169.1 Required.

(a) It is unlawful for a person to operate an adult oriented business without a valid license issued by the city for the particular type of business.

(b) An application for a license must be made on a form provided by the chief of police. 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 or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. Applicants who must comply with section 22-165.9 shall submit a diagram meeting the requirements of that section.

(c) The applicant must be qualified according to this article and the premises must be inspected and found to be in compliance with the various laws enforced by the city's environmental health department, fire department and building official. All inspections shall be completed, and the reports of the inspections provided to the chief of police, within 30 days of the filing of the application. If an inspection report is not provided by the health department, fire department or building official within that time, the applicant's premises will be deemed to have passed inspection by the respective department or official.

(d) If a person who wishes to operate an adult oriented business is an individual, the person must sign the application for a license as applicant. If a person who wishes to operate an adult oriented business is other than an individual, each individual who has a 20 percent or greater interest in the business must sign the application for a license as applicant. If the person who wishes to operate an adult oriented business is not the owner of the property where the business is or will be located, the owner of the property must also sign the application for a license as an applicant. If a corporation owns the property, all of the officers of the corporation must sign the application for a license as applicants. Each applicant must be qualified under section 22-169.3, and each applicant shall be considered a licensee if a license is granted.

(e) The chief of police may request any information necessary to verify the actual ownership interest of the applicant or the actual ownership of the business seeking to be licensed, including but not limited to certified copies of articles of incorporation, certified copies of assumed name certificates, verified copies of partnership agreements and similar documents that will assist him in verifying ownership.

Sec. 22-169.2 Fee.

The annual fee for an adult oriented business license shall be set out in the Seguin Code of Ordinances, Appendix C – Fees.

Sec. 22-169.3 Issuance.

(a) Subject to the restrictions set forth in subsection (d) of this section, the chief of police shall issue a license required under this division to the applicant within 60 days after receipt of an application, unless he finds one or more of the following to be true:

(1) An applicant is under 18 years of age.

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

(3) 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.

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

(5) The chief of police has received an inspection report for the premises to be used for the adult oriented business from the city's health department, fire department, or building official indicating that the premises are not in compliance with applicable laws and ordinances.

(6) The license fee has not been paid.

(7) An applicant or the proposed establishment is in violation of or is not in compliance with section 22-164, 22-165.1, 22-165.9 or 22.169.4.

(8) An applicant has been convicted of a crime:

a. Involving:

1. Any of the following offenses:

i. Prostitution;

ii. Promotion of prostitution;

iii. Aggravated promotion of prostitution;

iv. Compelling prostitution;

v. Obscenity;

vi. Sale, distribution or display of harmful material to minor;

vii. Public lewdness;

viii. Indecent exposure;

ix. Indecency with a child;

2. Sexual assault or aggravated sexual assault;

3. Incest, solicitation of a child or harboring a runaway child; or

4. Criminal attempt, conspiracy or solicitation to commit any of the offenses described in subsection (8)(a) of this section;

b. For which:

1. 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 a misdemeanor offense;

2. 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

3. Less than five 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 or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.

(b) The fact a conviction is being appealed has no effect on the disqualification of the applicant or applicant's spouse.

(c) The license, if granted, shall state on its face the name of the person to whom it is granted, the expiration date and the address of the adult oriented business. The license shall be posted in a conspicuous place at or near the entrance to the adult oriented business so that it may be easily read by a visitor to the premises at any time.

Sec. 22-169.4 Transferability.

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

Sec. 22-169.5 Expiration.

(a) Each license issued under this division expires one year from the date of issuance and may be renewed only by making application as provided in section 22-169.1. Application for renewal should be made at least 60 days before the expiration date; however, when made less than 60 days before the expiration date, the expiration of the license will not be affected.

(b) When the chief of police denies renewal of a license, the applicant will not be issued a license until the chief of police finds that the basis for denial of the license renewal has been corrected and a new application for renewal is filed in accordance with the provisions of this Article.

Sec. 22-169.6 Suspension.

Under this division, the chief of police shall suspend a license for a period not to exceed 30 days if he determines that a licensee or an employee of a licensee has:

(1) Violated or is not in compliance with section 22-164, 22165.1, 22-165.3, 22-165.9 or 22-169.4.

(2) Been intoxicated while on the premises of the adult oriented business.

(3) Refused to allow an inspection of the adult oriented business premises as authorized by this article.

(4) Knowingly permitted gambling by any person on the premises of the adult oriented business.

(5) Demonstrated inability to operate or manage an adult oriented business in a peaceful and law-abiding manner resulting in law enforcement actions at, on or around the premises.

Sec. 22-169.7 Revocation.

(a) The chief of police shall revoke an adult oriented business license if a cause of suspension in section 22-169.6 occurs and the license has been suspended within the preceding 12 months.

(b) The chief of police shall revoke a license if he determines that:

(1) A licensee gave false or misleading information on the material submitted 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 adult oriented business during a period of time when the license was suspended;

(5) A licensee has been convicted of an offense listed in section 22-169.3(a)(8)a for which the time period required in section 22-169.3(a)(8)b has not elapsed;

(6) On two or more occasions within a 12-month period, a person committed a criminal offense in or on the licensed premises and the criminal offense is listed in section 22-169.3(a)(8)a, for which a conviction has been obtained, and the person was an employee of the adult oriented business at the time the offense was committed;

(7) 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" has the same meaning as defined in V.T.C.A., Penal Code, § 21.01; or

(8) A licensee is delinquent in payment to the city for hotel occupancy taxes, ad valorem taxes or sales taxes related to the adult oriented business.

(c) The fact that a conviction is being appealed has no effect on the revocation of the license.

(d) Subsection (b)(7) of this section 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.

(e) When the chief of police revokes a license, the revocation shall continue for one year, and the licensee shall not be issued an adult oriented business license for one year from the date revocation became effective. If subsequent to revocation, the chief of police finds that, for a violation of subsection (b)(1) or (8) of this section, the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the revocation became effective. If the license was revoked under subsection (b)(5) of this section, an applicant may not be granted another license until the appropriate number of years required under section 22-169.3(a)(8)b.

Sec. 22-170 Appeal.

An applicant for a license who is denied a license, or whose license has been suspended or revoked, may appeal the denial to district court as authorized by law.

Secs. 22-171 and 22-172 Reserved.

DIVISION 3. PERMITS

Sec. 22-173.1 Permit required.

(a) It shall be unlawful for any person who does not hold a permit to act as an entertainer or a manager of or in an adult oriented business.

(b) It shall be the duty of the operator and owners of each adult oriented business to ensure that no person acts as an entertainer or manager of or in the enterprise unless that person holds a permit.

Sec. 22-173.2 Issuance of permits.

(a) Any person who desires to obtain an original or renewal permit shall make application to the Chief of Police, or designee, in person at the offices of the Seguin police department between the hours of 8:00 a.m. and 12:00 p.m., Monday, Wednesday or Friday, city observed holidays excepted. The application shall be made under oath upon a form prescribed by the Chief of Police and shall include:

(1) The name, home street address and mailing address (if different) of the applicant;

(2) Proof of the date of birth of the applicant and the identity of the applicant, including at least one photographic identity card issued by a governmental agency;

(3) A list of any criminal charges pending, convictions, and time of service in jail or prison as related to any of the following offenses:

a. Any of the following offenses as described in chapter 43 of the Texas Penal Code:

(i) Prostitution;

(ii) Promotion of prostitution;

(iii) Aggravated promotion of prostitution;

(iv) Compelling prostitution;

(v) Obscenity;

(vi) Sale, distribution or display of harmful material to a minor;

(vii) Sexual performance by a child;

(viii) Employment harmful to children; or

(ix) Possession or promotion of child pornography;

b. Any of the following offenses as described in chapter 21 of the Texas Penal Code:

(i) Public lewdness;

(ii) Indecent exposure; or

(iii) Indecency with a child;

c. Sexual assault or aggravated sexual assault as described in chapter 22 of the Texas Penal Code;

d. Harboring a runaway child as described in chapter 25 of the Texas Penal Code;

e. Criminal attempt, conspiracy or solicitation to commit any of the above offenses; or

f. Any violation of this Article III of Chapter 22 of the Seguin City Code.

(4) Two passport-type photographs of the applicant of a size specified by the Chief of Police, which shall become part of the photographic identity cards if a permit is issued.

(b) Each application shall be accompanied by the nonrefundable processing fee set out in Appendix C of the Seguin Code of Ordinances. Each applicant shall be required to provide fingerprints to be used to

verify the applicant's identity and criminal history information. Each applicant shall sign a waiver and authorization form authorizing the Chief of Police to request on behalf of the applicant criminal history reports from the Texas Department of Public Safety and any appropriate federal agency.

(c) The Police Department shall issue the permit within ten days from the date of filing of the application unless it finds that the applicant has been convicted of or spent time in jail or prison for an offense specified above in (a)(3) within five years prior to the date of the application. If the application is not granted, then the applicant shall be mailed notice of the grounds and of their right to provide evidence and request a hearing with the Chief of Police, or his designee, within ten days from the date of filing of the application.

(d) Each permit issued by the Police Department shall consist of two photographic identification cards, a personal card and an on-site card.

(e) Any applicant whose application is denied and who requests a hearing on the denial shall be granted a hearing within ten days following the receipt of the request by the police department. The hearing shall be conducted by the Police Chief or designee. If the hearing officer rules against the applicant, then the applicant shall be given notice of the right to seek an injunction or judicial review of the decision by appeal to municipal court.

(f) In the event that the director fails to issue or deny a permit application within the time specified in subsection (c) or to provide a hearing within the time specified in subsection (e), then the applicant shall, upon written request, be immediately issued a temporary permit which shall be valid until the third day after the applicant is given notice of the decision of the Police Chief or the hearing officer.

(g) If any personal card or on-site card is lost or stolen, the holder thereof shall immediately notify the police department and request a replacement, which shall be issued for the fee set out in Appendix C of the Seguin Municipal Code, within three days following verification of the identity of the holder.

(h) No permit application shall be accepted nor shall a permit be issued to any person who does not provide proof that the person is at least 18 years old. Any permit issued by virtue of any misrepresentation or error to any person under age 18 shall be void.

Sec. 22-173.3 Term, transfer, amendment.

(a) A permit is valid for two years from the date of its issuance.

(b) A permit is personal to the named permit holder and is not valid for use by any other person.

(c) Each permit holder shall notify the Police Department of any new address within ten days following any change of the person’s address.

Sec. 22-173.4 Display.

(a) Each manager or entertainer shall conspicuously display his personal card upon his person at all times while acting as an entertainer or manager of or in an enterprise.

(b) Each manager or entertainer shall provide his on-site card to the manager or on-site manager in charge of the enterprise to hold while the manager or entertainer is on the premises.

(c) In any prosecution under this Code, it shall be presumed that the actor did not have a permit unless the permit was in display as required under section (a) of this subsection.

Sec.22-173.5 Revocation.

In the event that the Police Chief has reasonable grounds to believe that any permit holder has been convicted of or spent time in jail or prison for an offense as specified in section 22-169.3(a)(8) of this article within the prior five years, then the Police Chief may revoke the permit following a notice of the grounds and a hearing as provided in section 22-173.2(e) of this article. In the event that the hearing officer determines that the permit should be revoked, then he shall issue his final decree to be effective in 30 days following the mailing of notice of the decree to the permit holder in order to allow the permit holder an opportunity before the permit must be surrendered to seek an injunction or judicial review of the decision.

Sec. 22.-174 Conduct of employees.

(a) It shall be unlawful for any entertainer to touch a customer or the clothing of a customer while engaging in entertainment or while exposing any specified anatomical areas or engaging in any specified sexual activities.

(b) It shall be unlawful for any entertainer to approach closer than three feet to any customer while engaging in entertainment or while exposing any specified anatomical areas or engaging in any specified sexual activities.

(c) It shall be unlawful for any employee to engage in entertainment or to expose any specified anatomical areas or engage in any specified sexual activities in the presence of a customer in any separate area within an enterprise to which entry or access is blocked or obscured by any door, curtain or other barrier separating entry to such area from any other area of the enterprise.

Secs. 22.-175 and 22.176 Reserved

DIVISION 4. PENALTIES

Sec. 22.177 Penalties.

(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. Each day that any violation shall continue shall constitute and be punishable as provided by Section 243.010(b) of the Local Government Code. Each day that any violation shall continue shall constitute and be punishable as a separate offense.

(b) The revocation or suspension of any permit shall not prohibit the imposition of a criminal penalty and the imposition of a criminal penalty shall not prevent the revocation or suspension of a permit.

SECTION 4: The Seguin Code of Ordinances, Appendix C – Fee Schedule, Chapter 22, Businesses, Article II is amended as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

Article III ~~IV. Massage Business and Masseurs~~ Adult Oriented Businesses					
(a)	~~Permit fees~~ License Fee:			$ 1,000.00	22-169.2
(b)	~~(1)~~	~~Massage business, per year~~ Permit Processing Fee		~~100.00~~ 60.00	~~22-189~~ 22-173.2 (b)
(c)	~~(2)~~	~~Masseur, per year~~ Replacement Permit…..		~~10.00~~ 35.00	~~22-189~~ 22-173.2(g)
	~~(3)~~	~~Additional locations .....~~		~~75.00~~	~~22-190~~
Article IV. Rendering Plants and Establishments					
(a)	Permit fees:				22-244(j)
	(1)	Construction permit:			
		a.	Construction of new rendering plant	250.00	
		b.	New construction involving additions or replacements	250.00	
(b)	Licenses:				22-260(b)
	(1)	Collector's license, per vehicle per fiscal year		20.00	
	(2)	Rendering materials storage facility, per fiscal year		50.00	

	(3)	Rendering establishment, per fiscal year	200.00	
(Ord. No. 98-72, 8-25-98; Ord. No. 00-83, 10-7-00; Ord. No. 07-58, 7-17-07; Ord. No. 08-39, § 1, 8-19-08)				

Article V III. Mobile Vehicle Wash Vendors			
(a)	**Annual permit fee .....**	**50.00**	**22-263—22-267**

SECTION 5. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 6: All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 7: City staff is authorized to prepare this Ordinance for submission as a supplement to the Seguin Code of Ordinances.

SECTION 8. This Ordinance shall be published in a newspaper of general circulation.

SECTION 8. This Ordinance will become effective upon ten (10) days following passage on second reading.

PASSED AND APPROVED on first reading on the 3rd day of March, 2015.

PASSED AND APPROVED on second reading on the 17th day of March, 2015.

_____
DON KEIL
Mayor

ATTEST:

_____
Thalia Stautzenberger
City Secretary