

Bill No. 80-80

Ordinance No. 2133

AN ORDINANCE RELATING TO SEXUALLY ORIENTED BUSINESSES, INCLUDING ESTABLISHMENTS THAT PROVIDE OR PERMIT NUDE SHOWS WITHIN THE TERM OF A SEXUALLY ORIENTED BUSINESS; ESTABLISHING THE METHOD TO BE USED IN MEASURING DISTANCES BETWEEN SEXUALLY ORIENTED BUSINESSES AND OTHER LOCATIONS; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERE TO.

Sponsored by:	Summary:
Commissioner Ron Lurie	Includes establishments that provide nude shows within the ordinance governing sexually oriented businesses.

THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title V, Chapter 5, Section 1(B) of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended as follows:

5-5-1(B): For purposes of this Ordinance, the "sexually-oriented businesses" are defined as follows:

1. Adult Bookstore: An establishment having as a significant portion of its stock in trade books, film, magazines and other periodicals which are distinguished or characterized by an emphasis on depicting or describing "sexual conduct" or "specified anatomical areas".
2. Adult Mini Motion Picture Theater: An enclosed building with a capacity of less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on depicting or describing "sexual conduct" or "specified anatomical areas".
3. Adult Motel: A motel wherein material is presented, as part of the motel services, via closed circuit t.v. or otherwise, which is distinguished

1 or characterized by an emphasis on depicting or
2 describing "sexual conduct" or "specified
3 anatomical areas".

4 4. Adult Motion Picture Arcade: Any place to which
5 the public is permitted or invited wherein coin
6 or slug-operated or electronically, electrically
7 or mechanically controlled, still or motion
8 picture machines, projectors, or other image-
9 producing devices are maintained to show images
10 to five (5) or fewer persons per machine at any
11 one time, and where the images so displayed are
12 distinguished or characterized by an emphasis on
13 depicting or describing "sexual conduct" or
14 "specified anatomical areas".

15 5. Adult Motion Picture Theater: An enclosed build-
16 ing with a capacity of fifty (50) or more persons
17 used for presenting material distinguished or
18 characterized by an emphasis on depicting or
19 describing "sexual conduct" or "specified
20 anatomical areas".

21 6. Massage Parlor: Any place where for any form of
22 consideration or gratuity, massage, alcohol rub,
23 administration of fomentations, electric or
24 magnetic treatments, or any other treatment or
25 manipulation of the human body occurs as part of
26 or in connection with "sexual conduct" or where
27 any person providing such treatment, manipulation
28 or service related thereto exposes "specified
29 anatomical areas".

30 7. Model Studio: Any place where, for any form of
31 consideration or gratuity, figure models who
32 display "specific anatomical areas" are provided

1 to be observed, sketched, drawn, painted,
2 sculptured, photographed, or similarly depicted
3 by persons paying such consideration or gratuity.

4 8. Sexual Encounter Center: Any building or struc-
5 ture which contains, or is used for commercial
6 entertainment where the patron directly or
7 indirectly is charged a fee to engage in personal
8 contact with or to allow personal contact by
9 employees, devices or equipment or by personnel
10 provided by the establishment which appeals to
11 the prurient interest of the patron, to include,
12 but not to be limited to bath houses, massage
13 parlors, and related or similar activities.

14 9. Nude shows: Any establishment except those sub-
15 ject to Title V, Chapter 18, Section 14 of this
16 code which provides or permits sexual conduct or
17 the display of specified anatomical areas upon
18 its premises as entertainment or an attraction
19 for business.

20 SECTION 2: Title V, Chapter 5, Section 2 of the
21 Municipal Code of the City of Las Vegas, Nevada, 1960 Edition,
22 is hereby amended as follows:

23 5-5-2: Prohibition: No person shall cause or permit the
24 establishment of any of the "sexually-oriented
25 businesses" as defined in Section 5-5-1, in an area
26 zoned other than "C-2", "C-M" and "M". In addition,
27 no person shall cause or permit the establishment of
28 any of the "sexually-oriented businesses," as defined
29 in Section 5-5-1, within one thousand feet (1,000')
30 of any other sexually-oriented business, church,
31 school, park, or playground. The distance shall be
32 measured in a straight line from the nearest property

1 line of the sexually-oriented business to the nearest
2 property line of any church, school, park, playground
3 or any other sexually-oriented business.

4 The establishment of a "sexually-oriented business"
5 shall include the opening of such business as a new
6 business, the relocation of such business, the enlarge-
7 ment of such business in either scope or area, or the
8 conversion of an existing business location to any of
9 the uses described in Section 5-5-1.

10 Any business existing as of April 16, 1978, that is in
11 violation hereof shall be deemed a nonconforming use.
12 Such a nonconforming use will be permitted to continue
13 for a period not to exceed five (5) years, unless
14 sooner terminated for any reason whatsoever or volun-
15 tarily discontinued for a period of thirty (30) days
16 or more. Such nonconforming uses shall not be in-
17 creased, enlarged, extended or altered except that
18 the use may be changed to a conforming use. In the
19 event that two (2) or more sexually-oriented businesses
20 are within one thousand feet (1,000') of one another
21 and otherwise in a permissible zone, the first such
22 sexually-oriented business licensed and continually
23 operating at a particular location shall be the con-
24 forming use and the later-established business(es) shall
25 be nonconforming.
26

27 Nothing in this Ordinance is intended to make legal
28 any business or activity that is expressly declared
29 illegal under any other provisions of this Code or
30 under any State or Federal laws.
31
32

1 SECTION 3: If any section, subsection, subdivision,
2 paragraph, sentence, clause or phrase in this Chapter or any
3 part thereof, is for any reason held to be unconstitutional, or
4 invalid or ineffective by any court of competent jurisdiction,
5 such decision shall not affect the validity or effectiveness of
6 the remaining portions of this Chapter or any part thereof. The
7 Board of Commissioners of the City of Las Vegas hereby declares
8 that it would have passed each section, subsection, subdivision,
9 paragraph, sentence, clause or phrase thereof irrespective of
10 the fact that any one or more sections, subsections, subdivisions,
11 paragraphs, sentences, clauses or phrases be declared unconstitu-
12 tional, invalid or ineffective.

13 SECTION 4: All ordinances or parts of ordinances,
14 sections, subsections, phrases, sentences, clauses or paragraphs
15 contained in the Municipal Code of the City of Las Vegas, Nevada,
16 1960 Edition, in conflict herewith are hereby repealed.

17 PASSED, ADOPTED, and APPROVED this 5th day of
18 December, 1980.

19 APPROVED:

20 William H. Briare
21 By William H. Briare, Mayor
22

23 ATTEST:

24 Carol Ann Hawley
25 Carol Ann Hawley, City Clerk
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1 The above and foregoing ordinance was first proposed
2 and read by title to the Board of Commissioners on the 19th day
3 of November, 1980, and referred to the following com-
4 mittee composed of Commissioners Lurie and
5 Christensen for recommendation; thereafter the
6 said committee reported favorably on said ordinance on the 5th
7 day of December, 1980, which was a resumed session
8 meeting of said Board; that at said resumed session meeting,
9 the proposed ordinance was read by title to the Board of Com-
10 missioners as amended and adopted by the following vote:

11 VOTING "AYE" Commissioners: Christensen, Levy, Lurie and Mayor Briare

12 VOTING "NAY" Commissioners: None

13 ABSENT: Commissioner Woofter

(Excused)

APPROVED:.

14
15
16 William H. Briare
17 William H. Briare, Mayor

18 ATTEST:

19
20 Carol Ann Hawley
21 Carol Ann Hawley, City Clerk

1st AMENDMENT
Bill No. 80-80

Ordinance No. 2133

AN ORDINANCE RELATING TO SEXUALLY ORIENTED BUSINESSES, INCLUDING ESTABLISHMENTS THAT PROVIDE OR PERMIT NUDE SHOWS WITHIN THE TERM OF A SEXUALLY ORIENTED BUSINESS; ESTABLISHING THE METHOD TO BE USED IN MEASURING DISTANCES BETWEEN SEXUALLY ORIENTED BUSINESSES AND OTHER LOCATIONS; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

Summary: Includes establishments that provide nude shows within the ordinance governing sexually oriented businesses.

Sponsored by:

Commissioner Ron Lurie

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 19th day of November, 1980, and referred to the following committee composed of Commissioners Lurie and Christensen for recommendation; thereafter the said committee reported favorably on said ordinance on the 5th day of December, 1980, which was a resumed session meeting of said Board; that at said resumed session meeting the proposed ordinance was read by title to the Board of Commissioners as first introduced and adopted by the following vote:

VOTING "AYE"

Commissioners:

Christensen, Levy,

Lurie and Mayor Briare

VOTING "NAY"

Commissioners:

None

ABSENT:

Woolter (Excused)

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: DECEMBER 6, 1980
THE LAS VEGAS SUN

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA,
COUNTY OF CLARK

{ ss.

REX TAYLOR

, being first duly sworn,

COMPOSING ROOM FOREMAN

deposes and says: That he is _____ of the LAS VEGAS SUN, a daily newspaper of general circulation, printed and published at Las Vegas, in the County of Clark, State of Nevada, and that the attached was continuously published in said newspaper for a period of ONE TIME

from DECEMBER 6, 1980 to

inclusive, being the issues of said newspaper for the following dates, to-wit:

DECEMBER 6, 1980

That said newspaper was regularly issued and circulated on each of the dates above named.

Signed _____

Rex Taylor

Subscribed and sworn to before me this 6TH day of DECEMBER, 1980

Ruth V. Deskin

Notary Public in and for Clark County, Nevada

RUTH V. DESKIN

My Commission Expires



Notary Public—State of Nevada

COUNTY OF CLARK

My Commission Expires Apr. 14, 1981

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STATE OF NEVADA,
COUNTY OF CLARK

ss.

CITY CLERK

REX TAYLOR

, being first duly sworn,

deposes and says: That he is COMPOSING ROOM FOREMAN of the
LAS VEGAS SUN, a daily newspaper of general circulation, printed and published
at Las Vegas, in the County of Clark, State of Nevada, and that the attached was
continuously published in said newspaper for a period of ONE TIME

from NOVEMBER 26, 1980 to

inclusive, being the issues of said newspaper for the following dates, to-wit:

NOVEMBER 26, 1980

That said newspaper was regularly issued and circulated on each of the dates
above named.

Signed

Rex Taylor

Subscribed and sworn to before me this 26TH
day of NOVEMBER, 1980

Ruth V. [Signature]
RUTH V. [Signature]

Notary Public—State of Nevada, Public in and for Clark County, Nevada

My Commission Expires APRIL 14, 1981

My Commission Expires Apr. 14, 1981

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Sponsored by:
Commissioner Ron Lurie
At a Commission Meeting on No-
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BILL NO. 80-80 WAS READ BY
TITLE AND REFERRED TO
RECOMMENDING COMMIT-
TEE:
COMMISSIONERS LURIE
AND CHRISTENSEN
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PUB: NOVEMBER 26, 1980
THE LAS VEGAS SUN

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