

**ORDINANCE
AMENDMENT
NO. OA-2024-05**

CHAPTER 10 – BUSINESSES

ARTICLE VIII. ADULT ENTERTAINMENT ESTABLISHMENTS

**DIVISION 1. – GENERAL REGULATION OF ADULT ENTERTAINMENT
ESTABLISHMENTS**

Sec. 10-246. - Definitions.

and

Sec. 10 - 250. (a) *Location.*

WHEREAS, The Charter of the City of Dallas, Georgia does allow the Mayor and Council to adopt Ordinances to provide for rules and regulations concerning businesses and occupations operating within the City of Dallas, Georgia and for the safety, health, and welfare of the citizens of the City of Dallas, Georgia; **AND**

WHEREAS, The Charter of the City of Dallas, Georgia does allow the Mayor and the City Council, by ordinance, to define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare, and safety of the inhabitants of the City of Dallas; **AND**

WHEREAS, The Charter of the City of Dallas, Georgia does allow the Mayor and the City Council, by ordinance, to license and regulate occupations and businesses located in the City of Dallas; **AND**

WHEREAS, The Mayor and the City Council of Dallas, Georgia considered the proposed amendment at a duly noticed public meeting on _____, 2024; **AND**

WHEREAS, The Mayor and the City Council of Dallas, Georgia have determined that this amendment is in the best interest of the City's residents and for their safety, health and welfare and the public good; **AND**

THEREFORE, be it ordained by the Mayor and the City Council of Dallas, Georgia:

SECTION I.

a)

That **CHAPTER 10 – BUSINESSES, ARTICLE VIII. ADULT ENTERTAINMENT ESTABLISHMENTS, DIVISION 1. – GENERAL REGULATION OF ADULT ENTERTAINMENT ESTABLISHMENTS, Sec. 10-246. - Definitions**, the following definition is amended to read:

Adult entertainment establishment shall be defined to include the following types of businesses:

- (1) Any commercial establishment that employs or uses any person live, in any capacity in the sale or service of beverages or food while such person is unclothed or in such attire, costume or clothing, so as to expose any portion of his or her "specified anatomical areas," as defined herein;
- (2) Any commercial establishment which provides live entertainment where any person appears unclothed or in such attire, costume or clothing as to expose any portion of his or her "specified anatomical areas" as defined herein or where such performances are

distinguished or characterized by an emphasis on "specified sexual activities," as defined herein;

- (3) Any commercial establishment which holds, promotes, sponsors or allows any contest, promotion, special night, event or any other activity where live patrons of the establishment are encouraged or allowed to engage in any of the conduct described in subsections (1) and (2) herein;
- (4) Any commercial establishment having a substantial or significant portion of its stock in trade, books, magazines or other periodicals, videotapes or movies or other reproductions, whether for sale or rent, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" as defined herein or "specified anatomical areas" as defined herein or having a segment or section comprising more than ten square feet of its total floor space, devoted to the sale or display of such material or which derives more than five percent of its net sales from the sale or rental of such material;
- (5) Any commercial establishment utilizing an enclosed building with a capacity of 50 or more persons used for cinematographic or videographic presentation of material distinguished by or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas", as defined herein, for observation by patrons therein;
- (6) Any adult motion picture theater, adult motion picture arcade, adult mini-motion picture theater, adult bookstore, adult video store, adult hotel, or adult motel, as defined herein;
- (7) The definition of "adult entertainment establishment" shall not include traditional or mainstream theater, which means a theater, movie theater, concert hall, museum, educational institution, or similar establishment which regularly features live or other performances or showings which are not distinguished or characterized by an emphasis on the depiction, display, or description or the featuring of specified anatomical areas or specified sexual activities in that the depiction, display, description or featuring is incidental to the primary purpose of any performance. Performances and showings are regularly featured when they comprise at least 80 percent of all annual performances or showings.
- (8) Any sexually oriented business as defined by Chapter 44 in the Dallas Code of Ordinances.

b)

That **CHAPTER 10 – BUSINESSES, ARTICLE VIII. ADULT ENTERTAINMENT ESTABLISHMENTS, DIVISION 1. – GENERAL REGULATION OF ADULT ENTERTAINMENT ESTABLISHMENTS, Sec. 10-250(a) Location.** is amended to read:

- (a) Location. The location of any adult entertainment establishment in the City Limits of Dallas shall be determined by Dallas Code of Ordinances Chapter 44 – Zoning and shall include Sec. 4.03 Table 4.3 Permitted and Conditional Land Uses and Sec. 8.04 of said Chapter 44.

SECTION II. **REPEAL OF CONFLICTING ORDINANCES.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION III. **SEVERABILITY CLAUSE.** If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision will not affect the validity of the remainder of this ordinance or any part thereof.

SECTION IV. **EFFECTIVE DATE.** Following approval and passage of this ordinance by the Mayor and City Council, this ordinance shall be effective on and after _____, 2024.

**SO SHALL IT BE ORDAINED BY THE MAYOR AND COUNCIL OF THE
CITY OF DALLAS, GEORGIA, THIS THE ____ DAY OF _____, 2024.**

L. James Kelly, Mayor

James R. Henson, Councilmember

Cooper Cochran, Councilmember

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

Candace Callaway, Councilmember

ATTEST:

Tina Clark, City Clerk
City of Dallas, Georgia

Date