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PROPOSED FIRST AMENDMENT

BILL NO. 2013-31

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE THE LICENSE FEE PROVISIONS AND LICENSING REGULATIONS THAT PERTAIN TO EROTIC DANCE ESTABLISHMENTS, AND PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Bradford R. Jerbic, City Attorney

Summary: Updates the license fee provisions and licensing regulations that pertain to erotic dance establishments.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: Title 6, Chapter 35, Section 30, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.35.030: In this Chapter the following definitions and those in Title 6 shall apply unless the context clearly requires otherwise[;] :

[(A)] "Council" means the Las Vegas City Council.

[(B)] "Dancer" means a person who dances, models, personally solicits drinks or otherwise performs for an erotic dance establishment and who seeks to arouse or excite the patrons' sexual desires.

[(C)] "Department" means the Department of Finance and Business Services.

[(D)] "Director" means the Director of the Department of Finance and Business Services.

[(E)] "Erotic dance establishment" means a fixed place of business which emphasizes and seeks, through one or more dancers entertainers, to arouse or excite the patrons' sexual desires. Erotic dance establishments are deemed to be places of public accommodation.

[(F)] "Security guard" means a person who acts as a doorman or bouncer or who performs a function described in NRS 648.016.

SECTION 2: Title 6, Chapter 35, Section 100, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.35.100: (A) No person, firm, partnership, corporation or other entity shall advertise, or cause

1 to be advertised, as an erotic dance establishment without a valid erotic dance establishment license
2 issued pursuant to this Chapter.

3 (B) No later than the fifteenth day of the month succeeding the [semiannual] annual
4 license period, an erotic dance establishment licensee shall file a verified report with the Department
5 showing the licensee's gross receipts and amounts paid to dancers for the preceding [semiannual]
6 annual period.

7 (C) An erotic dance establishment licensee shall maintain and retain for a period
8 of three years the names, addresses, a copy of each dancer's work card, new and renewal, and ages of
9 all persons employed as dancers by the licensee.

10 (D) No erotic dance establishment licensee shall employ as a dancer a person [under
11 the age of eighteen years or a person is not licensed pursuant to this Chapter and LVMC 6.86.] who:

12 (1) Is under the age of eighteen years; or

13 (2) Does not possess either a valid license pursuant to this Chapter or a
14 valid work card pursuant to LVMC Chapter 6.86.

15 (E) No person under the age of eighteen years shall be admitted to a nonalcoholic
16 erotic dance establishment. No patron under the age of twenty-one shall be admitted to an alcoholic
17 erotic dance establishment.

18 (F) No erotic dance establishment licensee shall serve, sell, distribute or suffer the
19 consumption or possession of any intoxicating liquor, or any beverage represented as containing any
20 alcohol upon the premises of the licensee without a valid [liquor] tavern license.

21 (G) An erotic dance establishment licensee shall conspicuously display all the
22 licenses required by this Chapter.

23 (H) Dancing shall take place within an area which is visible immediately upon
24 entrance to the establishment premises, is visible immediately from the entry room, is visible
25 immediately from one fixed staffed security station, or is visible immediately from a service bar area
26 of the establishment's premises; however, no erotic dancing shall be visible to the outside sidewalk
27 or street areas. Dance areas must not be obscured by any curtain or door that restricts view from one
28 of the above-described areas. Patrons will not be allowed to enter private rooms with dancers.

1 (I) No dancer shall fondle or caress any patron, and no patron shall fondle or caress
2 any dancer.

3 (J) Any erotic dance establishment which does not have a liquor license issued by
4 the Department and which uses [the] words that imply the availability of alcoholic liquor on the
5 premises, such as “bar,” “lounge” or “saloon,” in any advertisement or place name must state in all
6 such advertisements that alcoholic beverages are not sold or allowed on the premises.

7 (K) All erotic dance establishments that are not licensed to sell alcoholic beverages
8 pursuant to LVMC Chapter 6.50 but are licensed pursuant to this Chapter shall post on each entrance
9 door and not more than five inches above each entrance door, and in at least three places behind the
10 bar, a sign with letters not less than three inches high stating:

11 “ALCOHOLIC LIQUOR IS NOT SOLD HERE”

12 “PROSTITUTION IS UNLAWFUL”

13 All erotic dance establishments licensed pursuant to this Chapter that are also licensed to sell alcoholic
14 beverages pursuant to LVMC Chapter 6.50 shall post on each entrance door and not more than five
15 inches above each entrance door, and in at least three places behind the bar, a sign with letters not less
16 than three inches high stating:

17 “PROSTITUTION IS UNLAWFUL”

18 For each sign described in this Subsection, [The] the letters must be black on a yellow background,
19 and the sign on each entrance door and behind the bar must be between four and six feet above floor
20 level. Each sign must be located and illuminated sufficient to be visible by a person with normal
21 eyesight corrected to 20/20, thirty feet from the sign.

22 (L) No erotic dance establishment shall employ a security guard, or allow a security
23 guard to work on the premises, unless such security guard has obtained a work [identification] card
24 pursuant to LVMC Chapter 6.86.

25 SECTION 3: Title 6, Chapter 35, Section 120, of the Municipal Code of the City of
26 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

27 **6.35.120:** (A) The license fee for an erotic dance establishment shall be [two hundred dollars
28 to be paid on or before the fifteenth day succeeding the end of the semiannual license period.] four

1 hundred dollars annually.

2 (B) Every person licensed pursuant to this Chapter shall file with the Department
3 on or before the fifteenth day succeeding the end of a semiannual period a report signed by the
4 licensee under oath that the report is true to his/her own knowledge. The report shall provide any
5 changes in information submitted pursuant to LVMC 6.35.060.

6 (C) Each report must be accompanied by the amount of license fee which is due for
7 the next [semiannual] annual period.

8 (D) Any licensee who fails to fully pay the license fee imposed by this Chapter with
9 the complete report as required herein, is subject to a penalty of five percent of the amount due. All
10 licenses for which the fees have not been paid and/or complete reports received within thirty days after
11 the due date automatically expire. Any such expired license shall not be reinstated until the penalty
12 and a ten-percent reinstatement fee of the total amount due shall be paid and complete reports
13 received.

14 (E) All reports required by this Chapter to be filed with the Director shall be sworn
15 under oath by the manager or licensee of an erotic dance establishment license, that the information
16 contained therein is true to his personal knowledge. A bookkeeper or accountant may file the report
17 for a licensee if the licensee appoints the bookkeeper or accountant as [his] agent for such purpose
18 through written notice filed with the report. The document submitted shall [contain the following
19 signature line and shall] be signed and sworn before an officer empowered to administer oaths.[:

20 _____

21 Signed, position

22
23 SUBSCRIBED and SWORN to before me

24 this _____ day of _____, 19____.

25 _____

26 NOTARY PUBLIC in and

27 for said County and State]

28 SECTION 4: Title 6, Chapter 35, Section 150, of the Municipal Code of the City of

Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.35.150: (A) Shows which are held in the showrooms of a hotel/casino [containing] that contains over three hundred rooms [which] and is subject to the casino entertainment tax defined in NRS 463.401[, and dance presentations which are conducted in establishments licensed to sell liquor pursuant to LVMC 6.50,] are exempt from the licensing requirements, regulations and fees of this Chapter.

(B) Establishments operating and approved for adult uses pursuant to LVMC [19.74] Title 19 or that have been deemed a nonconforming use pursuant to LVMC [19.74.040] Title 19 prior to the dates specified therein may continue to provide adult entertainment (dancers and strippers) and are exempt from LVMC 6.35.050(A), but must comply with all other applicable code provisions of LVMC 6.35.100(C), (D), (G), (H), (I), (J), and (M) and other applicable sections of the Las Vegas Municipal Code. [Establishments which do not conform to the requirements of LVMC 6.35.100 shall be deemed a nonconforming use and shall have a period of one year to comply. Any alteration necessary to bring a nonconforming use into compliance with the provisions of this Chapter shall not require a variance if the business is a nonconforming use under LVMC 19.74.]

(C) Except as otherwise provided in Subsection (E), dance presentations which are conducted in establishments holding a tavern license under Chapter 6.50 are exempt from the requirements to apply for and obtain a license under this Chapter, and to pay license fees under this Chapter.

(D) Dance presentations described in Subsection (C) are subject to the requirements of LVMC 6.35.100. Such presentations which, before the effective date of the ordinance codified in part in this Subsection (D), were not required to conform to the requirements of LVMC 6.35.100 and which did not so conform on that effective date, shall have a period of one year to comply.

(E) Notwithstanding the exemption described in Subsection (C), the Director may do any or all of the following with respect to an establishment described therein:

(1) Require the establishment to apply for a license under this Chapter in the event of a change in ownership or a material change in the business operation;

(2) For recordkeeping and enforcement purposes, request the establishment

1 to apply for a license under this Chapter; or

2 (3) For recordkeeping and enforcement purposes, issue the establishment
3 a license under this Chapter as a replacement or additional license.

4 SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause or
5 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
6 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
7 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
8 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
9 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
10 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
11 invalid or ineffective.

12 SECTION 6: Whenever in this ordinance any act is prohibited or is made or declared
13 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
14 required or the failure to do any act is made or declared to be unlawful or an offense or a
15 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
16 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
17 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
18 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

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SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this ____ day of _____, 2013.

APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2013, and referred to a committee for recommendation, the
3 committee being composed of the following members _____
4 _____; thereafter the said committee reported favorably on said ordinance on the
5 ____ day of _____, 2013, which was a _____ meeting of said
6 Council; that at said _____ meeting, the proposed ordinance was read by title
7 to the City Council as amended and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

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APPROVED:

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By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

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17 BEVERLY K. BRIDGES, MMC
City Clerk

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