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CDA

SAN PATRICIO COUNTY

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OPINION COMMITTEE

February 19, 2008

FILE # ML-45565-08
I.D. # 45565

The Honorable Greg Abbot, Attorney General
Office of the Attorney General
Opinion Committee
209 West 14th St.
Austin, Texas 78711

RQ-0680-GA

Dear Attorney General Greg Abbott:

The current ordinance regulating the location of Sexually Oriented Businesses for San Patricio County, Texas, states in pertinent part:

Section 4. Location of Sexually Oriented Businesses

(A) The operation of sexually oriented businesses is prohibited on premises that are located within 1300 feet of:

- (1) a residential property;
- (2) a church;
- (3) a public or private elementary school;
- (4) a child care facility;
- (5) a public park;
- (6) another sexually oriented business which has been issued a permit under this Order.

Furthermore, the Ordinance defines **Residential property** as: a residential estate, one-family dwelling, townhouse dwelling, multiple dwelling, travel trailer park, mobile home park, mobile home subdivisions, or apartment house, the primary purpose of which serves as residential accommodations.

I respectfully request an Attorney General's Opinion on the following questions:

- 1) Would a regulation requiring that certain sexually oriented businesses be located a minimum of 2000 feet from designated places (as indicated above) exceed the legislative authority granted to counties?
- 2) What is the maximum distance from designated places (as indicated above) that a county can require that certain sexually oriented businesses be located without exceeding the legislative authority granted to counties?

Your assistance in this matter would be appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "David H. Aken".

David H. Aken
County Attorney