

## ORDINANCE 569

### AN ORDINANCE PROVIDING AN AMENDMENT TO THE LOS FRESNOS CODE OF ORDINANCE CHAPTER 10-BUSINESSES, ARTICLE V. SEXUAL ORIENTED BUSINESSES, SEC. 10-123. DEFINITIONS; PROVIDING REPEALER, SEVERABILITY, AND EFFECTIVE DATE.

This ordinance was introduced and submitted to the City Council for passage and adoption after the second reading of the Ordinance. After presentation and discussion of the Ordinance, a motion was made by \_\_\_\_\_ that the Ordinance be finally passed and adopted in accordance with the City's Home Rule Charter. The motion was seconded by \_\_\_\_\_ and carried by the following voted:

Mayor Alejandro Flores	___	For	___	Against	___	Abstained
Councilmember Albert Escobedo	___	For	___	Against	___	Abstained
Councilmember Juan Munoz	___	For	___	Against	___	Abstained
Mayor Pro-Tem Gabriela Fernandez	___	For	___	Against	___	Abstained
Councilmember Luis Gonzalez	___	For	___	Against	___	Abstained
Councilmember Terry Vinson	___	For	___	Against	___	Abstained

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOS FRESNOS, TEXAS:**

**SECTION 1.** Chapter 10-Businesses, Article V. Sexual Oriented Businesses, Sec. 10-123. Definitions, in the Code of Ordinances of the City of Los Fresnos, Texas is hereby amended to reflect as follows:

#### REMOVE

~~*Sexually-oriented business* means an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center.~~

#### ADD

*Sexually-oriented business* means either:

- (1) An adult arcade, adult bookstore, adult cabaret, adult encounter center, adult motel, adult motion picture theater, adult theater, adult video store, nude model studio, sexual encounter center, sexually-oriented merchandise store; or any commercial enterprise for which a primary business focus is the offering of a service or the selling, renting or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer; or
- (2) Any business which either:
  - a. Holds itself out to the public as a sexually-oriented business;
  - b. Receives a substantial portion of its gross monthly revenue from the offering of a service or the selling, renting or exhibiting of devices, such as sexually-oriented merchandise as described by this chapter, or any other items intended to provide sexual stimulation or sexual gratification to the customer; or

- c. Utilizes a substantial portion of its building floor space for the offering of a service or the selling, renting or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.

Sexually-oriented merchandise means instruments or paraphernalia such as, but not limited to lap dance bags, benwa balls, dildos, genital pumps, sexually oriented vibrators, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually-oriented devices that are designed or marketed primarily for the stimulation of or use with the stimulation of human genital organs or breasts, or for sadomasochistic activity.

Sexually-oriented merchandise store means a commercial establishment which has significant or substantial stock-in-trade in, derives a significant or substantial portion of its revenues, or devotes a significant or substantial portion of its business or advertising, or maintains a substantial section of its sales or display space for the sale or rental, for any form of consideration, sexually oriented merchandise.

Significant or substantial portion means ten percent or greater of the total amount, measure, or duration of a referenced quantity, portion, size, or time period.

**SECTION 2. REPEALER** All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

**SECTION 3. SEVERABILITY.** In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction. It shall not effect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Los Fresnos, Texas, declares that it would have passed.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect after the final reading and when caption of Ordinance has been published in the official newspaper of the City.

INTRODUCED AND APPROVED on the first reading this \_\_\_\_ day of \_\_\_\_\_, 2025.

APPROVED AND PASSED on the second reading this \_\_\_\_ day of \_\_\_\_\_, 2025.

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Mayor, Alejandro Flores

ATTEST:

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City Secretary, Jacqueline Moya