

CITY OF KRUM, TEXAS

ORDINANCE NO. 2024-801

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KRUM, TEXAS AMENDING THE CITY'S CODE OF ORDINANCES CHAPTER 14, "ZONING," EXHIBIT 14A "ZONING ORDINANCE," PART IV, "USE REGULATION SECTION," SECTION 37, "USE REGULATIONS," SUBSECTION 37.2 "USE CHART," TO AMEND THE USE CHARTS RELATING TO SEXUALLY ORIENTED BUSINESSES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING SEVERABILITY; PROVIDING FOR SAVINGS; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00 AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES AND INCLUDING PROVISIONS FOR THE AUTHORIZATION TO SEEK INJUNCTIVE RELIEF TO ENJOIN VIOLATIONS WHICH CONSTITUTE AN IMMINENT HAZARD OR DANGER TO THE PUBLIC HEALTH AND SAFETY; PROVIDING A PUBLICATION CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Krum, Texas, is a Home Rule Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code the Texas Constitution and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, sexually oriented businesses require special supervision in order to protect and preserve the health, safety, and welfare of the patrons of such business as well as the citizens of the communities where they locate; and

WHEREAS, the City Council of the City of Krum finds that sexually oriented businesses are frequently used for unlawful sexual activities, including prostitution, and sexual liaisons of a casual nature; and

WHEREAS, the spread of sexually transmitted diseases is a legitimate health concern of the City that demands reasonable regulation of sexually oriented businesses in order to protect the health and well-being of the citizens; and

WHEREAS, permitting and/or licensing is a legitimate means of accountability to ensure that operators of sexually oriented businesses comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation; and

WHEREAS, there is convincing documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the reduction of property values; and

WHEREAS, it is recognized that sexually oriented businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent area; and

WHEREAS, the City Council of the City of Krum wants to prevent these adverse effects and thereby protect the health, safety and welfare of the citizens of Krum; protect the citizens of Krum from

increased crime, preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the First Amendment, but to enact a content neutral ordinance that addresses the secondary effects of sexually oriented businesses as well as the health problems associated with such businesses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KRUM, TEXAS THAT:

SECTION 1
INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2
FINDINGS

After due deliberations, the City Council has concluded that the adoption of this Ordinance is in the best interest of the City of Krum, Texas, and of public health, safety, and welfare. The City Council further finds that the zoning ordinance amendments herein have been made in accordance with the comprehensive plan for the purpose of promoting in the comprehensive Zoning Ordinance the health, safety and general welfare of the community, and that they have been designed, with respect to both present conditions and the conditions reasonably anticipated to exist in the foreseeable future, to lessen congestion on the streets; to secure safety from fire, panic, flood and other dangers; to provide adequate light and air; to prevent over-crowding of the land, to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewage, drainage and surface water, parks and other public requirements and to make provisions for the normal business, commercial needs and development of the community.

SECTION 3
AMENDMENTS

- 3.01 That the City of Krum Code of Ordinances, Chapter 14, "Zoning," Exhibit 14A "Zoning Ordinance," Part IV, "Use Regulations Section," Section 37, "Use Regulations," Subsection 37.2 "Use Charts" is hereby amended to alter the Sexually Oriented Businesses use as per Exhibit A attached.
- 3.02 All other articles, chapters, sections, paragraphs, sentences, phrases and words are not amended but are hereby ratified and affirmed.

SECTION 4
CUMULATIVE REPEALER CLAUSE

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been

initiated or has arisen under or pursuant to such other Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 5
SAVINGS CLAUSE

All rights and remedies of the City of Krum, Texas are expressly saved as to any and all violations of the provisions of the City's Code of Ordinances or of any other ordinance affecting sexually oriented businesses, which have been secured at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

SECTION 6
SEVERABILITY

The provisions of this Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decision or enactment.

SECTION 7
PENALTY

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

SECTION 8
ENGROSSMENT AND ENROLLMENT


The City Secretary is hereby directed to engross and enroll this Ordinance by copying the exact Caption and Effective Date clause in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City of Krum, Texas.

SECTION 9
EFFECTIVE DATE


This Ordinance shall become effective from and after its date of passage in accordance with law.

AND IT IS SO ORDAINED.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KRUM, TEXAS THIS 5TH DAY OF FEBRUARY, 2024.


Rhonda Harrison
Mayor


ATTEST:



Lisa Dawn Cabrera, TRMC, CMC
City Secretary



APPROVED AS TO FORM:



Lance Vanzant
City Attorney

EXHIBIT A

§ 37.2 Use Chart

Use	AG	SF-R	SF-E	SF-20	SF-10	SF-7.5	SF-6	SF-PH	2F	SFA	MF-15	MH	O	R	OT	C	LI	Parking Requirements	Cross-Reference(s) for Special Standards	
OFFICE, RETAIL & SERVICE USES Sexually Oriented Business																		S	1/250 gfa	