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CITY OF SAN ANTONIO AGENDA ITEM NO. 1  
CITY ATTORNEY'S OFFICE  
CITY COUNCIL AGENDA MEMORANDUM

**TO:** Mayor and City Council

**FROM:** Andrew Martin, City Attorney

**SUBJECT:** AMENDMENTS TO CHAPTER 21 OF THE CITY CODE CONCERNING  
HUMAN DISPLAY

**DATE:** December 16, 2004

**SUMMARY AND RECOMMENDATIONS**

This ordinance amends Chapter 21, Article IX of the City Code, entitled "Nudity and Semi-Nudity Prohibited at Public Places and Licensing of Human Display Establishments" by revising the permitting procedures, permitting fees, internal configuration, and managerial requirements; and by implementing entertainer's permits, and the "three-foot rule."

**BACKGROUND INFORMATION**

The City adopted the current code provisions in what is called the Human Display Ordinance on April 17, 2003. Since that date, federal court decisions in *N.W. Enterprises, Inc., et al v. City of Houston*, and other cases have provided guidance on regulation of these types of establishments. These cases, various studies and affidavits which have been provided to City Council detail the negative secondary effects associated with establishments which provide nude or semi-nude entertainment, including increased prostitution, violent crimes, and crimes against persons, promotion of prostitution, indecent exposure, lewd conduct, illegal drug possession, and illegal drug dealing in and around the establishments. The constitutionality of the current city regulations was quickly challenged by the industry in a lawsuit, *Allstars, PT's, Sugar's, XTC, Jane Roe I and Jane Roe II v. City of San Antonio, et al*, Cause No. SA-03-CA-356 FB (In the U.S. Dist. Court for the Western District of Texas, San Antonio Division). The revised ordinance is designed to limit the secondary effects associated with these establishments while taking into account some of the industry's concerns, as well as the recent court rulings.

**POLICY ANALYSIS**

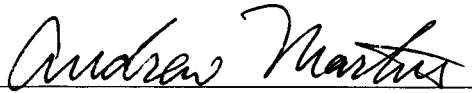
Passage of the ordinance will allow the City to better regulate Human Display Establishments in order to minimize some of the negative secondary effects in and around these types of businesses. As a consequence, this ordinance will help curtail prostitution and other illegal activities and minimize inherent health risks, such as the transmission of diseases, associated with Human Display Establishments. The ordinance will complement the City's Sexually Oriented Business regulations.

### **FISCAL IMPACT**

There is an anticipated increase in annual revenue of approximately \$46,875.00 due to the license and permit fees. These fees are based on the increased cost to the City of processing the applications and investigating the applicants.

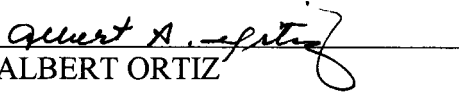
### **COORDINATION**

This Council action has been coordinated with the Police Department.



ANDREW MARTIN

City Attorney



ALBERT ORTIZ

Chief of Police



J. ROLANDO BONO

Interim City Manager